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Police and prosecutor conduct and investigation of human trafficking

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1 COMMENCEMENT OF PROCEEDINGS

On 25 April 2021, Helsingin Sanomat published an article by Journalist Paavo Teittinen, entitled “Investigation terminated”, which included several examples of police investigations of human trafficking and the serious problems that have come to light in them. Other similar cases have also been brought to my attention.

Following the publication of the article, I have taken the initiative to assess whether the police have acted without delay in these cases and, in particular, whether the key elements of a human trafficking offence and related offences have been identified in the consideration of decisions to initiate, terminate or restrict a pre-trial investigation and in the consideration of charges. I have also examined more extensively the guidelines issued by the National Police Board for human trafficking offences and offences related to it – including the investigation of extortionate work discrimination – as well as the training received by the police, the adequacy of interpretation services and the effectiveness of cooperation between the authorities.

My decision is based on an assessment of 50 pre-trial investigations that either are pending or have been completed by the police.

2 REPORTS

The National Police Board issued their statements requested by me for this case between 15 June and 5 November 2021. They were supplemented with a statement on the prevention of human trafficking by the police issued by the Police Operation Unit of the National Police Board and reports and their appendices submitted by the police departments of Helsinki, Eastern Uusimaa, Western Uusimaa, Häme, Southwestern Finland, Central Finland, Eastern Finland, Southeastern Finland, Ostrobothnia, Oulu and Lapland.

The Deputy Prosecutor General has provided the statements I requested.

3 RESPONSES

Responses have been provided by some of the victims in the suspected offences that came to light in the course of my investigation of this case.

4 DECISION

4.1 Securing confidentiality

At the time of issuing this decision, several of the pre-trial investigations I examined are still ongoing and are consequently subject to confidentiality provisions. The court may have issued an order to keep the identities of the victims secret, or it may issue such an order in future proceedings. Some of the victims may have been subjected to severe abuse and may still suffer from its effects. Some are also afraid of the suspects, and some suspects have not yet been identified or questioned as part of the pre-trial investigation. The victims also expressed their fear of the pre-trial investigations becoming more difficult because they have raised concerns about them.

For the above reasons, the decision does not identify victims of human trafficking or provide information that could lead to their identification.

In order to safeguard confidentiality, this decision has also been structured differently from ordinary decisions relevant to oversight of legality. These decisions usually describe the actions of the authority under assessment as they have been seen and documented by the client of the authority in question, for example in a complaint submitted to the overseer of legality. Consequently, the premise of the investigation is identified in each decision. The starting point of the investigation is also the same in this case: concrete and detailed criticism levelled at the pre-trial investigation authority by the victim in a suspected human trafficking offence. In order to secure confidentiality, rather than describing these concrete details, this decision focuses on a case-by-case analysis of the reports and statements that respond to the criticism.

While the purpose of the oversight of legality is to publicly assess the legality of the authorities' actions, it is also important to highlight the experiences of the authorities' clients. In the interest of confidentiality, however, this experience cannot be made public in the present decision.

When investigating the conduct of the police and prosecutors, I had at my disposal victims' concrete criticisms levelled at the actions of the authorities as well as and information on the cases. When requesting statements and reports from the police departments, the National Police Board, prosecutors and the Office of the Prosecutor General, pre-trial investigation numbers and decisions concerning pre-trial investigations were used to identify the cases.

4.2 Jurisdiction of the Chancellor of Justice

Under section 4(1) of the Act on the Chancellor of Justice of the Government, the Chancellor of Justice will investigate a complaint if there is reason to suspect that a person, authority or other entity under the jurisdiction of the Chancellor of Justice has acted unlawfully or failed to fulfil their obligations, or if the Chancellor of Justice otherwise considers that there is reason to do so. According to subsection 2 of this section, the Chancellor of Justice, following a complaint made to them, takes the measures

they consider appropriate in terms of compliance with the law, legal protection or the realisation of fundamental and human rights. Reports deemed necessary by the Chancellor of Justice will be obtained in the matter.

Under section 4(3) of the Act on the Chancellor of Justice of the Government, the Chancellor of Justice will not process a complaint about a matter that dates back for more than two years unless there is a particular reason to do so. In this case, there were particular reasons for investigating issues going back for more than two years, as the matter may involve a number of long-standing negligent and incorrect practices.

Pursuant to section 108(1) of the Constitution, the Chancellor of Justice shall also ensure that the courts of law, the other authorities and the civil servants, public employees and other persons, when the latter are performing a public task, obey the law and fulfil their obligations. The Chancellor of Justice cannot intervene in the making of decisions that are within the limits of the authorities' powers and discretion. When supervising the authorities, the Chancellor of Justice may mainly intervene in clear procedural errors, abuse of legal discretion and violations of fundamental and human rights. The Chancellor of Justice may not amend or revoke a decision made by an authority, or make a decision on an authority's behalf. Consequently, rather than assessing individual pre-trial investigations, prosecution or other decisions in terms of content, this decision seeks to determine whether discretion has been exercised lawfully or other statutory obligations have been complied with.

4.3 Legal guidelines on criminal liability for human trafficking

4.3.1 International regulation¹

Many international agreements and other legally binding documents regulate action against human trafficking. These include, in particular, the United Nations Convention against Transnational Organized Crime (Finnish Treaty Series 20/2004, Palermo Convention) and its Protocol to prevent, suppress and punish trafficking in persons, especially women and children (FTS 71/2006, Protocol on human trafficking), the Council of Europe Convention on Action against Trafficking in Human Beings (FTS 44/2012), the Charter of Fundamental Rights of the European Union (2000/C 364/01), the EU directive on preventing and combating trafficking in human beings and protecting its victims (2011/36/EU) and the European Union's directive against trafficking in human beings (2004/81/EC).

Action plans and similar documents have been drawn up to govern the implementation of the treaties. For example, the European Commission has adopted several EU strategies to eradicate trafficking in human beings, the latest one for 2021–2025 (COM (2021) 171 final).

¹ See also Action plan against human trafficking, MOJ:2021:15, pp. 9–16

Trafficking in human beings is defined as a “a serious crime and a gross violation of fundamental rights” (1st introductory phrase of Directive 2011/36/EU) and a violation of “human rights and an offence to the dignity and the integrity of the human being” (introduction of the Council of Europe Convention). Article 5(3) of the Charter of Fundamental Rights of the European Union (2000/C 364/01) on the prohibition of slavery and forced labour prohibits trafficking in human beings. “Trafficking in human beings destroys individuals’ lives by depriving people of their dignity, freedom and fundamental rights. It is often a violent crime committed by organised crime networks.” (Strategy on Combatting Trafficking in Human Beings, 2021–2025, introduction)

Finland has ratified the relevant international treaties and, as a member of the EU, is committed to the above-mentioned EU documents. In 2004, penal provisions on human trafficking were included in the Criminal Code, among other reasons to fulfil international obligations (Criminal Code, Chapter 25, sections 3 and 3(a), 650/2004).

These documents do not directly deal with pre-trial investigations or prosecution of human trafficking offences. Their focus is more on such issues as fulfilling the obligation to criminalise human trafficking offences in the Member States’ national legislation and on specific priorities, including the status of victims, non-discrimination, children, women, residence in the country, cooperation between authorities and cross-border cooperation, and the development of comprehensive action plans to combat trafficking in human beings.

However, the obligations these documents impose on the parties, including training, the identification of trafficking in human beings and legal aid, are relevant to this decision. For example, the directive (2011) obliges Member States to ensure that persons, units or services responsible for investigating or prosecuting human trafficking offences are trained accordingly (Article 9, paragraph 3; see also Article 10, paragraph 2 of the additional protocol). In addition, to combat trafficking in human beings, “Member States shall promote regular training for officials likely to come into contact with victims or potential victims of trafficking in human beings, including front-line police officers, aimed at enabling them to identify and deal with victims and potential victims of trafficking in human beings.” (Article 18, paragraph 3) The Council of Europe Convention provides for training to prevent trafficking in human beings, including for professionals dealing with trafficking in human beings (Article 5, paragraph 2).

The directive also obliges Member States to ensure “that victims of trafficking in human beings have access without delay to legal counselling, and, in accordance with the role of victims in the relevant justice system, to legal representation, including for the purpose of claiming compensation. Legal counselling and legal representation shall be free of charge where the victim does not have sufficient financial resources.” (Article 12, paragraph 2; see also Article 6, paragraph 2 of the Protocol to the Palermo Convention) The Council of Europe Convention also highlights

the importance of counselling in the person's own language by obliging the parties to the treaty to ensure that victims receive information on the relevant legal and administrative procedures in a language they understand, starting with their first contact with competent authorities. (Article 15, paragraph 1)

Other regulations also apply to human trafficking, including provisions on the status of victims of crime (EU victims directives 2004/81/EC and 2012/29/EU). They include obligations that also apply to victims of human trafficking, such as providing assistance and support to a victim as soon as the authorities have reasonable grounds to suspect that a person may have been a victim of human trafficking, creating mechanisms for early identification of victims and providing assistance, as well as an obligation imposed on the pre-trial investigation authorities to notify the victim of their rights to support services, advice and protection.

In addition, more general human rights documents are applicable to human trafficking, such as the European Convention on Human Rights. The European Court of Human Rights has found that while it is not specifically mentioned, human trafficking is covered by Article 4, which includes the prohibition of slavery and forced labour ([Rantsev v Cyprus and Russia 7 January 2010](#)). In other words, identifying a situation as slavery, forced labour or forced labour equivalent to slavery is not necessary, as the Court of Justice has considered inadequate intervention in situations where foreign workers have worked long hours with exceptionally poor pay or without pay and in bad working and living conditions an infringement of Article 4. ([Siliadin v. France 26 Jul 2005](#), [C.N. and V v. France 11 Oct 2012](#), [C.N. v. the United Kingdom 13 Nov 2012](#), [Chowdury et autres c. Grèce 30 Mar 2017](#)). In the Charter of Fundamental Rights of the European Union, the prohibition of trafficking in human beings is contained in the same article as the ban on slavery and forced labour.

4.3.2 Supervision of enforcement

The Council of Europe

An independent group of experts (GRETA) ([Group of Experts on Action against Trafficking in Human Beings](#)) and a committee of the representatives of the parties to the treaty (Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings) have been established to monitor the implementation of the Council of Europe Convention on Trafficking in Human Beings.

In its second report on Finland (5 June 2019), GRETA assessed the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings in Finland. In particular, the report examines new forms of human trafficking and children's vulnerability to human trafficking. As measures requiring immediate attention, GRETA calls for the adoption of a national action plan and/or strategy against trafficking in human beings, for the development

and maintenance of a comprehensive data collection system and for increased efforts to prevent trafficking in children. In addition, GRETA calls for various measures to be taken to identify and assist victims, to advise police and border authorities on compliance with victims' recovery and reflection periods, to ensure the application of the Criminal Injuries Act with all victims and to take further measures in relation to impunity. (Ministry for Foreign Affairs press release, 5 June 2019, see also GRETA (2019)06 pp. 22–23)

GRETA and the committee of the parties have not paid direct attention to conducting pre-trial investigations in human trafficking offences. On its first evaluation round concerning Finland in 2015, the committee of the parties referred to the GRETA report and highlighted the need to provide training for professionals who deal with potential victims of human trafficking in Finland, such as police officers and prosecutors. According to the committee, they should be able to identify victims and help and protect them (Recommendation CP(2015)1 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Finland adopted at the 16th meeting of the Committee of the Parties on 15 June 2015).

On its second evaluation round concerning Finland in 2019, the committee of the parties recommended (Recommendation CP/Rec(2019)05 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Finland, 18 October 2019), among other things, that Finnish authorities guarantee that victims of human trafficking are not punished for a criminal act to which they have been forced as victims of human trafficking. Guidelines on this should be developed for the police, prosecutors and judges.

Organization for Security and Co-operation in Europe (OSCE)

In the OSCE Action Plan to Combat Trafficking in Human Beings, Permanent Council Decision No. 557, 24 July 2003), the participating states of the organisation are urged to set up specially trained human trafficking investigation teams (Recommendation 2.2) and various community-policing programmes for building trust in police. The latter could increase knowledge of trafficking in human beings and increase victims' readiness to report it (Recommendation 2.4).

The Special Representative and Co-ordinator for Combating Trafficking in Human Beings has drawn attention (3 September 2020) to the fact that prosecution in Finland is limited, specifically compared to the number of identified victims², which can create an idea of impunity and prevent victims from gaining access to their rights.

² The total number of clients in the assistance system on 30 June 2021 is higher than ever before. Of the 992 clients of the assistance system, 770 are potential victims of human trafficking and 222 their minor children. The client numbers have more than tripled in recent years. Six-month review of the system for victim assistance in human trafficking (ihmiskauppa.fi)

Non-Discrimination Ombudsman

The Non-Discrimination Ombudsman serves as the National Rapporteur on Trafficking in Human Beings in Finland and reports on human trafficking and phenomena related to it to the Government and Parliament.

The first report of the Rapporteur in 2010 contains the following statement:

“Based on the available data, the National Rapporteur on Trafficking in Human Beings believes that there is no competence to identify human trafficking and distinguish it from offences related to it, such as procurement and extortionate work discrimination. While some of the problems involved in identifying trafficking may be due to the complexity of human trafficking regulations and their overlap with legislation on related offences, others result from a restrictive and inconsistent way of understanding human trafficking in pre-trial investigations and courts... Identifying victims of human trafficking is a prerequisite for the realisation of the victims’ rights. Adequate identification of victims also promotes crime prevention and the prevention of human trafficking... the capabilities of the police and the occupational safety and health administration seem inadequate in relation to the extent and severity of the phenomenon, and all parties do not yet have sufficient competence in matters related to human trafficking.” (Report 2010, p. 162)

The Rapporteur consequently decided to recommend that:

- “3. A trained and specialised unit be established to conduct pre-trial investigations into human trafficking offences. The unit would focus on exposing activities...
- 5. Pre-trial investigation authorities, prosecutors and occupational safety and health inspectors be trained to promote the identification of victims of human trafficking and their referral to the assistance system and to improve crime prevention...
- 7. Key prosecutors be appointed to prosecute human trafficking offences. These key prosecutors would be used consistently in cases of human trafficking. Cooperation between the pre-trial investigation authorities and prosecutors in the early stages of the investigation would be intensified.
- 8. Official cooperation between the occupational safety and health administration, the police and the tax administration be further intensified and boosted in order to identify work-related human trafficking and related phenomena of exploitation.” (Report 2010, p. 163)

In its 2014 report to Parliament, the Rapporteur on Trafficking in Human Beings stated that sufficient resources have not been allocated, especially to the detection and investigation of

human trafficking offences related to sexual abuse. The pre-trial investigation authorities working with human trafficking have informed the National Rapporteur on Trafficking in Human Beings that the detection and investigation of these crimes would require stronger prioritisation within the police administration and sufficient human resources (Report 2014, p. 44).

The Rapporteur notes that the detection and investigation of human trafficking is time-consuming and demanding, and success often depends on long-term real-time monitoring and cross-border cooperation between authorities. According to information received by the National Rapporteur on Trafficking in Human Beings, the fact that there are no prosecutors specialising in human trafficking offences at the National Prosecution Authority has proven a problem. According to the Rapporteur, this would not necessarily be a problem if there were enough prosecutors specialising in labour and sexual offences. It would be important for prosecutors dealing with human trafficking cases to be able to build up their competence and focus on working with criminal cases that are sufficiently demanding and that create new case-law (report, p. 45).

The Rapporteur also drew attention to the fact that Finland does not have an established system for assessing the victim's mental state and was concerned about the realisation of the rights of victims of human trafficking in such situations. For this reason, the Rapporteur recommends considering the type of official system Finland would need in order to appropriately manage the assessment of trafficking victims' psychological state.

As in 2010 and 2014, the report submitted by the National Rapporteur on Trafficking in Human Beings to Parliament in 2018 recommends that the detection and investigation of human trafficking offences be developed, for example by establishing police investigation units specialised in human trafficking.

In the report of the [Non-Discrimination Ombudsman of 2020](#) (p. 62), the Rapporteur on Trafficking in Human Beings describes a national team focusing on the detection and investigation of human trafficking offences established by the Helsinki Police Department in 2020. This team will work in close cooperation with the National Bureau of Investigation, the national network of experts in the prevention of trafficking in human beings, and other authorities and partners. The team started its work in February 2021. Similarly, a team of ten prosecutors specialising in human trafficking has been established in the Prosecution District of South Finland. The Ombudsman notes that measures to enforce criminal liability are necessary and, according to the report, the Ombudsman has in 2020 paid attention to decisions not to prosecute human trafficking offences. From the perspective of investigating offences and obtaining evidence, the challenges have included the fact that there is a delay before the offence is reported. Investigating offences in a timely manner is essential for an exposing investigation. However, the report does not contain details of the findings referred to above.

Enforcement of criminal liability is also emphasised by the Organization for Security and Co-operation in Europe (OSCE) in its action against trafficking in human beings in 2021. ([Annual Report of the Non-Discrimination Ombudsman 2020, p. 62.](#))

The Government

On 7 May 2021, the Government adopted the Action Plan against Trafficking in Human Beings for 2021–2023 (Ministry of Justice publications, reports and opinions 2021:15). Among other things, the Action Plan seeks to “promote the exposing of human trafficking, improve the position of victims and enhance the enforcement of criminal liability.” (Ministry of Justice 2021:15, p. 3.)

According to the Action Plan, enforcement of criminal liability in human trafficking matters remains weak in Finland, and the working group preparing the Action Plan identified significant challenges in this area:

“The links of human trafficking to cross-border criminal activities make it difficult to prosecute the main perpetrators. The pre-trial investigation authorities’ efforts aiming to expose criminal activities are considered modest in view of the need. In addition, the penal provision on trafficking in human beings is seen as complicated and difficult to apply in practice. The characteristics of trafficking in human beings contain elements that are difficult to prove and interpret. The authorities are not always aware of the possibility of human trafficking at the beginning of a pre-trial investigation. In connection with the preparation of the Action Plan, it became clear that all authorities involved in the criminal process need training in identifying human trafficking. The working group is also concerned about the sufficiency of the prosecutors’ and courts’ resources.

The enforcement of criminal liability is hampered by drawn-out criminal processes and differences that are significant at the national level in the competence and work organisation of those involved in criminal proceedings. Pre-trial investigations alone may take years. During the preparation process of the Action Plan, the assistance system and organisations for victims of human trafficking pointed out that as the pre-trial investigation process stalls, the perpetrators have time to continue their criminal activities, leave the country, get rid of evidence and their property acquired as proceeds of crime, or otherwise hamper the gathering of evidence and the victim’s possibility of receiving compensation.

The pre-trial investigation authorities have pointed out that an investigation produces the best results when the criminal activity can be intervened in while it is still in progress or when the victim has recently reported it to the pre-trial investigation authorities. The more time that goes by, the more difficult it is to obtain evidence of the offence. For this

reason, the effective enforcement of criminal liability in human trafficking offences also requires exposing action by the pre-trial investigation authorities.” (Ministry of Justice 2021:15, pp. 27–28.)

The Action Plan contains a number of recommendations for enforcing criminal liability (Ministry of Justice 2021:15, pp. 55–57).

4.3.3 Provisions on human trafficking in the Criminal Code and the system of assistance

Under Chapter 25, section 3 of the Criminal Code, a person who (1) by taking advantage of the dependent status or vulnerable state of another person or by pressuring another, (2) by deceiving another person or by taking advantage of a mistake made by 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 provides accommodation for another person for purposes of sexual abuse referred to in Chapter 20, section 9, subsection 1(1) or comparable sexual abuse, forced labour or other demeaning circumstances or removal of bodily organs or tissues shall be sentenced for trafficking in human beings to imprisonment for at least four months and at most six years. Also a person who takes control over another person below the age of eighteen years or recruits, transfers, transports, receives or provides accommodation for 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.

Under Chapter 47, section 3(a) of the Criminal Code, if in the work discrimination an applicant for a job or an employee is placed in a considerably inferior position through the use of the job applicant’s or the employee’s economic or other distress, dependent position, lack of understanding, thoughtlessness or ignorance, the offender shall, unless a more severe penalty has been provided elsewhere in law for the act, be sentenced for extortionate work discrimination to a fine or to imprisonment for at most two years.

In order to help victims of human trafficking, a system of assistance for victims of human trafficking has been established under the Act on the Reception of Persons Applying for International Protection and on the Identification of and Assistance to Victims of Trafficking in Human Beings (746/2011). Under section 35 of this Act, a person proposed to the system of assistance shall be included in the system of assistance if, on the basis of the circumstances, it is assessed that the person may be a victim of a human trafficking offence and is in need of assistance measures. A person assisting in the investigation of a human trafficking offence may also be included in the assistance system if the person needs special assistance. A child in Finland of

a person referred to in subsections 1 and 2 above may also be included in the assistance system if the person is in need of assistance.

4.3.4 Guidelines issued by the National Police Board

The current guidelines of the National Police Board on “intervening in human trafficking and similar offences and helping victims of human trafficking” (POL-2020-38265) contain several points that are important in terms of combating human trafficking.

Firstly, the guidelines oblige the “Police University College to ensure that a person who has received police training has the basic capabilities for identifying a victim of human trafficking and directing them to the system of assistance.” It also states that “uncovering trafficking in human beings and similar offences usually requires long-term and effective detection by the police. The police must allocate resources to the prevention, detection and pre-trial investigation of human trafficking and similar crime.” However, the guidelines do not address the allocation of resources further.

According to the guidelines,

“Police units must ensure that they have sufficient expertise to manage the special features related to human trafficking crime. The prerequisite for combating human trafficking efficiently and effectively is that in all police operations, the potential victims of human trafficking can be identified and directed to the assistance system. Special attention should be paid to identification of victims of human trafficking when persons become clients of the police during an investigation of the sale of sexual services, sexual abuse or unlawful or otherwise non-permitted use of labour.”

The guidelines contain instructions concerning pre-trial investigations that are important in the context of this decision:

“If there are indications of human trafficking, the act must in principle be examined as human trafficking or aggravated human trafficking. When investigating a human trafficking offence but also such offences as procuring or extortionate work discrimination, special attention should be paid to the act, its circumstances and the status of the object of the act in order to expose potential human trafficking and refer potential victims of human trafficking to the assistance system. The investigation must also take into account acts that fulfil the characteristics of some other offence in addition to the main offence to be investigated.”

The obligation stating that “due to the nature of human trafficking offences, ensuring in the prioritisation of pre-trial investigations that the investigation can be completed as soon as possible” is particularly noteworthy. However, the guidelines do not examine the fulfilment of this obligation by police departments any further.

To support the identification of trafficking in human beings, the guidelines address a number of issues related to the means, method and purpose of trafficking in human beings. The guidelines instruct the police to take them into account in the investigation. However, the guidelines do not describe in detail how the appropriateness of the pre-trial investigation and its prompt completion would be secured.

The guidelines note that “when the police become aware of a suspected human trafficking offence, a report of an offence must be recorded in the police information system without delay”. This is an essential point in the context of pre-trial investigations and the present decision. A prerequisite for a successful pre-trial investigation is that “a legal counsel appointed by a court pursuant to Chapter 2, section 1(a) of the Criminal Procedure Act is provided for the victim for a pre-trial investigation.” The guidelines also bring up other considerations that are worth noting in this context:

“When investigating a human trafficking offence, the court may appoint a legal counsel for the victim for the preliminary investigation if this is considered justified taking into account the relationship between the victim and the person suspected of the offence. The pre-trial investigation authority must ensure that the victim’s right to rely on a counsel is actually realised. The Head Investigator should submit a proposal to the court on appointing a legal counsel for the victim of a human trafficking offence if the prosecutor does not do so. In cases of human trafficking, the counsel usually plays an important role in inspiring trust in the victim, thus promoting pre-trial investigation. Initiation of a pre-trial investigation is not a precondition for directing a person to the assistance system for victims of human trafficking. If there are indications of human trafficking, any victim of human trafficking must be referred to the system of assistance.”

According to the guidelines issued by the National Police Board, the threshold for referring a person to the assistance system must be low. When there are at least some indications of human trafficking, the emergency number must be contacted to determine whether the services of the assistance system could be used in the situation in question. The task of the police in the expert group (of the assistance system) is to carry out a preliminary assessment of security threats. The guidelines stress that the police must be familiar with the principles of assessing security threats and the authorities’ possibilities of preventing and eliminating them.

The guidelines point out that, as a rule, a person cannot be directed to the assistance system without their consent. Problems may arise in practice because it may be difficult for the victim of human trafficking to understand the system of assistance for victims of human trafficking. The victims may not always trust the police, and working with them may consequently be challenging.

In addition to the assistance system, the victim can also be offered assistance organised by NGOs that specialise in assisting other victims of crime, such as Victim Support Finland (RIKU), which has assistants specialising in human trafficking.

The guidelines oblige the police to always carry out an assessment of the victims' need for protection pursuant to Chapter 11, section 9(a) of the Criminal Investigation Act and to take appropriate protection measures. Other protection measures may include accommodation in a shelter for victims of domestic violence or personal protection.

The guidelines also refer to the specialist network of the police. Through this network, the National Police Board can quickly disseminate up-to-date information on new forms and prevention methods of human trafficking as well as obtain information on problems related to combating human trafficking directly from the field. However, the guidelines do not describe special arrangements for investigations or organisation, including teams of investigators specialising in human trafficking.

4.4 Identification of human trafficking and related crimes

4.4.1 Legal rules on pre-trial investigation

Under Chapter 3, section 3, subsection 1 of the Criminal Investigation Act, “the criminal investigation authority shall conduct an investigation when, on the basis of a report made to it or otherwise, there is reason to suspect that an offence has been committed.”

Subsection 2 of this section states that

Before initiating the criminal investigation, the criminal investigation authority shall if necessary clarify the circumstances connected with the suspected offence referred to in subsection 1, in particular so that no one is unjustifiably deemed a suspect in the offence and so that, when the matter requires it, the decision referred to in section 9, subsection 1 or section 10, subsection 1 on the waiving of the criminal investigation can be made. The provisions of this Act apply as appropriate to the measures that precede the initiation of the criminal investigation.”

Subsection 3 of this section lays down the duties of the Head Investigator. According to this provision, “the Head Investigator decides when necessary on whether or not to conduct a criminal investigation as well as on clarification of the matters that may possibly be needed in order to make the decision. The criminal investigation measures necessary to clarify the matter may be undertaken already before the decision of the Head Investigator.”

Under section 10(1) of the same Chapter, “The public prosecutor may, on the request of the Head Investigator, decide that no criminal investigation is to be conducted or that the criminal investigation shall be discontinued, if he or she, on the basis of Chapter 1, section 7 or 8 of the Code of Criminal Procedure or on the basis of another corresponding provision, should waive prosecution and if there is no important public or private interest that would require the bringing of charges.”

Subsection 2 of the section states that

“The public prosecutor may, on the request of the lead investigator, also decide that the criminal investigation shall be discontinued if the expenses of continuing the investigation would be clearly disproportionate to the nature of the matter under investigation and the possible sanction, or if, on the basis of the criminal investigation measures already performed, it is very probable that the public prosecutor should waive prosecution on grounds other than those referred to in subsection 1. Discontinuation of the criminal investigation also requires that there is no important public or private interest that would require continuation of the investigation. In the cases referred to in subsections 1 and 2 the criminal investigation shall be recommenced if there is justified reason for this due to new factors which have become evident in the matter.”

Under Chapter 10, section 2, subsection 2 of the Criminal Investigation Act, “a criminal investigation shall nonetheless be concluded without submitting the matter to the consideration of the prosecutor if the investigation has shown that no offence has been committed or that no charges may be brought against anyone or that no other requests under public law may be presented in respect of an offence.”

The preliminary work on the Criminal Investigation Act ([HE 222/2010 vp](#), p. 177) states that

“However, the threshold for a pre-trial investigation would not be set very high. In other words, there is no need for certainty or a high likelihood of an offence having been committed. A mere claim that an offence has taken place does not yet exceed the pre-trial investigation threshold. It must be possible to present appropriate concrete grounds for the decision to initiate a pre-trial investigation. In borderline cases, the interest to investigate is important, which is emphasised in the case of serious offences.

The difficulty of investigating and proving an offence must not be a sufficient reason to postpone the initiation of a pre-trial investigation. If necessary, subsection 2 of this section would oblige the police to investigate the matter to some extent before making the decision to initiate the pre-trial investigation.”

The National Police Board’s guidelines “Crime Pre-processing by the Police” (POL-2019-37438) states that

“investigating the prerequisites for a pre-trial investigation is about obtaining sufficient evidence to make a decision on the most appropriate way to proceed. The importance of the investigation is particularly emphasised in cases where it cannot be considered, based on the reported information, that the pre-trial investigation threshold has been exceeded. It is possible that the only way to solve the question of whether or not the threshold for a pre-trial investigation has been reached is obtaining additional information by means of a preliminary investigation. The preliminary investigation measures often focus on the manner in which the reported offence was committed, the availability of evidence and proof, and the description of the characteristics of the offence. The content and scope of the preliminary investigation are not defined in legislation. However, very far-reaching and long-lasting preliminary investigations factually constitute a pre-trial investigation and mean that a pre-trial investigation has already been initiated. Whereas preliminary interviews typically are activities conducted in the preliminary investigation stage, an interrogation indicates that a pre-trial investigation has already been initiated. While it is impossible to draw a precise line, this distinction is based on a consideration of individual cases and measures and an assessment of whether the content and scope of the measures make it necessary to determine the targeted person’s procedural status and, consequently, to ensure the effective realisation of the rights of the parties involved in the pre-trial investigation. In any case, the use of coercive measures under the Coercive Measures Act is not possible in a preliminary investigation.”

According to the guidelines,

“pursuant to Chapter 3, section 3, subsections 2 and 3 of the Criminal Investigation Act, a preliminary investigation of offences refers to gathering the necessary additional information that makes it possible to decide whether or not a pre-trial investigation should be initiated. After receiving a report of an offence, it is the responsibility of the police to determine whether any penal provisions apply to assessing the act referred to in the report. The police are not bound to the offence title used by the person who submits the report. When assessing the need to carry out a pre-trial investigation, all

relevant elements of an offence should be considered. In addition, the police must determine whether the description of the act in the report of an offence corresponds to the actual course of events. If the facts do not undisputedly fulfil the essential elements of any offence, there is no need to initiate an investigation by the police.”

Section 21(2) of the Constitution of Finland guarantees everyone’s right to have a reasoned decision. Under Chapter 11, section 1 of the Criminal Investigation Act, “a written decision shall be made on the waiving of a criminal investigation, on its conclusion on the basis of Chapter 3, section 9(1) or section 10 or 10(a), and on conclusion without submitting the matter to the consideration of the prosecutor. The same applies to other corresponding criminal investigation decisions that may affect the rights, interests and obligations of a party. The decision referred to above in subsection 1 shall indicate [among other things] the grounds for the decision and the provisions applied.”

4.4.2 Police actions

Western Uusimaa Police Department

5530/R/41161/18

The Head Investigator reports that they identified characteristics of human trafficking or extortionate work discrimination when assessing the matter before making a decision to terminate an investigation.

According to the National Police Board, however, it appears that a pre-trial investigation has been initiated but, regardless of this, it has been terminated pursuant to Chapter 3, section 3, subsection 1 of the Criminal Investigation Act. Based on its wording, however, this provision cannot be applied to terminating cases where a pre-trial investigation has been initiated. Pre-trial investigations that have already been initiated can typically only be terminated pursuant to Chapter 10, section 2 of the Criminal Investigation Act, the threshold for whose application is higher. If the prerequisites are met, the police may alternatively also submit a proposal for a restriction to the prosecutor.

A decision to terminate an investigation made on 26 June 2019 shows that the victim and the suspect were already interrogated in the matter. Consequently, it no longer was a preliminary investigation, and neither does the decision assess the matter in this light, as it specifically refers to the fact that a pre-trial investigation had been initiated. It is my opinion that a pre-trial investigation had already been initiated in this matter and that it could not be terminated pursuant to Chapter 3, section 3, subsection 1 of the Criminal Investigation Act.

The police investigated the matter as human trafficking, extortionate work discrimination and work discrimination. The interviews with the parties recorded in the decision show that another employee of the company had also been paid a wage lower than the amount agreed on in the employment contract. The fact that the company was not in a position to pay the minimum wage specified in the general collective agreement and that the victim had accepted the agreed working conditions were recorded in the decision. I note as my observation that the justifications for terminating the pre-trial investigation on the grounds that the suspect knew the victim was applying for a residence permit and that no other employees of the company who could have had knowledge about the events were heard are not convincing.

5530/R/35750/19

The Head Investigator reports that they identified the characteristics of human trafficking or extortionate work discrimination when assessing the matter before making a decision to terminate the investigation.

According to the National Police Board, when the Head Investigator considers alternative applicable nomenclature in concrete terms in their decision regarding the initiation of a pre-trial investigation, this should be appropriately recorded in the justifications in order to adequately cover the “grounds for the decision and the provisions applied” referred to in section 11(1) of the Criminal Investigation Act. In view of the information received on the matter, the National Police Board does not in itself have the prerequisites to question the outcome of the decision made by the Head Investigator. However, the National Police Board has stated that, to the extent that the decision to terminate a pre-trial investigation refers to possible difficulties in obtaining an account of the victim’s working hours or employment contract, the difficulty of investigating and proving the offence is not an adequate reason for not initiating a pre-trial investigation. According to the National Police Board, insofar as the matter has been resolved exclusively on the basis of a report made to the police and the documentation attached to it, a decision to carry out a preliminary investigation would have been justified, as referred to in section 3(3)(2) of the Criminal Investigation Act. This would have made it possible to obtain more information to support the assessment of the preconditions for initiating a pre-trial investigation.

I note that under Chapter 3, section 3, subsection 1 of the Criminal Investigation Act, the criminal investigation authority shall conduct an investigation when, on the basis of a report made to it or otherwise, there is reason to suspect that an offence has been committed. As the wording “reason to suspect” in the Act is open to interpretation, the Head Investigator can exercise discretion on whether or not a pre-trial investigation should be initiated. However, the threshold for initiating a pre-trial investigation must be low, and if no evidence of an offence can be obtained in the pre-trial investigation, the Head Investigator may submit a proposal for a restriction of the pre-trial investigation to the prosecutor pursuant to Chapter 3, section 10 of the Criminal Investigation Act.

The decision made on 25 November 2019 not to conduct a pre-trial investigation indicates that the Head Investigator found obtaining evidence on certain relevant matters difficult. I consider that in compliance with the Criminal Investigation Act, in a situation such as this a pre-trial investigation should be initiated, or at least a preliminary investigation should be carried out to find out what evidence could be obtained. The grounds for the decision and the applicable provisions should be identified in the justifications for the decision.

5530/R/109/20

The Head Investigator reports that they have the characteristics of human trafficking or extortionate work discrimination when submitting a proposal on restricting the investigation to the prosecutor.

On the basis of the information provided, I have no reason to suspect that the investigator has exceeded their discretion or that their actions would otherwise necessitate any action on my part when submitting a proposal to restrict the investigation to the prosecutor.

5530/R/6973/20

According to the National Police Board, it appears that the Head Investigator identified the characteristics of human trafficking or related crimes when making a decision on the matter. Taking into account the extent of the pre-trial investigation carried out, the investigator arrived at a sufficiently clear understanding of the matter to be investigated when forming their view, as referred to in Chapter 10, section 2 of the Criminal Investigation Act, that no criminal offence had been committed in the matter. According to the information received, the decision on the matter was additionally made in cooperation with the prosecutor.

The Head Investigator has independent discretion regarding whether or not a pre-trial investigation should be conducted. On the basis of the information provided, I have no reason to suspect that the Head Investigator has exceeded their discretion when making a decision to terminate the investigation. However, I would like to make the following comments regarding the reasoning of the decision.

The decision of 22 June 2021 to terminate the pre-trial investigation was, among other things, justified by the fact that there is no evidence of only the victims being placed at a significant disadvantage or disadvantage in relation to other employees. Other employees' wages have also remained unpaid, and this must generally be regarded as a civil dispute. The decision notes that in order to fulfil the definition of extortionate work discrimination or work discrimination, the employee must be placed in a significantly disadvantaged or a disadvantaged position, and

according to case-law, the working conditions of other employees in the company must be assessed here.

However, imposing a penalty for a work discrimination offence is not conditional on identifying a specific point of reference among other employees of the same employer, and employees who are treated legally and fairly by other employers can also be considered a point of reference. The provisions on work discrimination and extortionate work discrimination are consequently also applicable in cases where the employer subjects all of their employees to prohibited discrimination. ([HE 94/1993 vp](#) pp. 16–17) In other words, an employer who pays lower wages to all employees could be guilty of a criminal offence.

I find that the reasons for terminating the pre-trial investigation were not compliant with the law.

Eastern Uusimaa Police Department

5560/R/47363/18

The Eastern Uusimaa Police Department noted that in case 5560/R/47363/18, the examination of elements of human trafficking could have had a sharper focus on the intention of pressuring a person as referred to in Chapter 25, section 3(1) of the Criminal Code and use of violence as referred to in section 3(a). On the other hand, the investigation of the matter has continued with the same priority level in connection with another report of an offence as an investigation of serious offences related to homicide and bodily injury. The identification of criminal cases involving human trafficking has been improved since this investigation was conducted, and training specifically in identifying human trafficking has been made available.

According to the National Police Board, adequate competence to take all possible aspects of a human trafficking offence into account was not available.

The decision of 11 October 2018 to terminate the pre-trial investigation is justified as follows: “On the basis of the investigation request submitted to the police, the suspect and the victim were married on 3 October 2015. According to the investigation request, the victim joined her husband in Finland on 19 April 2018 and had a residence permit based on family ties. The investigation request does not contain elements that would meet the essential characteristics of human trafficking or aggravated human trafficking. The case involves a married couple, and the report also contains elements that are more relevant to disputes between the couple and civil disputes.” The decision states that the investigation of other offences will continue in the context of another report of an offence.

The justifications of the decision are very limited, and it would not be possible for a third party to determine on their basis why there was no reason to suspect an offence. Based on the decision, it is also not possible to assess whether the characteristics of a human trafficking offence were identified. It is my opinion that the decision to terminate the investigation in case 5560/R/47363/18 was not duly justified.

Southwestern Finland Police Department

5650/R/59149/19 and 5650/R/74864/19

In case 5650/R/59149/19, the applicable nomenclature was extortionate work discrimination. The report of an offence was registered on 17 September 2019 and a decision on the matter was made on 17 March 2020, indicating that the investigation lasted six months. While the National Police Board has stated that the pre-trial investigation was not delayed as such, it cannot be considered appropriate as, according to the information received, no investigative measures were taken. Based on this information, it is obvious that the Head Investigator did not identify the characteristics of a human trafficking offence in the matter. The National Police Board agrees with the Southwestern Finland Police Department that the pre-trial investigation in the matter did not meet the requirements of the Criminal Investigation Act.

In case 5650/R/74864/19, the applicable nomenclature was extortionate work discrimination. The report was registered on 19 November 2019 and the decision on the matter was made on 14 February 2020, indicating that the investigation lasted three months. While the National Police Board has stated that the pre-trial investigation in this matter was not delayed as such, it cannot be considered appropriate, as according to the information provided, it cannot be considered that the matter was investigated sufficiently, and it is apparent that the Head Investigator did not identify the characteristics of a human trafficking offence. The National Police Board has stated that the pre-trial investigation in the matter did not meet the requirements of the Criminal Investigation Act.

The Southwestern Finland Police Department has referred cases 5650/R/59149/19 and 5650/R/74862/19 back to the crime prevention sector for reconsideration in order to reopen the pre-trial investigations. The pre-trial investigation of case 5650/R/74862/19 has since been continued. According to a statement given by the Southwestern Finland Police Department, the chief of police mandated on 29 April 2021 the investigation of a human trafficking case. The assignment indicates that the police department is reviewing the investigation procedures related to human trafficking and related offences. According to the Southwestern Finland Police Department, a pre-trial investigation has so far been re-initiated in eight previous cases. According to its statement, the police department has additionally strengthened the process ownership of these cases. The police department has identified shortcomings in the identification of

the above-mentioned offences, and this lack of expertise will be made up for by such means as providing training for the staff who receive reports of offences.

I agree with the National Police Board on that in cases 5650/R/59149/19 and 5650/R/74862/19, the Head Investigator did not identify the characteristics of human trafficking or extortionate work discrimination or, possibly, work discrimination when assessing the matter in their decision not to conduct a pre-trial investigation. In both decisions, the reason for not conducting a pre-trial investigation is that, since the employer had not paid the victim a salary, this is a civil dispute. As stated in the guidelines of the National Police Board (POL-2020-38265) (p. 5), violations of labour legislation and general terms of employment are indications that make it particularly important to assess whether the person is a potential victim of human trafficking.

Häme Police Department

5590/R/29552/19

In case 5590/R/29552/19, a report of an offence concerning human trafficking was recorded on 1 August 2019. The investigation was subsequently terminated on the grounds that no offence had been committed. According to a statement by the criminal police sector of the Häme Police Department, the decision to terminate the investigation was made in compliance with the legislation on pre-trial investigations.

According to the National Police Board, the information provided by the police department did not comment on the potential adequacy of the investigation in the matter in a relevant manner. However, a new investigation on the matter pursuant to the Criminal Investigation Act was initiated on 19 June 2021. The purpose of the investigation is to re-evaluate the matter, also from the perspective of human trafficking. The National Police Board has noted that the perspective of human trafficking offences has been identified and that the matter has also been assessed in cooperation with the prosecutor.

The Head Investigator has independent discretion in the conduct of a pre-trial investigation. On the basis of the information provided, I have no reason to suspect that the Head Investigator has exceeded their discretion when making a decision to terminate the investigation. However, it would have been justified to assess the adequacy of the investigation in the matter, especially taking into account the victim's dependent status or insecure state or coercion, which are included in the definition of human trafficking.

Central Finland Police Department*5680/S/6815/21*

In case 5680/S/6815/21, a miscellaneous report was registered on the basis of a report of an offence received on 9 April 2021. However, rather than carrying out any investigative measures as a result of it, it was transferred directly to the Regional State Administrative Agency for consideration on 12 April 2021. According to the request for information submitted to examine the matter, the Head Investigator had reconsidered the case, found that they had acted incorrectly, and initiated on 1 June 2021 a preliminary investigation referred to in Chapter 3, section 3, subsection 2 of the Criminal Investigation Act in the case. In the information provided by them, the Head Investigator considers that a more correct procedure would be to ask the Regional State Administrative Agency's opinion in connection with the preliminary investigation to assess whether there is reason to suspect an offence in the matter, rather than transferring it directly to the Regional State Administrative Agency for consideration.

The National Police Board shared with the Central Finland Police Department the view that, by transferring the matter directly to the Regional State Administrative Agency, the Head Investigator failed to comply with the formal provisions of the Criminal Investigation Act concerning the processing of the matter in question. Once the error was detected, however, the pre-trial investigation was relaunched, and the incorrect procedure was rectified by submitting a request for a statement to the Regional State Administrative Agency. The processing of the matter was not deemed to have been substantially delayed as a result of the incorrect procedure.

I share the view of the National Police Board and the Central Finland Police Department that, in transferring the matter directly to the Regional State Administrative Agency, the Head Investigator failed to comply with the formal provisions of the Criminal Investigation Act in the processing of the matter in question. It is essential, however, to add that rather than merely procedural requirements, this is a question of the Head Investigator's duties. When transferring the matter to the Regional State Administrative Agency, the Head Investigator exceeded their discretion. Under the Criminal Investigation Act, the police must record a reported offence and conduct a pre-trial investigation, not simply refer the matter to another authority.

Southeastern Finland Police Department*5620/R/21876/16*

According to information provided by the police department, the investigation of case 5620/R/21876/16 was terminated and recorded as no offence having been committed. As further information received on the matter following the making of this decision to terminate the

pre-trial investigation has led to the filing of a new report of an offence at another police department, the Southeastern Finland Police Department is unsure if the investigations carried out in the first pre-trial investigation phase were sufficient.

The National Police Board agreed with this view and, in the matter pertaining to having access to a counsel, refers to a statement issued by the Crime Prevention Sector stating that the police department has no statistical information on how often the Head Investigator has submitted to the court a proposal on appointing a legal counsel for the victim. However, it is obvious that such proposals have seldom been made to the court. The police provides advice on this matter to the victim, however. The National Police Board concludes by noting that the decision to terminate the pre-trial investigation indicates that a pre-trial investigation has actually been initiated, as an interrogation concerning the matter was also carried out. Nevertheless, the case was closed pursuant to Chapter 3, section 3, subsection 1 of the Criminal Investigation Act, although the wording of this provision is such that it can only be applied to the termination of cases in which no pre-trial investigation has been initiated. Pre-trial investigations that have already been initiated can typically only be terminated pursuant to Chapter 10, section 2 of the Criminal Investigation Act, the threshold for whose application is higher. If the prerequisites are met, the police may alternatively also submit a proposal for a restriction of the pre-trial investigation to the prosecutor.

In my opinion, it would not have been possible to close the investigation pursuant to Chapter 3, section 3, subsection 1 of the Criminal Investigation Act as the victim had been interviewed in the matter. The decision to close the investigation made on 7 September 2016 states that there is no reason to suspect an offence in the case as the victim had been wanted by the police and consciously evaded being removed from the country. The victim had stated that they had applied for employment in order to obtain an employment contract and a residence permit.

It is my opinion that the justification for the decision does not meet the requirements laid down in Chapter 11, section 1 of the Criminal Investigation Act, taking into account the fact that the nature of extortionate work discrimination includes, among other things, that the employee is placed at a disadvantage by taking advantage of their financial or other distress or dependent position. In this case, it would have been appropriate to examine whether the victim had not been paid a salary because the employer had taken advantage of the fact that the victim needed a job in order to obtain a residence permit and to avoid being removed from the country. The Head Investigator did not identify the characteristics of extortionate work discrimination.

Eastern Finland Police Department

5740/S/2544/20

Report of an offence 5740/S/2544/20 was filed with the police on 27 February 2020, and on 31 July 2020, a decision was made not to conduct a pre-trial investigation because there was no reason to suspect an offence. A complaint concerning the termination of the investigation was filed with the Eastern Finland Police Department, which considered in its decision on the complaint that it was not possible to unambiguously establish in the case that an act referred to in the provisions on human trafficking, including the means and purposes laid down in these provisions, could not have taken place. According to the decision, it would have been justified to carry out a further investigation into the matter before the decision was made.

The National Police Board shared the view of the Eastern Finland Police Department that the matter had not been sufficiently investigated as required by the Criminal Investigation Act before making a decision not to initiate a pre-trial investigation. It was also deemed that the Head Investigator had apparently not identified the characteristics of a human trafficking offence in the matter.

In agreement with the National Police Board and the Eastern Finland Police Department, I deem that the matter was not investigated sufficiently as required by the Criminal Investigation Act before making a decision not to initiate a pre-trial investigation. The Head Investigator did not identify the characteristics of a human trafficking offence in the matter. As the matter has already been resolved through a decision on a complaint made by the police department, it does not give rise to any further action by me.

4.4.3 Considerations put forward in responses

The person who provided response A indicated that, after an interview held in 2018, a follow-up interview was to be arranged at which additional questions would be asked, but one had not been organised. They had learned about the change in their status into a witness from information provided by the police as a response to the Deputy Chancellor of Justice's request for information. They had not been heard about the change in their status.

Response B points out that for the person in question experienced it as a challenge that the police did not recognise human trafficking at the time when the report of an offence was filed or during the preliminary investigation. Neither did the police wish to initiate an investigation under the title human trafficking, as this would be considered laborious and difficult. While it would also have made it possible to carry out the investigation faster and more efficiently, the investigator does not make the decisions about the emphasis and prioritisation of the workload.

In response C, the Deputy Chancellor of Justice was asked to assess whether the police act appropriately if they initially record a matter as a report referred to in the Criminal Investigation Act, instead of a report of an offence. Should the police have recorded a report of an offence in the matter from the outset and, as the report of an offence was filed, assessed on the basis of the information provided to them if the indications of the case met the essential characteristics of such offences as extortionate work discrimination? The police did not take a stand on whether there was any reason to suspect an offence in the matter. Instead, they waited for the inspection report prepared by the Regional State Administrative Agency's occupational safety and health division, and later for a separately requested statement from the Regional State Administrative Agency's lawyer on whether the elements of criminal offences were fulfilled. This was a questionable way of proceeding, particularly considering that initiating a criminal investigation affects the victim's possibility of relying on a counsel during the pre-trial investigation. The responses also state that despite the observations made by the counsel, the police did not extend the pre-trial investigation to include human trafficking offences.

Response D points out that, unlike in other types of offences, the police often record a suspected case of human trafficking first as a preliminary investigation and only later as a report of a criminal offence. The threshold for initiating a pre-trial investigation has been set too high in these matters, and a report of an offence should primarily be recorded, and then terminated on restriction grounds if there were no reason to suspect an offence. As a result, the investigation could be initiated quickly and the victim of the offence would have access to the assistance they need and the rights of a victim of human trafficking immediately.

Before the police submitted their account to the Deputy Chancellor of Justice, one of the victims had not been aware that the offence is, after all, being investigated under the nomenclature of human trafficking, which they would entitle them to a free counsel whose fees would be paid for from state funds under the Criminal Procedure Act.

4.4.4 Evaluations of the actions of the police in identifying human trafficking offences

Both the information received and the responses indicate that the police have often registered an S report in the case and first carried out a preliminary investigation, even if the case could and should have been directly referred to a pre-trial investigation. Although the wording "reason to suspect" in the Act means that the Head Investigator has discretion when considering whether or not a pre-trial investigation should be initiated, the threshold for doing so should not be too high. Whether the police first carry out a preliminary investigation or initiate a pre-trial investigation, and in a pre-trial investigation investigate whether a criminal offence has been committed, is particularly important regarding the victim's rights. The victim may only benefit from a free

counsel referred to in the Criminal Procedure Act once a pre-trial investigation has been initiated.

Under Chapter 3, section 3, subsection 1 of the Criminal Investigation Act, the criminal investigation authority shall conduct an investigation when, on the basis of a report made to it or otherwise, there is reason to suspect that an offence has been committed. The above provision obliges the Head Investigator, without delay and without undue circumstances, to initiate a pre-trial investigation if there is reason to suspect a criminal offence, and also to identify the correct and applicable elements under the Criminal Code. It is obvious that if the investigator does not recognise the elements of a particular offence, this may lead to a failure to commence a pre-trial investigation.

The cases described above show that the investigators have assessed the characteristics of human trafficking and extortionate work discrimination in a too narrow sense. For example, some of the pre-trial investigations were terminated on the grounds that, in the Head Investigator's view, the matter was a civil dispute if the employer had not paid the employee a salary. When assessing the matter in the light of criminal law, however, more attention should be paid to the circumstances under which the employment relationship was established, in other words whether the employee had knowledge of Finnish legislation regarding employment contracts or an actual opportunity of negotiating the terms their employment contract while they may have been applying for a residence permit in Finland or possibly waiting for removal from the country.

The information provided also shows that the ability of the police to recognise the elements of human trafficking or its related offences has an impact not only on the initiation of a pre-trial investigation but also on how the investigation is prioritised. The police fail in this if, rather than recognising the elements of human trafficking, they investigate the suspected offence as an assault, for example. This in turn may result in a delay in the pre-trial investigation into human trafficking, which in principle is a more serious offence.

In a number of cases, police departments have made decisions to initiate pre-trial investigations only after I began investigating this issue and asked the police departments for further information. In addition, the Southwestern Finland Police Department is examining their investigation practices applied to human trafficking and related crimes in more general terms. As a result of this review, eight cases have so far been referred back for a pre-trial investigation. In addition, the police department reports that it has strengthened the process ownership of these matters. The police department has identified shortcomings in the identification of the above-mentioned offences, and this deficiency in expertise will be rectified by such means as providing training for the staff who process reports of offences.

I welcome the fact that, since this case was initiated, police departments have reassessed decisions not to conduct pre-trial investigations also in cases that are not included in this investigation. Investigating human trafficking offences requires competence that every investigator of human trafficking offences should possess. The accounts obtained in this case show that the investigator's role and responsibility in identifying human trafficking matters are pivotal. However, the information provided also shows that there are serious shortcomings in investigators' competence when it comes to recognising a human trafficking offence.

4.5 Obtaining a counsel or a support person, international legal aid

4.5.1 5710/R/5807/15

In its statement regarding the Ostrobothnia Police Department the National Police Board stated that, according to information received on case 5710/R/5807/15, both the Head Investigator's and the investigator's assessment was that the victim in the case had no need for a counsel or a support person.

The Non-Discrimination Ombudsman assessed the same issue in 2019 and stated that the police had not fulfilled their obligations related to obtaining a counsel and a support person. The Ostrobothnia Police Department also stated that, on the basis of the applicable nomenclature and the nature of offences that were investigated alone, an ex post evaluation shows that it would have been appropriate to submit a proposal concerning the appointment of a legal counsel and/or a support person for the victim to the court and fulfil the obligations related to contact information. The National Police Board stated that it had no reason to assess the matter differently with regard to obtaining a counsel and a support person. The prosecutor, on the other hand, transferred the pre-trial investigation abroad, and the National Police Board has no competence to assess whether or not the decision to transfer the investigation made by prosecution was appropriate.

In case 5710/R/5807/15, the victim stated in their response to this inquiry that towards the conclusion of the interviews, the investigator had asked whether their family had a "family lawyer". The police investigator had then said that they would arrange for a female lawyer for the victim. However, this was never done. The victim would have liked to have a counsel present during the interviews. Under no circumstances would the victim have refused to have a counsel if arrangements for this had been made. They were assigned a counsel when they were referred to the support services for victims of human trafficking in March 2015. The police did not inform the victims about the Assistance System for Victims of Human Trafficking or Victim Support Finland. They were not actively referred to any support services. After the end of the interviews, the victim actively sought help and found their way to a shelter, after which they became a client of Victim Support Finland and the Assistance System for Victims of Human Trafficking. They do

not understand why they would have refused the support they needed and wanted during the interviews. The victim points out that they needed a considerable amount of services to cope with daily life, and they have never refused any of the support measures offered to them. Consequently, it makes no sense to argue that they would not have accepted the support measures that the police claim to have offered. Regarding the fact that they were directed to a gynaecologist at a private medical centre to be tested for sexually transmitted diseases, the victim stated that they would have had the right to access similar health services through the national social welfare and health care system, in which case their costs would have been covered under such statutes as the legislation on assistance for victims of human trafficking. Instead the costs were paid by the victim. According to the victim, the fact that the police made an appointment for a test for sexually transmitted diseases with a private medical centre for them as a private client does not make up for the assistance and support they needed.

After the victim had received a counsel through support services, the counsel had informed the police that the victim wished to be contacted by the police in matters concerning the criminal investigation only through the counsel. The police refused to communicate with the counsel and continued to contact the victim directly.

The Deputy Prosecutor General noted in their statement on case 5710/R/5807/15 that, on the basis of the account received, when the investigation of the offence in question was transferred from Finland to abroad, the prosecutor responsible for the matter requested the authorities of the receiving country to conduct the pre-trial investigation and prosecution in the case, after which the suspect was ordered to be detained in their absence and an arrest warrant for them was issued. After the case had been handed over, the pre-trial investigation in Finland was terminated by a decision of the Head Investigator. No written decision made by the prosecutor on the transfer of the criminal case exists, or at least no such decision has been filed at the prosecutor's office or at the police department.

Under sections 1 and 5 of the Act on International Legal Assistance in Criminal Matters, the prosecutor is competent to submit a request for international legal assistance in order to pursue prosecution. In terms of international law, the prosecutor's request was based on Article 21 of the European Convention on Mutual Assistance in Criminal Matters. According to the Deputy Prosecutor General, the prosecutor would not have had the competence or any practical possibility to transfer an incomplete pre-trial investigation, which would inevitably lead to the cessation of the pending pre-trial investigation in Finland, without the involvement of the authority in charge of the pre-trial investigation (the police). Based on the documents available, the transfer of the pre-trial investigation from Finland took place by agreement between the prosecutor and the Head Investigator. The Deputy Prosecutor General found that the prosecutor acted within their competence also when they proposed that the pre-trial investigation be transferred abroad.

In their statement, the Deputy Prosecutor General considered if the Act on the Prevention and Settlement of Conflicts of Jurisdiction in Criminal Proceedings and on the Transfer of Pre-Trial Investigations and Prosecutions between Finland and Other Member States of the European Union (295/2012) could be applied to this case. In the view of the Deputy Prosecutor General the Act cannot, as a rule, be applied to the transfer of a criminal case. It is only applicable to a situation in which negotiations have taken place in the context of parallel proceedings referred to in the Framework Decision and, even then, only to the transfer of a criminal case between Member States in which the Framework Decision has entered into force. In the present case, no parallel investigations existed within the meaning of the Framework Decision, and criminal proceedings abroad were initiated as a result of a request made by the prosecutor. On this basis, the Deputy Prosecutor General considered that the aforementioned Act should not have been applied in the situation in question.

According to the Deputy Prosecutor General, the prosecutor's request for international legal assistance per se contained grounds for transferring the criminal case that should be considered appropriate. When considering the transfer, the prosecutor contacted the Prosecutor General's Office and was not advised to refrain from transferring the criminal matter. On the basis of the account received, the nationality of the suspect and the fact that the suspected offence had been committed abroad supported the idea of processing the criminal case abroad. The principle of sovereignty means that each state is primarily competent to deal with offences committed on its territory. In addition to the place where the offence was committed and the state of residence and nationality of the suspect, the prosecutor's request for international legal assistance also included other factors based on which it could have been considered more appropriate to continue the investigation abroad rather than in Finland. As a whole, the investigated offences had clearly stronger connections with countries other than Finland.

In their statement, the Deputy Prosecutor General also noted that the interests of the victim must always be taken into account when considering the transfer of a criminal case from Finland to another state. In a case such as the one at hand, an opportunity should be reserved for the victim to be heard and for their opinion to be expressed on the transfer of the matter. The available documents do not show that the prosecutor would have given the victim an opportunity to comment on the transfer. In the arrest warrant issued by the receiving country, the case investigated in Finland as aggravated human trafficking and aggravated pandering was replaced by the less serious offence of pandering. Without information provided by the prosecutor, it is not possible to say how they felt about this contradiction. Once the receiving country had issued an arrest warrant, the prosecutor may have been confident that the matter will be investigated in sufficient detail and that prosecution in the case will be based on the criminal offences suspected as a result of the investigation. In this respect, it should be noted that the authorities of the receiving country were not bound by the nomenclature or description of the offence set out in the arrest warrant. As a general rule, a person who is extradited under an arrest warrant for

the purposes of prosecution may be held liable for offences committed before the extradition, except for the offence because of which they are extradited. The Deputy Prosecutor General noted that when selecting the place of prosecution, it is not acceptable for the prosecutor to apply as the main criterion the severity of the potential sanction for the suspected act in the country in question.

In summary, the Deputy Prosecutor General stated that in their opinion, the prosecutor had acted within their discretion and competence when proposing the transfer of the criminal case in question to a foreign country. In order to take due care of the victim's legal protection, the victim should have been given an opportunity to be heard about the conditions for the transfer before it was initiated. If the victim had been heard and they had objected to the transfer, the prosecutor would nevertheless have had the power to transfer the matter if they had considered that their justifications for doing so were stronger than those presented by the victim.

The Non-Discrimination Ombudsman assessed the matter in 2019 and stated that the police did not fulfil their obligations related to obtaining a counsel and a support person for the victim.

Similarly to the National Police Board I believe that, based on the categories of offences under investigation and the nature of the offences, a proposal should have been made to the court to appoint a legal counsel and/or a support person for the victim.

The pre-trial investigation had been transferred abroad by the prosecutor's decision. The Head Investigator had agreed to the transfer. The victim has stated that they or, in their opinion, their counsel were not heard in the matter.

In their statement, the Deputy Prosecutor General put forward arguments in favour of transferring the case. I note that typically in a case such as the one at hand, where both serious trafficking in human beings and possibly several sexual offences are suspected, the rights of the victim should receive particular attention. This is today also required under the objectives of the Victims' Rights Directive. Under Article 1 of the Victims' Rights Directive, the purpose of the directive is to ensure that victims of crime receive appropriate information, support and protection and are able to participate in criminal proceedings. Under Article 6, section 1(a) of the directive, the victim has the right to be informed of any decision not to proceed with or to end an investigation or not to prosecute the offender. Even if it were reasonable to transfer the processing of the matter for procedural and economic reasons, the realisation of the victims' rights should always be considered, including the views of victims who may be seriously traumatised of the transfer of the matter to the country in which the offences were committed, for example, and their hearing and possible participation in the trial in this country.

In my opinion, the prosecutor's decision to transfer the matter abroad was in this case within the limits of their discretion and competence. However, before the matter was transferred, the victim of the suspected human trafficking offence should have been granted the opportunity to be heard, which the prosecutor failed to arrange.

4.5.2 5710/R/21037/18

The Ostrobothnia Police Department received the report of an offence 5710/R/21037/18 on 22 May 2018 and registered the report in the police case database on 25 May 2018. The pre-trial investigation is still ongoing. So far, the pre-trial investigation has taken approximately three and a half years. For a discussion of the Ostrobothnia Police Department's actions concerning the delay of the pre-trial investigation, see section 4.7.2.

The National Police Board stated that, in the light of the account provided, it cannot be ascertained whether or not the victim's need for a counsel or support person for the pre-trial investigation was assessed. It is likely that this need was not assessed at the time of the first interview, as there is no entry to this effect in the interrogation record, and the Head Investigator was not even aware of the investigation. According to the account received, however, the victim stated that they had contacted the Office of Public Legal Aid at that stage. The investigator had advised the victim to contact Victim Support Finland before the second interview took place in 2021. In that second interview, a counsel and a support person obtained through Victim Support Finland accompanied the victim. The National Police Board noted that, based on the account received, it appeared that the need for a counsel and a support person had not been appropriately assessed at the beginning of the investigation.

Similarly to the National Police Board, it is my opinion that the victim's right to a counsel had not been appropriately assessed in the early stages of the pre-trial investigation.

4.6 Waiving charges

Case 21/684

The Deputy Prosecutor General has issued an opinion on the district prosecutor's decision to waive charges in case 21/684. The opinion notes that section 6(a)(2) of the Criminal Procedure Act lays down an obligation to justify a decision to waive charges. "The justification shall indicate the circumstances and the evidence as well as the assessment of evidence and the legal conclusions on which the decision is based."

The opinion refers to a Guidance issued by the Prosecutor General as a supplement to the Act, "VKS:2016:6 Drawing up and content of the decision to waive charges". The Guidance states:

“The decision shall be justified. The justification shall indicate the circumstances and the evidence as well as the assessment of evidence and the legal conclusions on which the decision is based” (Chapter 1, section 6(a)(2) of the Criminal Procedure Act). The less serious the suspected offence is, the briefer the sufficient justifications usually are. Similarly, the more serious the offence or the more ambiguous and complicated the case, the more detailed the justification must be. A key element of the justification is to assess the value of the supporting facts as evidence (proof). The weighing of matters that speak in favour and against prosecution must indicate why the evidence provided to support the suspect’s guilt is not sufficient for prosecution, in other words why the prosecutor has, on the basis of the evidence provided, reached the conclusion given in their decision. When there are difficulties related to the evidence, assessment plays a key role in deciding how persuasive the justification for the decision is. In simple cases, the assessment illustrates the grounds for the decision to the parties. The conclusion drawn on the basis of the assessment of evidence indicates which element of an offence was not sufficiently substantiated. The assessment and the conclusion are the most important part of the decision concluding that there is “no evidence”.

According to the Deputy Prosecutor General’s opinion, it can be concluded from the account provided by the district prosecutor that, when reaching decision 21/684, they incorrectly applied the section of the Prosecutor General’s guidance according to which

“The prosecutor may, applying the provisions on non-prosecution appropriately, exclude from prosecution certain parts of an act assessed as a criminal offence. Such decision by the prosecutor can be found in the application for a summons, which is served to the parties and justified in the presentation of the case. The principal rule is that a separate decision not to prosecute is not made in this case.”

According to the Deputy Prosecutor General, however, this section does not apply to the situation at hand. Consequently, the district prosecutor has not duly justified their decision not to prosecute anyone for suspected human trafficking and assault. The district prosecutor did not act in compliance with the law and the guidance as they have failed to justify why, in the criminal case in question, the characteristics of human trafficking would not have been fulfilled or been applicable with the likelihood required to bring charges and why they had waived charges. In their account, the district prosecutor stated that the way in which they chose to proceed is common across Finland. According to the Deputy Prosecutor General, however, this is not and, considering the legislation and the guidelines described above, could not be general practice.

According to the Deputy Prosecutor General it seems that the district prosecutor has, in their consideration of charges, approached the question of trafficking in human beings by seeking to

determine whether the victim had been forced into a marriage with the suspect and thus taken under the control of the other party. The victim reported that they had entered into the marriage voluntarily and there was no question of their father and future spouse having traded them. Consequently, the questions that should have been considered were whether the actions of the suspect during the marriage would have been apt to exert control over the victim; whether the victim would have been in a position of dependence; and whether the circumstances during the marriage would have violated their human dignity.

The district prosecutor who made the decision had been appointed the prosecutor of trafficking in human beings in their own unit, and they had received training in these matters. So far, however, they have come across few criminal matters related to human trafficking. The elements of human trafficking are complex, and obtaining evidence is challenging. The Deputy Prosecutor General has, pursuant section 11(2) of the Act on the National Prosecution Authority, initiated an own-initiative consideration of charges in the criminal case concerning trafficking in human beings and assault.

Section 21(2) of the Constitution guarantees everyone's right to have a reasoned decision. Under section 6a of the Criminal Procedure Act, a decision not to prosecute must be justified. "The justification shall indicate the circumstances and the evidence as well as the assessment of evidence and the legal conclusions on which the decision is based." The Prosecutor General has issued a Guidance as a supplement to the Act, "VKS:2016:6 Drawing up and content of the decision to waive charges".

Similarly to the Deputy Prosecutor General, my view is that the district prosecutor had not acted in compliance with the law and guidance when they failed to justify why, in the criminal case in question, the characteristics of human trafficking would not have been fulfilled or been applicable with a likelihood that would have required bringing charges and why they have waived charges. Consequently, the district prosecutor did not duly justify their decision not to prosecute anyone for suspected human trafficking and assault.

When it comes to whether or not the district prosecutor identified the essential characteristics of human trafficking in the matter, I note that the case is being reconsidered by the Deputy Prosecutor General and, consequently, I have no cause to take further action at this stage.

4.7 Delay in pre-trial investigation in human trafficking matters

4.7.1 Legal rules

Under section 21(1) of the Constitution, everyone has the right to have their case dealt with appropriately and without undue delay by a legally competent court or other authority.

Under section 14(1) of the Act on Public Officials in Central Government (750/1994), public officials must carry out their duties appropriately and without delay.

Under Chapter 3, section 11(1) of the Criminal Investigation Act (805/2011), pre-trial investigation must be conducted without undue delay. Under Chapter 3, section 11(3) of the Criminal Investigation Act, when required by the circumstances, the criminal investigation measures may be placed in order of priority.

Under Chapter 2, section 2 of the Criminal Investigation Act, the pre-trial investigation is led by the Head Investigator. An individual investigator also bears their own share of responsibility for the timely conduct of pre-trial investigation measures, but the Head Investigator is ultimately responsible for ensuring that the pre-trial investigation and the measures preceding it are carried out without undue delay.

Under Chapter 1, section 6(2) of the Police Act (872/2011), “the police shall perform their duties with all due efficiency and expediency. If circumstances so require, duties shall be placed in order of importance.”

The timely commencement and execution of the pre-trial investigation serve the realisation of legal protection for the parties involved. Avoiding delay is also important for the effectiveness and credibility of the entire criminal justice system. When assessing whether a decision to conduct a preliminary investigation was made in a timely manner, Chapter 1, section 14(1) of the Criminal Procedure Act (18/2012) must also be taken into consideration. Under this provision, “the victim may himself or herself bring a charge for an offence only if the prosecutor has decided to waive prosecution or the criminal investigation authority or the prosecutor has decided that no criminal investigation shall be conducted or it shall be interrupted or concluded. The victim may bring a charge also if, on the decision of the Head Investigator, the performance of criminal investigation measures has been transferred.”

No time limit can be set for a pre-trial investigation or a decision to initiate a pre-trial investigation, and when assessing the acceptable time, the nature, extent and individual characteristics of each case must be taken into account. The relevant external factors, including the available investigation resources and the possibility of the police to prioritise their duties, effectively influence both the possible initiation of the pre-trial investigation and its execution.

The obligation to conduct a pre-trial investigation without undue delay applies not only to measures taken following a decision to initiate a pre-trial investigation (a pre-trial investigation in a narrow sense), but also to making a decision on the possible initiation of a pre-trial investigation and the measures preceding it (a pre-trial investigation in a broad sense).

In their past cases, the supreme overseers of legality have found, with slight variations in the wording but consistently in terms of the factual content, that shortcomings in the organisation of official duties or a lack of resources cannot be acceptable grounds for neglecting the proper performance of duties. Such factors as seasonal fluctuations in the number of tasks and the turnover of staff for different reasons are part of the normal activities and management of the authority. They are predictable issues, at least to some extent, which means that the authority can and must be prepared for them in advance by means of suitable arrangements. This is primarily the responsibility of the police department in question and, ultimately, of the National Police Board.

In the final analysis, the Head Investigator bears the responsibility for the timely conduct of an individual pre-trial investigation. However, the employer has a duty to monitor the proper use of resources and ensure adequate supervision, making sure that pre-trial investigations are carried out within a reasonable time even in situations where human resources require the prioritisation of the cases under investigation.

4.7.2 Review by police department

Helsinki Police Department

The National Police Board noted in its statement on the Helsinki Police Department that pre-trial investigations 5500/R/23149/17, 5500/R/105169/17, 5500/R/23149/17, 5500/R/102272/17, 5500/R/92665/18, 5500/R/3489/19, 5500/R/40027/19, 5500/R/29359/19, 5500/R/83527/19, 5500/R/67738/19, 5500/R/56805/19, 5500/R/53774/19, 5500/R/68606/19, 5500/R/70594/19, 5500/R/67714/19, 5500/R/67730/19, 5500/R/66782/19 and 5500/R/43484/20 are still mainly incomplete.

In the account provided by the Police Department, several reasons are given for delays in these pre-trial investigations. According to the National Police Board, most of these reasons appear to be common to all pre-trial investigations of human trafficking offences. Reasons for the delays mentioned in the account include the complexity and international nature of this type of offences. Human trafficking cases often have numerous victims, some of whom may be abroad, and their contact details may not be known. The cases often also form large entities, the investigation of which takes a great deal of time. The availability of translation and interpretation services and the assessment of extensive documentation pursuant to the Act on the Openness of Government Activities also pose challenges for the investigation. In addition, investigations have been delayed by shortages in personnel resources, staff turnover and the large number of cases being investigated, which has led to a need to prioritise cases, taking their statute of limitations periods into account. Some of the listed reasons for the delays are related to police resources. In addition, the police also work extensively together with other authorities and stakeholders in

the pre-trial investigations of human trafficking offences, both in Finland and internationally. Some of the reasons for the delays are associated with the schedules of the partners, which the police have little influence over.

The National Police Board stated that the police take the prevention of human trafficking offences seriously and have focused particularly on preventing and investigating human trafficking offences in recent years. As a result, more offences have come to light, but the police department has also managed to investigate them more efficiently. Although most of the pre-trial investigations under consideration remain incomplete, the Helsinki Police Department has followed the statute of limitations periods of the cases appropriately and worked together with the prosecutor in this matter.

5500/R/23149/17

According to information provided by the Helsinki Police Department, a report of an offence was recorded on 27 March 2017 as “Extortionate work discrimination”. In the early stages of the investigation, the nomenclature of the offence was changed to aggravated human trafficking, but as the pre-trial investigation progressed, it was changed to human trafficking offence. The victim was interviewed for the first time through an interpreter on 29 March 2017. A total of 41 different people were interviewed during the pre-trial investigation of the case, and the total volume of interview reports is about 400 pages. In addition, large amounts of other documentation have been accumulated. The recordings produced as secret coercive measures were used and the information content of devices seized in a house search are in Nepali. The material was first examined with the help of an interpreter, after which any material essential for the investigation was delivered to a translation agency for transcription in Nepali. The transcription took a year, and the translation into Finnish of the transcribed material took six months. Nepali interpreters were needed in almost all interviews, and the availability of interpretation services was a significant problem. Coordinating the interview dates with the interviewee, the interpreter and, in some of the interviews, the counsel was also challenging and caused delays. It was also mandatory to carry out the interviews in person with each interviewee, which also added its own challenges to the arrangements during the coronavirus pandemic.

Taking into account the nature and scale of the case, the preparation of the pre-trial investigation record has taken considerably more time than on average, for example due to the large number of classification entries under the Act on the Openness of Government Activities in the documents. The pre-trial investigation record was submitted to the victims for final statements on 20 May 2021. At the end of the final statement procedure, the case will be referred to consideration of charges.

The pre-trial investigation has lasted more than four years. According to the information provided by the police department, the transcription and translation of the recordings obtained by

using secret coercive measures into Finnish has taken about 1.5 years. In this respect, I note that the Head Investigator is responsible for conducting the pre-trial investigation and also for its expediency. Although delays related to translations and interpretation can be considered understandable as such, the Head Investigator is responsible for ensuring that the pre-trial investigation as a whole is not delayed.

It is my opinion that the pre-trial investigation in case 5500/R/23149/17 has been delayed unduly.

5500/R/102272/17

According to the information provided by the Helsinki Police Department, suspected human trafficking was reported to the police on 13 December 2017. After the report of an offence was recorded, information was immediately searched for in registers regarding the matter and the victim's lawyer was contacted. In spring 2018, a prosecutor was sought for the case, and the victim's lawyer was contacted. In June 2018, actual pre-trial investigation measures were initiated by hearing the victim for the first time and by obtaining information from the authorities' registers. The victim was interviewed again in June and six times in August, and the collection of documentation continued. In spring 2019, an investigation plan was drawn up for the material of the case, and data related company accounts and other investigations of financial crime were updated. The case was transferred to a team of investigators specialising in work-based human trafficking on 24 February 2020 and further to a national investigation team of human trafficking offences at the beginning of 2021. The same investigator was simultaneously also working on a very large case of human trafficking related to restaurant activities.

At the time the information was provided, the pre-trial investigation into the matter had lasted about 3.5 years. Interviews with the victims were conducted around six months after the report of an offence was filed. In this respect, the police can be regarded as having acted without delay. After summer 2018, the only reported investigative actions in the matter were collecting documentation and drawing up an investigation plan. In my opinion, no acceptable grounds for the delay were given.

The pre-trial investigation in case 5500/R/102272/17 has been unduly delayed.

5500/R/105169/17

According to the information provided by the Helsinki Police Department, a lawyer made a request for investigation dated 22 December 2017 in connection with possible human trafficking or procuring. A report of an offence was recorded on 27 December 2017 under the title human trafficking. According to the request for investigation and the victim, the suspected offences had taken place across Europe. In Finland, the victim had worked at a striptease bar owned by a

Finnish person. The victim was interviewed on 8 February 2018 and the interviewee revealed the names of the suspects, however without providing any more detailed information on their identities. According to the victim, the suspects were resident or stayed in an EU Member State. During the pre-trial investigation, various inquiries were made concerning the victim's money transfers, among other things, thus attempting to identify the suspects. Despite the intelligence and investigation activities, identifying the suspects on the basis of their first and last names alone was not possible. As a result, the pre-trial investigation was suspended, with the hopes that the police might obtain information that would make it possible to identify the suspects. The pre-trial investigation of the case was interrupted on 18 May 2021 by a decision of the Head Investigator. Should further information on the matter be obtained, the investigation can be re-launched. Regarding the case of suspected offences committed in Finland, the victim has been interviewed as a witness in case 5500/R/24678/16, in which the suspect (aggravated procuring) is the Finnish person mentioned above. This case is about to be referred to consideration of charges.

The pre-trial investigation lasted approximately 3.5 years before it was suspended. In addition to hearing the victim, unsuccessful attempts were made during the pre-trial investigation to reach the suspects. The difficulties in reaching the suspects were a key factor hampering an expedient pre-trial investigation.

It is my opinion that the pre-trial investigation of the matter has not been unduly delayed.

5500/R/92665/18

According to the information provided by the Helsinki Police Department, a report of an offence was recorded under the title human trafficking on 22 October 2018 on the basis of an online request made by a lawyer. The pre-trial investigation was first carried out as an investigation into violent crime, as part of which the victim was interviewed on 5 February 2019 and again on 4 March 2019. The case was referred to the new national team investigating human trafficking on 8 April 2021, and on the same day, a Criminal Investigation Act notification was submitted to the prosecutor's office and an assessment was carried out to determine what more could be done about the case in light of the accumulated material and information. The victim's accounts given to the authorities of the events surrounding their arrival in the country have varied significantly depending on the circumstances under which they have talked to the police about their affairs. The report of an offence on human trafficking was made after the victim had been suspected of an offence and they had been in the process of being removed from the country after their asylum application had been found groundless. The victim has identified the suspects of the human trafficking offence, and consequently, these persons will be interviewed, after which decisions will be made about further pre-trial investigation measures.

At the time this information was provided, the pre-trial investigation into the matter had lasted about 2.5 years. Once the pre-trial investigation had been initiated, the victim had been heard without undue delay, or within about three months. According to the information obtained, no active investigative measures have been taken since then. It is my opinion that no acceptable grounds for this delay have been presented.

The pre-trial investigation in case 5500/R/92665/18 has been unduly delayed.

5500/R/53774/19

According to the information provided by the Helsinki Police Department, a report of an offence was recorded on 22 August 2019 in connection with an investigation of another criminal case (5500/R/23149/17). The victim was interviewed for the first time in September 2017, but the matter was only technically separated into a criminal case in its own right in 2019. Fifteen people were interviewed during the pre-trial investigation of the case, and the total volume of interview reports is about 110 pages. Nepali interpreters were needed in almost all of the interviews, and the availability of interpretation services was a significant problem. Coordinating the interview dates with the interviewee, the interpreter and, in some interviews, the counsel was also challenging and caused delays. In addition, carrying out all the interviews in person was mandatory, which created its own challenges for the arrangements during the coronavirus pandemic.

At the time the information was submitted, the pre-trial investigation of the matter had lasted slightly under 2 years. The reasons for the delay in the pre-trial investigation include the need to interview a high number of persons and extensive pre-trial investigation material. The duration of the pre-trial investigation was influenced by the scope of the investigation and the interpretation needs related to it. Considering the length of the delay, these can be considered appropriate reasons.

It is my opinion that the pre-trial investigation of case 5500/R/53774/19 has not been unduly delayed.

5500/R/56805/19

According to the information provided by the Helsinki Police Department, a report was received on 2 September 2019, and a report of an offence was recorded on 4 September 2019 as human trafficking. The victim was interviewed for the first time on 11 March 2020. On 31 August 2020, the case was transferred to an investigation team specialising in trafficking in human beings, after which a prosecutor was sought for the case and a house search was carried out on 26 October 2020. The suspect was also interrogated. In addition, information was obtained from a bank and other authorities as part of the investigation. The employer's other employee, who

was staying abroad, was interviewed as a witness in spring 2021 after they had returned to Finland. The case was referred to consideration of charges in May and June 2021.

At the time this information was provided, the pre-trial investigation of the matter had lasted about one year and eight months. Attempts to reach the witness made in the course of the pre-trial investigation succeeded in spring 2021. The pre-trial investigation of the case appears at least partly have been delayed because of the witness's stay abroad.

It is my opinion that the pre-trial investigation of case 5500/R/56805/19 has not been unduly delayed.

5500/R/3489/19

According to the information provided by the Helsinki Police Department, the case was registered as a preliminary report at the Southeastern Finland Police Department on 10 October 2018 under report number 5620/S/7009/18 on the basis of a written request for information from the system of assistance for victims. Report of an offence 5500/R/3489/19 was filed with the Helsinki Police Department on 15 January 2019 under the title "Work discrimination". The Helsinki Police Department requested Lappeenranta police to interview the victim as executive assistance, and the victim was interviewed on 25 September 2019. The title of the case was changed to human trafficking based on the information received on 2 December 2020. Three different companies for which the victim had worked are involved in the case in question, and each company is being investigated for suspected extortionate work discrimination/trafficking in human beings as part of the pre-trial investigation. The investigation of the case has been prioritised, and this will be the next case to be investigated. The pre-trial investigation was delayed because currently, 45 earlier criminal cases about to become statute barred are being investigated under the title of either human trafficking or extortionate work discrimination.

At the time this information was provided, the pre-trial investigation of the matter had lasted about 2.5 years. The victim was heard slightly less than a year after the report of an offence was recorded, which cannot be considered reasonable even if the report was first recorded at the Southeastern Finland Police Department and the interview with the victim was conducted as executive assistance. According to the information provided on the matter, this case will be the next one to be investigated. This means that, in addition to hearing the victim, no actual investigation measures have been taken in the matter since 2019.

It is my opinion that the pre-trial investigation in case 5500/R/3489/19 has been unduly delayed.

5500/R/68606/19

According to the information provided by the Helsinki Police Department, a report of an offence was recorded on 14 October 2019 under the title “Trafficking in human beings”. The victim was interviewed for the first time on 20 February 2020. The case was transferred to an investigation team specialising in work-related human trafficking on 26 February 2020. The team made an ETL notification to the prosecutor’s office, drew up an investigation plan, examined information related to the case received from the tax authority and the Regional State Administrative Agency, carried out inquiries with banks and made the preparations for including the case in a set of cases known as Nepal II, which was transferred to the national investigation team of human trafficking offences. The team worked together with the National Bureau of Investigation to investigate financial transactions. The investigation of this set of cases is still ongoing.

At the time this information was provided, the pre-trial investigation of the matter had lasted about 1.5 years, which cannot as such yet be considered unreasonable. The victim was also heard without delay within about four months of the report being registered. The information received indicates that other investigative measures were also taken.

While the pre-trial investigation is still in progress, it is my opinion that the pre-trial investigation in case 5500/R/68606/19 has not been unduly delayed at this stage.

5500/R/83527/19

According to the information provided by the Helsinki Police Department, Victim Support Finland e-mailed a report directly to an investigator in the team specialising in work-related human trafficking of the Helsinki Police Department on 13 December 2019, and a report of an offence under the title human trafficking was recorded on the same day. The team specialising in work-related trafficking in human beings examined the information related to the case received from the tax authority and the Regional State Administrative Agency, made inquiries with banks and made the preparations for including the matter in a set of cases known as Nepal II, which was transferred to the national investigation team of human trafficking offences. The investigation of this set of cases is still ongoing.

At the time this information was received, the pre-trial investigation of the matter had lasted slightly less than 1.5 years, which cannot as such be considered unreasonable. The information does not indicate whether the victim has been heard in the matter, but other investigative measures have been taken.

While the pre-trial investigation is still in progress, it is my opinion that the pre-trial investigation in case 5500/R/83527/19 has not been unduly delayed at this stage. However, I find the delay

in hearing the victim problematic in terms of conducting an effective and reliable pre-trial investigation.

5500/R/29359/19

According to the information received from the Helsinki Police Department, a report of an offence was filed on 18 April 2019 and recorded on 14 May 2019 under the title human trafficking. To date, a total of 22 different people have been interviewed in the case, and the total volume of interview reports is about 240 pages. The victim was interviewed for the first time in June 2020. Nepali interpreters have been needed in all interviews, and the availability of interpretation services has been a significant problem. Coordinating the interview dates with the interviewee, the interpreter and, in some of the interviews, the counsel has also been challenging and caused delays. Additionally, carrying out the interviews in person with everyone was mandatory, which also created its own challenges for the arrangements during the coronavirus pandemic. The pre-trial investigation of the matter is in the final stage and will probably be completed in early summer 2021.

At the time this information was provided, the pre-trial investigation of the matter had lasted slightly over two years. The reasons for the delay in the pre-trial investigation include having to interview a high number of persons and the extensive pre-trial investigation material. Based on the information provided, it would appear that the delay in the pre-trial investigation has been influenced by the scope of the investigation, which can be considered an acceptable reason. The victim was heard for the first time in June 2020, or more than a year after the report was registered. No reasons for this were given.

Hearing the victim without delay is not safeguarded under the legislation on pre-trial investigations or the guidance issued by the National Police Board. However, a pre-trial investigation is the most effective when it can be conducted as soon as possible after a criminal act has taken place. For example, the witness accounts may be less reliable if a long period elapses before the first interview.

It is my opinion that the pre-trial investigation in case 5500/R/29359/19 has not yet been delayed as a whole, but I consider a delay of more than one year in hearing the victim to be problematic in terms of conducting an effective and reliable pre-trial investigation.

5500/R/40027/19

According to the information provided by the Helsinki Police Department, a report of an offence was made on 27 May 2019 and recorded on 27 June 2019 under the title extortionate work discrimination. The victim was interviewed on 17 March 2020. The investigation comprises five cases of extortionate work discrimination concerning the same company, and investigating them

together is appropriate. The police are aware of the fact that investigating these cases will require more investigative resources than usual. The pre-trial investigation has been delayed because seven criminal cases that will become time-barred before this one are being investigated.

At the time this information was provided, the pre-trial investigation of the matter had lasted approximately two years. The reasons given for the delay in the pre-trial investigation include the fact that the investigation focuses on several matters concerning the same company. I have no reason to question the Head Investigator's statement that investigating them together is justified. Although an acceptable reason has been presented for the length of the pre-trial investigation so far, I note that the total processing time of the investigation is already relatively long, about two years. The Head Investigator should pay particular attention to ensuring that there are no more delays.

It is my opinion that the pre-trial investigation in case 5500/R/40027/19 has not yet been delayed at this stage, but I refer to my statement above regarding the overall duration of the investigation.

5500/R/67714/19

According to the information provided by the Helsinki Police Department, a report of an offence was recorded on 2 October 2019 under the title "Trafficking in human beings". The victim was interviewed for the first time on 24 January 2020. The case was transferred to an investigation team specialising in work-related human trafficking on 26 February 2020. This team made an ETL notification to the prosecutor's office, drew up an investigation plan, examined information related to the case obtained from the tax authority and the Regional State Administrative Agency, made inquiries with banks and made the preparations for including the case in a set of cases known as Nepal II, which was transferred to the national investigation team of human trafficking offences. The team worked together with the National Bureau of Investigation to investigate financial transactions. The investigation of this set of cases is still ongoing.

At the time this information was provided, the pre-trial investigation of the matter had lasted slightly over 1.5 years, which cannot as such be considered unreasonable. The victim was heard without undue delay about three months after the report was registered. Other investigative measures have also been taken.

While the pre-trial investigation is still in progress, it is my opinion that the pre-trial investigation in case 5500/R/67714/19 has not yet been unduly delayed.

5500/R/67730/19

According to the information provided by the Helsinki Police Department, a report of an offence was recorded on 2 October 2019 under the title "Trafficking in human beings". The victim was

interviewed for the first time on 11 February 2020. The case was transferred to an investigation team specialising in work-related human trafficking on 28 February 2020. The team made an ETL notification to the prosecutor's office, drew up an investigation plan, examined information related to the case obtained from the tax authority and the Regional State Administrative Agency, made inquiries with banks and made preparations for including the case in a set of cases known as Nepal II, which was transferred to the national investigation team of human trafficking offences. The team worked together with the National Bureau of Investigation to investigate financial transactions. The investigation of this set of cases is still ongoing.

At the time this information was provided, the pre-trial investigation of the matter had lasted slightly over 1.5 years, which cannot as such be considered unreasonable. The victim was heard without undue delay about three months after the report was registered. Other investigative measures have also been taken.

While the pre-trial investigation is still in progress, it is my opinion that the pre-trial investigation in case 5500/R/67730/19 has not yet been unduly delayed.

5500/R/67738/19

According to the information provided by the Helsinki Police Department, a report of an offence was recorded on 11 October 2019 under the title "Trafficking in human beings". As the first measure, the victim was interviewed on 8 April 2020. The case was transferred to an investigation team specialising in work-related human trafficking on 28 February 2020. As indicated by the information gathered in the case, the offence title was changed on 2 June 2020 to aggravated human trafficking. The team specialising in work-related trafficking in human beings found a prosecutor, drew up an investigation plan, examined information related to the case obtained from the tax authority and the Regional State Administrative Agency, made inquiries with banks and made preparations for including the case in a set of cases known as Nepal II, which was transferred to the national investigation team of human trafficking offences. The team worked together with the National Bureau of Investigation to investigate financial transactions. The investigation of this set of cases is still ongoing.

The pre-trial investigation of the matter had lasted a little over 1.5 years by the time this information was provided, and the victim was heard about six months after the report was registered. Other investigative measures have also been taken.

While the pre-trial investigation is still in progress, it is my opinion that the pre-trial investigation in case 5500/R/67738/19 has not yet been unduly delayed.

5500/R/66782/19

According to the information provided by the Helsinki Police Department, a report of an offence was recorded on 24 September 2019. The victim was interviewed on 26 November 2019 and 26 November 2019. The suspect was interviewed on 12 February 2020. In connection with the pre-trial investigation, text messages sent by the victim were captured from telecommunications devices of the suspect and their son. The contents of these messages can be expected to contain evidence relevant to the matter. The messages were sent to the language services of the National Bureau of Investigation for translation on 15 September 2020. The police department asked the National Bureau of Investigation about the long duration of the translation work on 20 January 2021. No response was obtained. The National Bureau of Investigation announced on 11 May 2021 that, among other things, the delay in the translation work was due to challenges related to translating the language used in the messages. It was necessary to organise a separate tendering process to find a translator of the language in question, and security clearance for the selected person had to be obtained, as the translation work must be carried out on police premises. The delay in the pre-trial investigation at the police department was due to difficulties in commissioning translation work, and further measures can only be taken once the National Bureau of Investigation has completed the translations.

At the time this information was received, the pre-trial investigation of the matter had lasted for over 1.5 years. The victim was heard without undue delay about two months after the report was registered. According to the police department's account, the work on text messages sent to the National Bureau of Investigation for translation on 15 September 2020 is still pending. At the time the information was received, it had taken more than six months to translate the messages.

The Head Investigator is responsible for conducting the pre-trial investigation and also for its expediency. Although difficulties related to translation services can be considered understandable as such, the Head Investigator is responsible for conducting the pre-trial investigation without delay. If the delays are caused by the activities of another police department or a different police unit, such as the National Bureau of Investigation in this case, it is the responsibility of the police department to take action on the matter, for example by bringing it to the attention of the National Police Board, which must ultimately resolve the problem.

It is my opinion that in case 5500/R/66782/19, while the pre-trial investigation is still pending, it cannot yet be considered delayed regarding the length of the pre-trial investigation so far. However, I note that the total processing time of the investigation is already relatively long at over 1.5 years. The Head Investigator should pay particular attention to ensuring that there are no more delays.

5500/R/70594/19

According to the information provided by the Helsinki Police Department, a report of an offence was recorded on 22 October 2019 under the title “Extortionate work discrimination”. The victim was interviewed for the first time on 9 March 2020. The investigation plan for the case and advance notification for the assignment of a prosecutor were sent to the prosecutor’s office on 23 March 2021. A kick-off meeting for the case was held with the prosecutor on 14 April 2021. The requested documents were received from the Regional State Administrative Agency on 16 April 2021. The Regional State Administrative Agency’s opinion on unpaid wages and a statement on the victim’s potentially significantly unfavourable position vis-à-vis their employer has not yet been received. The next cooperation meeting with the prosecutor will take place once this statement has been received. The investigation of the case is pending and will continue after the statement has been received by the police.

The pre-trial investigation of the matter had lasted a little over 1.5 years at the time this information was received, and the victim was heard about four months after the report was registered. According to the information provided by the police, no other investigative measures were taken in 2020, and only measures of minor importance were taken in 2021 after hearing the victim.

It is my opinion that the pre-trial investigation in case 5500/R/70594/19 has been delayed, taking into account the minor scale of the investigation measures taken in the case.

5500/R/43484/20

According to the information provided by the Helsinki Police Department, Victim Support Finland filed a report by an e-mail message addressed directly to an investigator of the team specialising in work-related human trafficking on 17 June 2020, and it was recorded under the title extortionate work discrimination on 23 June 2020. The case involves one victim and one company, on which another open report of an offence has been filed (5500/R/43480/20) under the title extortionate work discrimination. The victim has not yet been interviewed. According to the police department, investigation into both cases will be initiated at the same time, but they are waiting for their turn. The department is investigating 20 prior cases which will become time-barred earlier.

At the time this information was provided, the pre-trial investigation of the matter had lasted slightly under a year. However, according to the information provided, no investigative measures have been taken in the case.

It is my opinion that the pre-trial investigation in case 5500/R/43484/20 has been unduly delayed, taking into account the minor scale of investigation measures taken in the case.

Eastern Uusimaa Police Department

As a summary assessment, the National Police Board stated that the pre-trial investigations pending at the Eastern Uusimaa Police Department have lasted for a long time and are, as a rule, still ongoing. Several reasons for delays in these pre-trial investigations were presented in the account, and most of them appear to be common to all pre-trial investigations. They include shortages in personnel resources, staff turnover and the large number of cases under investigation, which has led to cases having to be prioritised, taking their statute of limitations periods and other circumstances into account. In particular, a certain lack of expertise in investigating financial crime has also been observed.

According to the National Police Board, the information received indicates that delays in pre-trial investigations have, particularly at the time the investigations in question were initiated, become “chronic”. The situation of the Eastern Uusimaa Police Department has also been addressed in administrative complaint procedures, not only within the police department but also at the National Police Board and by the supreme overseers of legality. According to its account and statement, the Eastern Uusimaa Police Department has taken a number of measures to improve the situation of pre-trial investigations, focusing in particular on the situation of vulnerable people.

5560/R/12011/17

In its account, the police department states that it issued a decision on a complaint in case 5560/R/12011/17 (POL-2020-64233) regarding the pre-trial investigation on 18 February 2021.

By this decision, the police department referred case 560/R/12011/17 back to active investigation as an urgent matter. The police department announced that it will monitor the progress of the case. In autumn 2020, action regarding liability for acts in office was taken in the case of one Detective Chief Inspector. The police department has urged another Detective Chief Inspector and a Detective Sergeant to pay serious attention to prioritising vulnerable persons and exercising monitoring to ensure that the pre-trial investigation of cases is not delayed. In addition, the police department has begun updating the guidelines for prioritising the police department’s pre-trial investigations.

In case 5560/R/12011/17, a decision on the oversight of legality was issued within the police department, and after examining it, I note that the matter does not call for further action on my part.

5560/R/30106/19

In his decision on the preliminary investigation in case 5560/R/30106/19, Parliamentary Ombudsman (11 February 2021, EAOK/4727/2020) referred to a statement issued by the Eastern Uusimaa Police Department. The police department had concluded that the matter had been handled incorrectly and informed the head investigators of its views of the incorrect prioritisation of the case. It had also indicated that the matter would be immediately taken up by an investigation team. The Ombudsman noted that due to its nature, this matter should have been dealt with as a matter of urgency, and that it would be justified to state explicitly in the police department's prioritisation guidelines that the potential links of a case with human trafficking are a matter that should be taken into account in assessments of urgency.

Due to the overlapping oversight powers of the Chancellor of Justice and the Parliamentary Ombudsman, the Chancellor of Justice will not re-examine a matter that the Ombudsman or the Deputy Ombudsman have already investigated. No new information has been presented that would give the Chancellor of Justice reason to investigate the matter.

5560/R/48459/19

According to the police department's account, an investigation report was immediately drawn up on the matter, and the matter was transferred to the police department's pre-processing unit, which requested the prosecutor's opinion on restricting the pre-trial investigation of the matter or initiating an operational investigation. The pre-processing unit has encountered difficulties in obtaining the prosecutor's opinion on several matters related to human trafficking, and the statements have been delayed for reasons that the police have not been able to influence despite several requests. On 10 December 2020, the matter was transferred to the financial crime unit of the police department for investigation, but an investigator could not yet be appointed for the case due to a lack of resources. At the moment, the Head Investigator is obtaining documentary evidence and carrying out pre-trial investigation measures. In addition to the team leader, the strength of the investigation team focusing on the cases in question is currently three investigators. The team has 97 open cases classified as financial offences, 11 of which are classified as human trafficking. Cases classified as human trafficking take priority in accordance with the police department's crime prevention prioritisation guidelines, and thus the case will be assigned to an investigator as soon as the resources are available.

An investigation report was filed on the case in 2019, but no investigator had yet been assigned to it in 2021 at the time when the police department's account was provided, and only minor investigative measures have apparently been taken in the case.

Under Chapter 5, section 1 of the Criminal Investigation Act, the public prosecutor shall be notified of an offence that has come under investigation, and the criminal investigation and the

prosecutorial authorities have jointly decided on the basis of their competence that notice shall be given of such offences, or the public prosecutor has requested that notice be given of such offences. Under the Criminal Investigation Act, the police have a duty to cooperate with the prosecutor during the pre-trial investigation. Nevertheless, the Head Investigator is responsible for the conduct of the investigation, and the Head Investigator also has the discretion to decide whether to initiate a pre-trial investigation in the matter or to submit a proposal for restriction to the prosecutor.

It is my opinion that the pre-trial investigation in case 5560/R/48459/19 has been unduly delayed.

5560/R/69329/19

According to the account provided by the police department, another request for an investigation brought to light factors that led the police to suspect that the victims were victims of fraud at the very least. An investigation report was drawn up without undue delay. Based on entries in the investigation memorandum, the pre-processing unit of financial crime investigations assessed the matter and stated on 26 February 2020 that, rather than a criminal offence listed in the classification of economic offences, this was a fraud or embezzlement offence committed between private individuals. At the time this account was provided, the situation of the pre-trial investigation of the criminal case was that an arrest warrant was issued on 29 July 2020 in order to interrogate the suspect. The records indicate that the suspect was refused asylum; they have not been seen in Finland, and neither do the police have any information about the country to which the suspect would have travelled if they had left Finland at all. The suspect has no valid address, and they could not be reached during the pre-trial investigation.

The entries in the investigation memorandum indicate that the status of the pre-trial investigation in the criminal matter was the most recently assessed on 23 March 2021. This entry notes that the investigator who handled it was redeployed in other tasks and that another investigator will organise and conduct interviews with the victims, find an Arabic interpreter for the hearing and also liaise with Victim Support Finland. When resources become available, the case will be transferred to a new investigator. The grounds for prioritisation in this case are the fact that the right to bring charges will become time-barred on 6 June 2024, but as the suspect cannot be reached, little more can be done to make headway in the pre-trial investigation except interview the victims. The fraud crime investigation unit currently has about 340 open criminal cases from 2015–2021, almost all of which are aggravated offences. A significant proportion of the victims include particularly vulnerable groups, older people and persons under guardianship.

A pre-trial investigation of the case was initiated in 2019 and seems to have been delayed at least partly due to difficulties in reaching the suspect. The victim has not yet been heard. The fact that the victim has not yet been interviewed in a pre-trial investigation initiated in 2019

cannot be regarded as good pre-trial investigation practice. The account provided by the police department leaves the duration of the pre-trial investigation unclear. Even if the suspect could not be reached, the other pre-trial investigation measures related to the matter should be completed within a reasonable time.

It is my opinion that the pre-trial investigation in case 5560/R/69329/19 has been unduly delayed.

5560/R/46504/19

According to the account provided by the police department, the victim was heard in case 5560/R/46504/19 on 18 November 2020. Between 27 November 2020 and 17 May 2021, calculations provided by the victim were sent to Service Union United PAM, and information on payroll calculations was requested from Service Union United PAM on several occasions, as apparently there have been problems attributable to the union in obtaining these calculations. The payroll calculations were received on 17 June 2021, and active investigation of the case could continue.

The account of the police department does not indicate when a report of an offence was recorded in this case. Hearing the victim only in November 2020 in a pre-trial investigation initiated in 2019 cannot be regarded as good pre-trial investigation practice. The reasons given for the delay in the pre-trial investigation are problems related to obtaining payroll calculations. In this respect, I note that the Head Investigator is responsible for conducting the pre-trial investigation and also for its expediency. No acceptable reasons for delays in the pre-trial investigation were given.

It is my opinion that the pre-trial investigation in case 5560/R/46504/19 has been unduly delayed.

5560/R/16883/20

According to the account provided by the police department, the case has had several head investigators. In the case in question, an UMA inspection was carried out on 20 October 2020 as a preliminary measure, and Victim Support Finland was contacted on 22 April 2021 in order to update the report of an offence. The Head Investigator in the case pointed out that cases need to be prioritised due to a shortage of resources, even though the prioritisation guideline of the Eastern Uusimaa Police Department lists human trafficking offences as cases that should be handled as a matter of urgency. As a result, initiating active investigation measures has not been possible. An active investigation will be initiated immediately when the resources become available. As a report of extortionate work discrimination was recorded in the matter, in the overall situation prevailing at the time the case was left pending until a pre-trial investigation

could be initiated. As the case in question would not become time-barred and there was no suspicion of human trafficking or aggravated extortion on the basis of the information contained in the report of an offence, the initiation of a pre-trial investigation in the matter is pending.

The matter was initiated in 2020. The account provided by the police department does not indicate when a report of an offence was recorded in the case. However, according to the information received from the police department, only minor investigative measures have been taken.

It is my opinion that the pre-trial investigation in case 5560/R/16883/20 has been unduly delayed, taking into account the minor scope of the investigation measures taken in the case.

Western Uusimaa Police Department

5530/R/62602/18

According to the account provided by the police department, appropriate prioritisation of more serious crimes against life and health and children has contributed to the delay in the case under investigation. Staff turnover has also had at least an indirect impact on it. The police department stated that while the investigation period of one year and nine months is quite long, there were legally acceptable grounds for delaying the investigation of the case.

The National Police Board notes that in case 5530/R/62602/18, a report of an offence was recorded on 28 November 2018 and the case was transferred to prosecution on 2 September 2020. The pre-trial investigation of the case took approximately 1 year and 9 months. According to the information received, the duration of the pre-trial investigation was influenced by the prioritisation of more serious crimes against life and health and children, as well as several staff changes during the investigation. Despite prioritisation, however, the pre-trial investigation was completed well before the right to bring charges became time-barred. In its statement, the National Police Board agreed with the account provided by the Western Uusimaa Police Department that, despite the long duration of the investigation, there have been legally acceptable grounds for the delay.

I have no reason to question the information on the prioritisation of pre-trial investigations and the investigative resources presented in the police department's account.

However, I note that the overseers of legality have generally found in their prior decisions that delays caused by a lack of resources are not, in principle, acceptable grounds for failing to carry out duties properly without specific and exceptional reasons. The police department has not presented such reasons in this context.

It is my opinion that the pre-trial investigation in case 5530/R/62602/18 has been unduly delayed.

Southwestern Finland Police Department

5650/R/17957/18

According to the account provided by the police department, the matter has been processed under several different report numbers over time. The investigation of the matter is still pending at the police department under report number 5650/R/72687/20. The investigation has so far taken 4 years and 4 months.

The case was initiated on 23 February 2017, at which time report 5650/S/3411/17 was recorded, and the title of the offence in the report was “investigation” referred to in the Criminal Investigation Act. According to the police department, the processing of case 5650/R/17957/18 with different report numbers has taken too long, contrary to the requirement under Chapter 3, section 11 of the Criminal Investigation Act to process cases without delay. In the view of the police department, other head investigators before Detective Chief Inspector F did not identify the characteristics of extortionate work discrimination, which is the root cause of the delay. The basis for the delay is a decision made by the first Head Investigator, whose justifications are referred to in later decisions. A further reason for the delay is that the processing of the matter was fragmented between various reports and several investigators. Instances where the Head Investigator took on other tasks and was replaced or a new report was recorded by another unit and attempts to transfer the investigation to other investigation teams have exacerbated the delay further.

One Head Investigator’s actions in case 5650/S/3411/17 were referred to the Prosecutor General’s Office on 27 May 2021 under report number 5680/S/9872/21. The police department stated that it will assess the activities of other persons associated with this case in its internal procedure once the department’s internal report has been fully completed.

In its statement on case 5650/R/17957/18, the National Police Board referred to the account provided by the police department of the reasons for the delay in the pre-trial investigation and agreed with the police department on that the investigation has taken an excessively long time and that apparently the characteristics of a human trafficking offence were not identified.

Similarly to the National Police Board and the Southwestern Finland Police Department, I am of the opinion that the investigation of case 5650/R/17957/18 has taken too long and that the characteristics of a human trafficking offence were obviously not identified. This has had an effect on the duration of the pre-trial investigation. As the Head Investigator’s actions in the matter have been referred to the Office of the Prosecutor General for assessment and, according to

the prosecutor's office report, a pre-trial investigation has been initiated in the matter, and as the activities of other persons linked to the case will be assessed in an internal procedure of the police department, the matter does not warrant further measures on my part at this stage.

However, I ask the police department and the Prosecutor General to report on their actions in this matter.

Häme Police Department

5590/R/31917/17

According to the account provided by the police department, a report of an offence concerning assault, rape and trafficking in human beings was recorded on 14 September 2017 in case 5590/R/31917/17. The case was referred to consideration of charges on 24 February 2020. Overall, the pre-trial investigation took almost two years and eight months. In their accounts, the head investigators were of the view that the pre-trial investigation has progressed all the time, and the Head Investigator has constantly seen to its conduct and progress. Even though the length of time spent on the investigation was relatively long considering the nature of the matter, the investigation in its entirety was carried out without undue delay.

In its statement, the National Police Board supplemented the police department's account by stating that the delays in the pre-trial investigation were due, among other things, to the need for prioritisation because of the large number of cases to be investigated, personnel turnover, challenges related to interpretation services, and delays associated with requests for executive assistance. According to the criminal police sector of the Häme Police Department, the delays in investigating the case were not unjustified. The National Police Board found that the pre-trial investigation of the matter has taken a long time. The reasons for the delay appear to have been diverse.

The pre-trial investigation took two years and eight months. The delay was explained by reasons related partly to resources and partly to the pre-trial investigation of this matter, such as solving difficulties related to interpretation services and requests for executive assistance. As I stated above, the Head Investigator is responsible for ensuring that the pre-trial investigation is not delayed as a whole.

It is my opinion that the pre-trial investigation in case 5590/R/31917/17 has been unduly delayed.

5590/R/18878/19

According to the account provided by the police department, a report of an offence was recorded in the case on 24 April 2019. The offence titles are aggravated fraud, aggravated procuring and

trafficking in human beings. The pre-trial investigation has lasted more than two years since the report was filed, and the investigation is still ongoing. According to the Head Investigator's account, the pre-trial investigation was delayed due to many unfortunate coincidences. On the basis of the available documents, some investigative measures were taken while the case was pending, and overall it has taken quite a long time. Conducting the investigation with less delay would have been justified, provided that all the victims could have been reached on the planned schedule.

According to the National Police Board, the pre-trial investigation in case 5590/R/18878/19 has taken a long time and cannot be deemed to have been carried out without delay as required under the Criminal Investigation Act.

At the time the account was provided, the pre-trial investigation had taken approximately two years and two months. Some investigative measures have been taken in the case, but the police department's account leaves the reasons for the delays unclear.

The pre-trial investigation in case 5590/R/18878/19 has been unduly delayed.

Southeastern Finland Police Department

5620/R/7368/20

According to the account provided by the police department, a report of an offence was recorded on 12 March 2020 concerning a suspected assault committed on 8 March 2020. The matter was reported personally at the Lappeenranta police station and it was investigated by acquiring surveillance camera footage. According to the police department, this was an assault which, according to the prioritisation guideline of the police department referred to in the crime prevention sector's statement, is not a matter of urgency, and the right to bring charges is not yet at risk of becoming time-barred. From this point of view, the investigation has not been delayed without reason, even though it will take longer than an investigation of a typical assault due to a change of investigator.

The police department states that the Head Investigator was not asked if the case could involve the abuse of a vulnerable person indicating human trafficking and thus some other criminal offences that could have influenced the order of priority of the investigation. Based on the information recorded in the investigation report, there are indications of this. In other words, the investigators did not have the competence to identify this aspect when recording the report and initiating the investigation. Expertise in detecting these types of offences has been built up significantly through training intended for the entire administration provided at the beginning of this year. The police department has asked the Head Investigator to reassess whether there is reason to suspect some other offence in addition to an assault.

The National Police Board found that while there has been a delay in the pre-trial investigation measures in case 5620/R/7368/20 and the case is still pending investigation, the delay cannot at this stage be considered unlawful. The reasons for the delay were changes of investigators at the beginning of the investigation and the prioritisation guideline prepared at the police department that, in the view of the National Police Board, was based on acceptable criteria. The accounts and statement on the case show that, at the time the account was provided, no alternative offence titles related to the case had been assessed, even if this were justified. The National Police Board found it justified that the Southeastern Finland Police Department, as stated in its account, has asked the Head Investigator to determine if other possible offences should also be assessed.

The National Police Board stated that on the same grounds, it is also justified for the police department to try and ensure that the processing of the case will not take an unreasonably long period of time if the investigation expands to additional criminal offences. The National Police Board has brought this view to the attention of the Southeastern Finland Police Department by forwarding its statement to the police department before the Deputy Chancellor of Justice issued his final decision on the matter.

At the time the account was provided, the pre-trial investigation of the matter had lasted about one year and four months, which cannot as such be considered unreasonable. According to the account, at the very least surveillance camera recordings were obtained as an investigative measure. The matter was investigated as an assault, as a consequence of which the pre-trial investigation of the matter was not prioritised. While the pre-trial investigation is still in progress, it is my opinion that the pre-trial investigation in case 5620/R/7368/20 has not been unduly delayed.

As the Head Investigator has been informed of the view of the police department and the National Police Board regarding taking other titles into account in the investigation, the matter does not give rise to further measures on my part. However, I note as my observation that the investigators failed to identify the characteristics of the human trafficking offence.

Central Finland Police Department

5680/S/25044/20

According to the account provided by the police department, after a request for investigation concerning the matter was registered without delay on 16 November 2020, the police carried out appropriate preliminary investigation measures without any special delay until 3 May 2021, at which time the Head Investigator submitted a request to the designated prosecutor to give

an opinion on whether a pre-trial investigation should be initiated. In the view of the police department, the police had grounds referred to in Chapter 3, section 3, subsection 2 of the Criminal Investigation Act to investigate matters related to suspected offences identified in the investigation request submitted to it before an actual pre-trial investigation was initiated. According to the police department, the police completed this preliminary investigation stage in compliance with Chapter 3, section 11, subsection 1 of the Criminal Investigation Act without undue delay. However, the Head Investigator must ensure that the opinion requested from the prosecutor on the actual pre-trial investigation is obtained without undue delay.

In its statement, the National Police Board noted that a request for investigation dated 13 November 2020 in case 5680/S/25044/20 had been sent to the police by letter and that a report on it referred to in section 3(3)(2) of the Criminal Investigation Act was recorded on 16 November 2020. Hearings regarding the matter were arranged in late 2020 and January 2021. An opinion was requested from the Regional State Administrative Agency in January and received on 5 March 2021. After a dialogue with the Regional State Administrative Agency, the police worked together with the prosecutor to assess whether a pre-trial investigation should be initiated. According to the account provided, the prosecutor was contacted on 16 April and 3 May 2021. The prosecutor's response in the matter is pending.

The National Police Board agreed with the view of the Central Finland Police Department and found that the discretionary powers of the Head Investigator include those measures that are deemed necessary before a possible pre-trial investigation is initiated when they assess whether there is reason to suspect an offence or, for example, a civil dispute in the matter. The preliminary investigation phase has now lasted for about six months, but considering the measures taken in the matter and the fact that the schedules of other authorities affect the duration of the investigation by the police, the National Police Board found that the matter has been processed without undue delay.

At the time the account was received, the pre-trial investigation of case 5680/S/25044/20 had lasted for approximately six months. Several preliminary investigation measures have been taken in the case.

It is my opinion that the preliminary investigation of the matter has not yet been delayed.

Eastern Finland Police Department

5740/R/38473/19

According to the account provided by the police department, when the report of an offence was filed, about 3.5 years had elapsed since the date of the latest incident. The material collected during the investigation does not contain details of the assessment which would indicate that

the victim's possible lack of understanding or ignorance of Finnish working conditions would have been eliminated during the second working period to the extent that this period could justifiably be treated as suspected work discrimination. Both acts could have been investigated as suspected extortionate work discrimination. After the report of an offence was recorded, any pre-trial investigation and possible consideration of charges had to take place within 18 months. The investigation was started expeditiously, and the victim was interviewed as executive assistance provided by the Helsinki Police Department 2.5 months after the report was registered. The account provided or the material collected during the investigation do not indicate that, after the interview conducted on 16 October 2019, any pre-trial investigation measures would have been taken. The pre-trial investigation was not conducted without undue delay, as the right to bring charges for suspected extortionate work discrimination has become time-barred.

In its statement, the National Police Board said that a report of an offence was recorded in case 5740/R/38473/19 on 30 July 2019. The report concerned events that took place between 20 February and 31 July 2015 and between 12 February and 3 March 2016. The offence titles recorded in the matter were extortionate work discrimination between 20 February and 31 July 2015 and work discrimination between 12 February and 3 March 2016. Extortionate work discrimination offences become time-barred in five years and work discrimination offences in two years. The pre-trial investigation in the case had been terminated on 16 March 2021 because the offences had become time-barred. According to the account received, the Head Investigator had regarded the working periods as two different suspected offences because more than six months had elapsed between the acts, and the consequences of the acts had been different due to the short duration of the suspected work discrimination. As a result, the suspected extortionate work discrimination became time-barred between 20 February and 31 July 2020. The suspected work discrimination had become time-barred between 2 February and 3 March 2018, or before the police were informed of the matter on 30 July 2019. The National Police Board agreed with the Eastern Finland Police Department on that the pre-trial investigation was not conducted without undue delay in compliance with the requirements laid down in the Criminal Investigation Act, as the case became time-barred.

The pre-trial investigation of the case lasted about 1.5 years. Although the victim was heard without undue delay, the account provided by the police department indicates that no investigative measures have been taken in the case since 16 October 2019. The extortionate work discrimination became time-barred while the pre-trial investigation was in progress.

It is my opinion that the pre-trial investigation in case 5740/R/38473/19 was not conducted without undue delay in compliance with the requirements of the Criminal Investigation Act, as the case became time-barred.

Ostrobothnia Police Department

5710/R/21037/18

The police department received a report of an offence on 22 May 2018 and registered an investigation report (5710/R/21037/18) in the police case information system on 25 May 2018. The pre-trial investigation is still ongoing. So far, the pre-trial investigation has lasted approximately three and a half years. With the exception of interviewing the victim, no investigative measures were taken in the case before 2021.

The National Police Board stated that the pre-trial investigation has taken too long. According to the account received, the key factor in the duration of this process were delays in the early stages of the investigation. The first interview was conducted fairly quickly, but further investigation measures were only carried out in 2021. The Head Investigator appears to have been completely unaware of the pre-trial investigation for which they were responsible until 2021. In addition, a large backlog of cases at the Ostrobothnia Police Department contributed to the duration of the investigation. When assessing the matter, however, the fact that the suspected offences have not become time-barred during the investigation and that the Ostrobothnia Police Department aims to complete the investigation as soon as possible should be taken into account.

A report of an offence was recorded in the case on 25 May 2018, and the pre-trial investigation had lasted approximately three and a half years by the time the account was provided.

It is my opinion that the pre-trial investigation in case 5710/R/21037/18 has been unduly delayed.

The actions of the Ostrobothnia Police Department with regard to the victim's right to a counsel are assessed in section 4.5.2 above.

5710/S/11087/20

According to the account provided by the police department, an investigation report was prepared on 13 November 2020. The seven months spent assessing whether or not a pre-trial investigation should be initiated may be considered long but not exceptionally so. While the investigation report remains open, consideration is still pending. The investigation log in the investigation report supports the Head Investigator's statement in their account, according to which they have issued instructions in the early stages regarding what should be investigated first. According to the investigation log entry, the most recent date on which the preliminary investigation issues were reviewed to decide what needs to be investigated and how to proceed was 11 December 2020. No more detailed information is available on any concrete investigation measures carried out while the previous Head Investigator was in charge.

The Head Investigator personally stated in their account that as the Head Investigator, they could naturally have been more active in asking questions and monitoring the situation of the case and the findings of the inquiries. The Head Investigator was replaced in March 2021. It appears that the new Head Investigator did not find the material collected up till then sufficient for making a decision to initiate a pre-trial investigation, and the investigation into aspects necessary for making the decision continued under their supervision. The legal service of the police department considered that, in these circumstances, the head investigators cannot be found to have obviously neglected the legal rules concerning undue delay or abused their discretionary powers when assessing whether or not the prerequisites for initiating a pre-trial investigation existed.

The National Police Board stated that the examination of the preconditions for a pre-trial investigation has taken rather long in the case. According to the account received, the greatest factor affecting the duration of the proceedings was the delays in the early stages of the investigation, the replacement of the Head Investigator, and the delay in processing the request for executive assistance related to hearing the victim at another police department. In the National Police Board's view, at this stage it cannot be considered that the pre-trial investigation has been unlawfully delayed.

The Deputy Prosecutor General stated that, on the basis of the account received, the special prosecutor responsible for the matter had been informed of the matter being investigated by the police at the preliminary investigation stage, and they had participated in pre-trial investigation cooperation as required by the Criminal Investigation Act after the Head Investigator filed an advance notification of the matter on 26 August 2021. The Deputy Prosecutor General stated that on the basis of the account received, they have no reason to suspect that the pre-trial investigation of the matter had been delayed due to the prosecutor's actions.

At the time the account of the police department was received, the preliminary investigation of the matter had lasted approximately seven months. The duration of the preliminary investigation phase has, at the very least, been influenced by the processing of the request for executive assistance in another municipality.

While the preliminary investigation phase is still in progress, it is my opinion that the pre-trial investigation cannot be considered to have been unduly delayed at this stage.

Oulu Police Department

5770/R/13071/16 and 5770/R/25350/16

According to the account provided by the police department, the first Head Investigator worked on case 5770/R/13071/16 from 6 April 2016 till 18 January 2017, the following one from 18 January 2017 till 7 June 2018, and the third one since 7 June 2018. The case was sent to consideration of charges on 3 April 2020.

In case 5770/R/25350/16, the first Head Investigator worked on the investigation from 29 June 2016 till 18 January 2017, the second one from 18 January 2017 till 7 June 2018, and the third one since 7 June 2018. The case was sent to consideration of charges on 1 April 2020.

The same head investigators were involved in both cases, and the cases were investigated by the police department's violence unit. The police department stated that any pre-trial investigation that takes four years must be considered too long. In this case, the delay in the pre-trial investigation was mainly due to the severe backlog in the unit at the time which, in addition to the chronic under-resourcing of the entire police administration, was caused by such factors as the high turnover of personnel in the unit, sickness absences and uneven distribution of cases. This led to a vicious cycle in the unit, temporarily resulting in very poor completion times of cases.

The report also states that considerably more resources have been allocated to the investigation of violence in recent years. In addition, other measures aiming to improve efficiency have been implemented throughout the police department and, for example, changes have been made in the allocation of cases (human trafficking and offences related to it are currently being investigated by the unit for aliens and the unit for financial crime). This has led to a substantial improvement in the situation, and investigations into not only violent offences but also human trafficking can currently be carried out more efficiently and quickly.

In its statement, the National Police Board shares the view of the Oulu Police Department that the pre-trial investigations in question took too long, despite reasons that are understandable as such.

Both pre-trial investigations took approximately four years. Delays in the pre-trial investigations were explained by general factors related to the workload of the violence unit. In their previous cases, the overseers of legality have generally considered that delays caused by a lack of resources are not an acceptable justification for neglecting to perform tasks appropriately. Besides, while additional resources are not immediately available, development measures can still be taken.

The pre-trial investigation in cases 5770/R/13071/16 and 5770/R/25350/16 has been unduly delayed.

5770/S/9446/20

According to the account provided by the police department, practically the same case had already been investigated under report number 5770/R/50452/18. At that time the investigation was terminated, after consulting the prosecutor, with the finding “no offence”. After this, the prosecutor considered separately whether a pre-trial investigation should be initiated under the title of extortionate work discrimination but did not issue an order to initiate a pre-trial investigation of these offences, either. The prosecutor’s decision was appealed to the Office of the Prosecutor General where, according to information received by the police department, the complaint remains unresolved.

After case 5770/S/9446/20 was registered, the police department waited for the decision of the Office of the Prosecutor General or, in practice, whether an order to carry out a pre-trial investigation would be issued. As no decision has yet been issued by the Prosecutor General’s Office, after consulting the prosecutor, a decision was made in May 2021 to initiate a pre-trial investigation in the case under the title extortionate work discrimination (number 5770/R/12923/21). This meant that the case was referred to the financial crime unit for investigation and case 5770/S/9446/20 was terminated with the finding “already reported”.

The National Police Board refers to the information presented by the police department concerning the processing stages of case 5770/S/9446/20, and considers that actions in the case were appropriate and taken in close cooperation with the prosecutor during the pre-trial investigation, and that the delay so far has not been due to the police.

The duration of the case has been influenced by the fact that the Office of the Prosecutor General has been assessing whether or not a pre-trial investigation should be initiated. Based on the account presented in the case, it is my opinion that the pre-trial investigation of the matter has not been delayed by issues for which the police department is responsible.

Lapland Police Department

5800/R/1491/20

According to the account provided by the police department, a report of an offence was recorded on 22 November 2019 under the title “attempted rape and aggravated extortion”. The suspected attempt to commit a sexual offence is associated with a situation that occurred in a private dwelling in January–February 2019. At the same time, transfers of money from the victim to the suspects was investigated as aggravated extortion. The pre-trial investigation continues.

When the request for information from the National Police Board was received, the matter had been pending at the Lapland Police Department for 1 year and 6 months. The account provided by the police showed that interviews were actively conducted in the case between November 2019 and February 2020. Since then, the duration of the investigation has been influenced by new factors that have come to the attention of the investigator by other means, the fact that the victim moved to another locality, submission of a request for executive assistance, delays in interviews carried out as executive assistance, change of prosecutor, and challenges in obtaining an impartial interpreter who meets the security requirements. Finding a suitable interpreter for this case was challenging as there is only one security-cleared interpreter who works in the language used by the parties in the area of the Lapland Police Department, and this person is acquainted with the victims in the case. The most important factor was a one-year delay in requesting executive assistance, and no interviews have been carried out in response to the request for executive assistance even now.

The National Police Board stated that the pre-trial investigation in case 5800/R/1491/20 has taken a long time. However, the reasons for the delay have not been fully within the control of the police, and issues related to interpretation services and the victim's actions have contributed to the long duration of the investigation. According to the account received, the most important factor in the duration of the pre-trial investigation has been a delay in processing a request for executive assistance at another police department. According to the account received, the reasons for the delay in processing this request included at least the impact of the coronavirus pandemic on the authorities' work, and especially on interviews conducted as a response to requests for executive assistance.

At the time the account was provided, the pre-trial investigation had lasted for about 1.5 years. Interviews in the case were initiated without delay once the case had been recorded. According to the account received, it would appear that the longest delay in the pre-trial investigation was caused by the processing of a request for executive assistance at another police department, which took approximately one year. A delay of one year in processing a request for executive assistance cannot be considered reasonable. If another police department is unable to manage the request for executive assistance within a reasonable time, it is the Head Investigator's duty to find out what could be done about the matter. The Head Investigator is responsible for ensuring that the investigative measures referred to in the requests for executive assistance do not delay the pre-trial investigation.

It is my opinion that the pre-trial investigation in case 5800/R/1491/20 has been unduly delayed.

5800/S/6634/20 and 5800/S/6772/20

According to the account received from the police department, these reports of an offence were recorded at the Lapland Police Department in November 2020, which means that they had been

pending for six months at the time the request for information was made. Both cases were recorded as S reports, and a preliminary investigation referred to in Chapter 3, section 2 of the Criminal Investigation Act is being conducted in both. Conducting a preliminary investigation was justified to ensure that restaurant entrepreneurs would not unduly become suspects for an offence, which could have many negative and even unreasonable consequences, especially for entrepreneurs of a foreign background. The line taken by the Head Investigator was that an inspection by the Regional State Administrative Agency would be carried out first, and the police would wait for a report on it before continuing the investigation. The content of the inspection and the inspection report will have a significant impact on determining whether there is any reason to suspect an offence. Although these matters have not yet been under investigation for a long time, the delay in the investigation has mainly been influenced by reasons not attributable to the Lapland Police Department. The Regional State Administrative Agency was not able to carry out an inspection before February 2021 due to its workload and the difficult coronavirus situation in Northern Ostrobothnia, and the inspection report still remains to be completed. The investigation will be planned and continued as soon as the necessary reports have been received.

The National Police Board agreed with the Lapland Police Department's view that the investigation had not been delayed unduly or, at least not at this stage, unjustifiably, and states that the delays in the investigation have been due to a reason outside the control of the police.

At the time the account of the police department was provided, the preliminary investigation of the matter had lasted approximately six months. The reasons that have influenced the duration of the preliminary investigation phase include at least a delay in the inspection conducted by the Regional State Administrative Agency.

While the preliminary investigation phase is still in progress, it is my opinion that at this stage, the pre-trial investigation cannot be considered to have been unduly delayed.

4.7.3 Overview of delays in pre-trial investigations

Most of the pre-trial investigations I investigated had been delayed. At the longest, a pre-trial investigation had lasted more than four years. There have been undue delays in almost every police department.

As reasons for the delays, the police departments have highlighted the complexity of this offence type, a shortage of skills, fragmented investigations, international aspects of the cases, the number of victims, some of whom may live abroad and whose contact details may not be known, availability of translation and interpretation services, challenges in assessing extensive documentation in the light of the Act on the Openness of Government Activities, a lack of personnel

resources, staff turnover and the number of cases under investigation, which has made it necessary to prioritise cases, taking the time-barring of the right to bring charges into consideration. An investigation may also have required cooperation with other authorities and stakeholders, both in Finland and internationally, and some of the reasons for the delays have been related to these partners' schedules.

The legal requirement is that a pre-trial investigation should be completed or the decision to terminate or restrict the pre-trial investigation taken in such a time that the reported suspected offence cannot become time-barred, and that the prosecutor will have the necessary time to consider the charges and the victim time to exercise their secondary right of prosecution. The time available for the pre-trial investigation and any preceding preliminary investigations is linked to such factors as the limitation period of the suspected offence and the date on which the investigation report was filed. In the time-barring of an offence, it is necessary to take into account the fact that while a case may have been investigated as extortionate work discrimination, which has a statute of limitation period of five years, the suspected act may also fulfil the definition of work discrimination, in which case the statute of limitation period is two years.

In the responses, the victims' concerns over the alternative offence titles becoming time-barred were highlighted. The victims were also unsure of whether the pre-trial investigations in their cases were terminated because the police had not been in contact with them for a long time or indicated when any progress might be made in them.

In several responses, the victims also refused to accept the difficulties related to interpretation services brought up by the police and pointed out, among other things, that the same interpreter had assisted them at almost all the other meetings they had had with the authorities in recent years and that these organisations did not encounter similar problems as the police. In addition, some responses pointed out that the long duration of the pre-trial investigation has, among other things, enabled the perpetrators to continue human trafficking in restaurants, as new people have been brought in to work in restaurants from abroad.

When the statute of limitation of an offence is long, such as the ten years for human trafficking, the necessity to carry out the pre-trial investigation ensuring that the suspected offence will not be time-barred is not particularly important when determining if the pre-trial investigation has been conducted with a reasonable delay. The police have discretion to prioritise resource allocations at different stages of investigation and guidance. However, this discretionary power has its legal limits, which include the possibility of the offence becoming time-barred, conducting a pre-trial investigation without undue delay, and effective enforcement of criminal liability.

The legislator has guided this prioritisation by adopting the characteristics of offences, a scale of their grievousness and penal scales in the Criminal Code. Human trafficking offences have a

high priority as they carry severe penalties. The scale of penalties for human trafficking extends from imprisonment for a minimum of two years and a maximum of six years, and the scale of penalties for aggravated human trafficking ranges from imprisonment for a minimum of two years to a maximum of ten years. When assessing the characteristics of human trafficking offences to determine their grievousness, their nature has been taken into account. Among other things, this is manifested in the fact that victims of human trafficking and related offences are generally vulnerable, often without language proficiency, and sometimes also asylum seekers who may face removal from the country. Foreign workers often are ignorant of the terms and conditions of employment or their rights in Finland, and they do not have contacts in this country. This also makes foreign employees significantly more dependent on their employers than their Finnish counterparts.

The seriousness of human trafficking offences should be reflected in the prioritisation of police work and also in their concrete actions. Severe maximum penalties result in long statute of limitation periods, while they also imply an obligation to enforce criminal liability effectively, and they do not reduce the responsibility for conducting a pre-trial investigation without undue delay.

In several accounts provided by the police departments, in the investigator's view the reason for the delay in the pre-trial investigation is a matter which they cannot influence, such as the availability of interpretation services, delays in translation work, the prosecutor's passive approach, delays in processing requests for executive assistance by another police department, or delays in the statements provided and inspections carried out by the Regional State Administrative Agency.

However, the Head Investigator carries the overall responsibility for ensuring that the pre-trial investigation is not delayed. If the pre-trial investigation risks getting delayed because of parties outside the police department, the Head Investigator must take action, for example by bringing the matter to the attention of the police department's management and, possibly, informing the National Police Board for actions taken pursuant to section 4(2) of the Act on Police Administration.

There have been many reasons for delays in pre-trial investigations, including limited investigative resources and the inexperience of investigators regarding human trafficking offences. Among other things, this can be seen in the fact that the police have not identified the characteristics of human trafficking and its related offences and, consequently, some suspected offences have first been investigated under other titles. Several sections of this decision have highlighted investigators' and head investigators' lack of skills in this respect.

The delays have an immediate impact on the effective enforcement of criminal liability. Evidence that has expired or is otherwise difficult to obtain because of the delay, difficulties in reaching

suspects and other similar factors can also explain the low number of charges and convictions referred to above.

As reasons for delayed pre-trial investigations, the accounts highlighted problems related to interpretation and translation services, the scope of cases and difficulties caused by the resources, which were generally considered scarce. Although delays in interpretation and translation services can be considered understandable as such and they are not directly caused by issues which the police department can control, translation work that takes a year or longer, for example, or the fact that pre-trial investigations are generally delayed due to problems in finding Nepali interpreters are not acceptable reasons for delays.

Ultimately, the National Police Board must take action to create such conditions for conducting pre-trial investigations that problems related to translation or interpretation services do not cause undue delays in conducting a pre-trial investigation.

In a considerable number of cases, the police department makes appeal to either the internal activities of the police organisation – including problems with or delays in requests for executive assistance – or to cooperation with other authorities, especially prosecutors and regional state administrative authorities, to explain the delays. I cannot consider it acceptable that, for example, a pre-trial investigation by the police is delayed because another authority is allegedly not even responding to the police officer in charge of the matter. Ensuring smooth cooperation between the authorities is another task that, for the part of the police, is ultimately the responsibility of the National Police Board. Effective cooperation between the authorities is particularly vital in an issue such as human trafficking.

4.8 Support services and obtaining a counsel for the victim

4.8.1 Legal rules

Under Chapter 11, section 9(a)(1) of the Criminal Investigation Act, the pre-trial investigation authority shall, without undue delay, assess whether the victim is in need of special protection when processing the matter in a pre-trial investigation or trial, and assess whether the measures referred to in subsection 2 are necessary. The assessment shall take into account, in particular, the personal circumstances of the victim and the nature of the offence. When carrying out the assessment, the victim's view of the necessity of the measure must be taken into account. Government proposal HE 66/2015 implements Directive 2012/29/EU of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA (Victims Directive).

The preliminary work on the Act notes that when assessing whether an victim is in need of special protection, the pre-trial investigation authority should take into account, in particular, the victim's personal circumstances and the nature of the offence. The assessment should take into account the individual characteristics of the victim, such as their age, sex and gender identity or gender expression, ethnic origin, race, religion, sexual orientation, health, disability, right of residence, communication difficulties, relationship with or dependence on the offender, and previous experience of offences. The assessment should also take into account the type of offence and the circumstances under which the offence was committed. Of the different types of offences, the need for special protection may arise in particular in cases of sexual violence or exploitation, domestic violence, gender-based violence, hate crime, human trafficking, offences related to organised crime and terrorist offences ([HE 66/2015 vp](#) p. 46).

Under Chapter 4, section 10(1) of the Criminal Investigation Act, a party has the right in a criminal investigation to retain counsel of his or her own choice. Before a party is to be heard, he or she shall be notified in writing of said right, unless the matter is being considered in a simple criminal investigation. The criminal investigation authority shall also otherwise, with consideration to the offence under investigation and to the circumstances connected with the investigation of the offence and the party himself or herself, ensure that the right of a party to retain counsel is in fact realized when he or she wants this or when the ensuring of due process requires this. Under subsection 3 of the same section, the investigator or prosecutor must submit a request to the court for the appointment of trial counsel or a support person for the injured person if there is reason for this on the basis of the provisions of chapter 2 of the Criminal Procedure Act. If, pursuant to Chapter 11, section 9(a), the victim is deemed to be in need of special protection or if the nature of the offence or the personal circumstances of the victim otherwise thus require, the criminal investigation authority shall inquire whether the injured person consents to the sending of his or her contact information to an agency providing support services to injured persons, and if the injured person consents to this, shall send the contact information without undue delay.

Under Chapter 7, section 10(3) of the Criminal Investigation Act, the victim shall be informed before the questioning of in which situations, in accordance with Chapter 2 of the Code of Criminal Procedure, trial counsel or a support person may be assigned to him or her.

Under Chapter 2, section 1(a) of the Criminal Procedure Act, the court may appoint trial counsel for an victim for the criminal investigation and, when the injured person has claims in a case in which the prosecutor has brought charges, for the criminal proceedings: 1) in a case concerning a sexual offence referred to in chapter 20 of the Criminal Code, unless there is a special reason for deeming this unnecessary; 2) in a criminal case referred to in Chapter 21, sections 1–6 and 6(a) of the Criminal Code, if this is to be deemed justified with consideration to the relationship between the victim and the suspect in the offence; 3) in a case concerning an offence against

life, health or liberty, if this is to be deemed justified with consideration to the seriousness of the offence, the personal circumstances of the injured person and the other circumstances.

Under section 3 of the same Chapter, if the victim in the offence referred to in section 1(a) who is to be heard in person in order to clarify the case, may be deemed to need support in the criminal investigation and the criminal proceedings, an adequately qualified support person may be appointed for him or her on the conditions referred to in section 1(a).

The National Police Board has also issued the guideline “Guiding a victim of an offence and mediation in criminal matters” (POL-2018-41886), which states that in addition to preventing and investigating offences and bringing charges, the police must pay particular attention to the position of the victim of an offence and their family members and witnesses in criminal matters and, for their part, ensure that they are directed to the necessary and available services. The police must be active, systematic and goal-oriented in guiding the victim of an offence and in directing them to mediation. Preventive action to combat criminal recidivism must also be taken into account in the activities. Rather than depending on the type or title of the offence, guiding the victim of an offence and mediation in criminal matters must be taken into account in all criminal matters.

4.8.2 Evaluation

Victim E pointed out in their response that the police had tried to arrange a date for an interview with them and wished to conduct it at a time that would not have suited their counsel.

Some responses also pointed out on behalf of the counsels that it was sometimes difficult to arrange a date for the interview with the police that would also have suited the counsel.

As the National Police Board’s guideline shows, the duty of the police to ensure that the victim’s rights are realised in the pre-trial investigation of human trafficking cases is emphasised. The instructions issued by the National Police Board on support services as well as protection for victims of human trafficking and their rights to a counsel under the Criminal Procedure Act would appear to be up to date, except that guideline POL-2020-38265 contains a reference to an incorrect provisions of the Criminal Procedure Act. Trafficking in human beings is an offence against freedom, which means that the right to a counsel is determined under Chapter 2, section 1(a)(3) of the Criminal Procedure Act, rather than section 2 as stated in the guideline. Consequently, assessing the relationship between the victim and the suspect is not necessary in cases of human trafficking.

Based on accounts obtained in the matter, the fact that the police have not extensively discussed the rights of the victim with them in pre-trial investigations into human trafficking offences, despite the instructions in place, appears to be a problem. Cooperation between the police and counsels has also been fraught with difficulties.

The victims have also been uncertain about the title of the offence under investigation. This question is important because it has an impact on whether the victim can obtain a counsel referred to in Chapter 2, section 1(a) of the Criminal Procedure Act. Victims of extortionate work discrimination do not have the same right as victims of human trafficking to receive a counsel and a support person. However, the police have a duty to inform the victim of the different support services, including the work of Victim Support Finland (RIKU) and the possibility of obtaining a counsel, for example through legal aid, and to assess whether the victim is in need of special protection.

I have noted above that the police struggle to identify the characteristics of a human trafficking offence in pre-trial investigations. This also has an impact on the realisation of the victims' rights. If the police do not know how to identify human trafficking immediately at the beginning of the investigation, the victim will also not have access to a counsel as referred to in the Criminal Procedure Act or the necessary support services. Victims of human trafficking and offences related to it are usually vulnerable, often without language skills or familiarity with the Finnish legal system. For this reason, it is particularly important for the victim to have a counsel referred to either in the Criminal Procedure Act or the Legal Aid Act in the early stages of the pre-trial investigation, if this is their right. As stated in the guideline issued by the National Police Board, the counsel usually plays a significant role in facilitating the pre-trial investigation in cases of human trafficking.

4.9 Training, cooperation between authorities and oversight of legality

4.9.1 Training and instructions

The National Police Board reported that it has made trafficking in human beings one of the priorities of police work and that police administration has invested in providing training and issuing guidelines related to it. In 2018, the National Police Board together with the system of assistance for victims of human trafficking organised training on combating human trafficking at all police departments. Some 650 police officers participated in the training. At the same time, it was ensured that the requisite sections on trafficking in human beings were included in the Bachelor's and Master's degree programmes of the Police University College. A training package was also developed for the Police University College's online training platform, where it can be completed by all police officers.

Several sections of this decision have highlighted investigators' and head investigators' lack of skills in identifying human trafficking and investigating it. It is obvious that the training provided by the National Police Board so far has been insufficient, even if the National Police Board announced that it would invest in training and guidelines related to human trafficking. We should also bear in mind that merely ensuring competence is not enough. In addition, the police officer's or prosecutor's personal attitude towards and motivation for investigating human trafficking offences to a high standard are also essential. However, assessing this aspect in detail within the framework of this decision was not possible. The correct attitude and motivation as well as the self-confidence of investigators related to investigating demanding human trafficking offences can be substantially strengthened through training.

The National Police Board, together with the Police University College, should evaluate the effectiveness and coverage of the training and assess the competence needs of police staff in identifying and investigating human trafficking offences.

Effective guidelines play a role in supporting professional skills and training. However, guidelines issued by the National Police Board cannot make up for the basic, supplementary or specialisation training of police officers. The causal link between these aspects goes in both directions, however, as training provided for head investigators and investigators would help ensure that the guidelines issued by the National Police Board are followed in practice and complied with in police work.

Together with the training, guidelines issued by the National Police Board significantly direct the practical work of the police and promote its consistency at the national level. The National Police Board should assess if complementing the guidelines could play a role in achieving a real change in the fight against human trafficking and the enforcement of criminal liability.

For example, the fact that the accounts of the police departments refer to cases classified as human trafficking being prioritised in the crime prevention guidelines of the Police Department caught my attention. Despite this, these investigations may be seriously and unduly delayed. The police departments should apply this prioritisation guideline, but as I stated above (p. 13), the guideline issued by the National Police Board on human trafficking does not provide guidance on this. Preliminary investigations referred to in the Criminal Investigation Act are another example. Many of the cases discussed in this decision highlight the unlawful practices of police departments in this respect. The National Police Board should determine if this problem could be intervened in by means of guidelines, oversight of legality and training.

The discrepancy between the many correct instructions in the guidelines and the information uncovered during the investigation carried out for this decision is more worrying than any details.

Many of the cases discussed in this decision highlight the unlawful negligence and practices of police departments. The National Police Board should seriously examine how more effective intervention in this problem could be made by means of guidelines, oversight of legality and training.

4.9.2 Cooperation within the police administration and with other parties

Under section 4(2) of the Act on Police Administration, the duties of the National Police Board are, under the guidance of the Ministry of the Interior, to: 1) plan, develop, manage and supervise police operations and their support functions in its subordinate police units; 2) assume responsibility for the equal availability and quality of services provided to citizens related to police duties in different parts of the country; 3) decide on cooperation between its subordinate police units; 4) assume responsibility for the performance guidance and allocation of resources to its subordinate police units; 5) take care of other tasks laid down or assigned to it.

The National Police Board has announced that a national cooperation network has been set up with representatives from all police departments. The Finnish police administration also participates in international cooperation, for example through EUROPOL, while at the national level the police are involved in various relevant legislative projects. The National Police Board also announced in its statement that a national cooperation network has been set up with representatives from all police departments. In addition, a national team focusing on detecting and investigating human trafficking offences was established in connection with the Helsinki Police Department. Seventeen person-years were allocated to this team, while three person-years were allocated to the National Bureau of Investigation in the same context. The Police University College heads a multiauthority working group whose task is to investigate how the efficiency of multi-authority cooperation in the fight against human trafficking could be improved.

In several cases I investigated, the police departments reported that delays were associated with either the internal activities of the police organisation – including delays in responding to requests for executive assistance – or in cooperation with other authorities, especially prosecutors and regional state administrative authorities. Cooperation with other authorities is also needed to improve the availability of interpretation and translation services. Consequently, it is clear that smooth cooperation between authorities both within the police administration and between the police and other authorities should be significantly stepped up.

I welcome the reforms related to developing cooperation proposed by the National Police Board in its statement. However, I would like to draw attention to the fact that developing cooperation between the authorities and the creation of a special investigation unit have been highly recommended for a long time, both internationally and nationally (see section 4.3.2 and pp. 7–10).

The National Police Board carries the ultimate responsibility for coordinating cooperation between police units and between the police and other authorities as referred to in section 4(2) of the Act on Police Administration.

It is also obvious to me –as I stated in section 4.9.1 above – that in order to achieve genuine and durable improvements in investigations of human trafficking offences, it is important that the internal oversight of legality within the police initiates closer and systematic monitoring to ensure that the investigations are conducted in compliance with the law. The internal oversight of legality of the policy must pay attention to a problem as widespread and serious as this and could play an important role in securing the identification of human trafficking offences and timely pre-trial investigations.

4.10 Measures

In the international and domestic fight against trafficking in human beings, attention has been paid to how few human trafficking offences end up before the courts in Finland. Particular attention has been paid to the enormous disparity between the number of persons referred to the victim assistance system and the number of human trafficking offences processed in courts. While helping the victims and enforcing the law naturally have different tasks and legal bases, this disparity can be an indication of a serious structural problem in the enforcement of criminal liability for human trafficking, and it has also been seen in this light.

This has many negative consequences: the victims' fundamental and human rights are not realised, the causation of human suffering and criminal exploitation cannot be tackled, international obligations are neglected, and human trafficking corrupts society, eroding its underlying values and distorting business. The limited number of criminal cases and convictions also prevents human trafficking from becoming a visible, identifiable and well-known legal phenomenon. This additionally prevents the raising of awareness of it, and the characteristics laid down in the Criminal Code do not find a concrete expression. The ability to identify human trafficking in the professional activities of different authorities is not strengthened, sufficient interpretation practices are not created for the use of the police and prosecutors, and no case-law guiding lower courts emerges.

For this decision, I examined a total of 50 pre-trial investigations. In 12 of these, I found unlawful actions, on the basis of which I issued a reprimand under section 6(1) of the Act on the Chancellor of Justice of the Government. I have drawn the attention of the relevant Head Investigator or police department to the procedure laid down in the law or good administrative practice in 15 cases, and the attention of the prosecutor in one case. The actions of one Head Investigator were referred to the Prosecutor General's Office for assessment as a suspected police offence.

One case is otherwise pending, and 20 cases did not give rise to a reprimand in the context of oversight of legality.

Consequently, appropriate action had been taken in some of the cases examined. However, my examination highlighted serious shortcomings in the identification of human trafficking by the police and in the timely conduct of pre-trial investigations. This theme has been highlighted over a long period in the light of Finnish and international law, in monitoring its implementation, and in the debate on the protection of fundamental and human rights. Several recommendations have been made, and action plans have been drawn up. However, this is the first time the problem has been addressed with such a concrete approach and in detail.

Thanks for this go not to the administration but other actors, however. The cases discussed in this decision came to my attention after Helsingin Sanomat published an article on the subject. I have also learned about them from complaints and information provided by Victim Support Finland. Without these sources, the matter would have not come to light, and this decision would never have been produced.

The key objective of this decision is to make an effort to ensure that trafficking in human beings is identified by the police and the prosecutor's office and that a change for the better could finally be achieved in the quality of the combat against it. In 2010, the Rapporteur on Trafficking in Human Beings wrote that identifying victims of human trafficking is a prerequisite for the realisation of the victims' rights. Appropriate identification of victims also promotes crime prevention and the prevention of human trafficking. After victims have been identified, it is equally essential to conduct the pre-trial investigation promptly and to a high standard, ensuring that criminal liability can eventually be enforced.

This requires diverse and long-term development of police action against human trafficking. Accepting responsibility for the fight against this serious crime is the key. The resources are central in this. As a general rule, the resources reserved for investigating human trafficking offences are part of the total resources allocated to the police. Special funding, such as funding for the establishment of a special investigative unit, is an exception to this. Under section 4(4) of the Act on the Police Administration, the task of the National Police Board is, under guidance of the Ministry of the Interior, to be responsible for the performance guidance of its subordinate police units and the allocation of resources to them. How human trafficking is prioritised or not prioritised in the allocation of resources is ultimately a decision of the National Police Board.

The lawful and effective use of the resources is as important as their adequacy. This decision shows that there is a great deal of room for improvement in this area as well.

Under section 6(1) of the Act on the Chancellor of Justice of the Government (536/2011), if an official, an employee of a public body or another person in the performance of a public duty has acted unlawfully or has failed to fulfil his or her duties, the Chancellor of Justice may give the party concerned a reprimand for future information. A reprimand can also be given to an authority or another organisation.

4.10.1 Police actions

Helsinki Police Department

I issue the Helsinki Police Department with a reprimand as it has failed to conduct a pre-trial investigation without delay in cases 5500/R/23149/17, 5500/R/102272/17, 5500/R/92665/18 and 5500/R/3489/19.

I draw the attention of the Helsinki Police Department to the timely conduct of a pre-trial investigation in cases 5500/R/70594/19 and 5500/R/43484/20.

Western Uusimaa Police Department

I draw the attention of the Western Uusimaa Police Department to the timely conduct of a pre-trial investigation in case 5530/R/62602/18.

In case 5530/R/41161/18, I draw the attention of Detective Chief Inspector G of the Western Uusimaa Police Department to the fact that a pre-trial investigation that has already been initiated cannot be terminated pursuant to Chapter 3, section 3(1) of the Criminal Investigation Act, and in cases 5530/R/35750/19 and 5530/R/6973/20, to the fact that the pre-trial investigation decision must be justified in compliance with Chapter 11, section 1 of the Criminal Investigation Act.

Eastern Uusimaa Police Department

I issue the Western Uusimaa Police Department with a reprimand as it has failed to conduct a pre-trial investigation without delay in case 5560/R/48459/19.

I draw the attention of the Eastern Uusimaa Police Department to the timely conduct of a pre-trial investigation in cases 5560/R/69329/19, 5560/R/46504/19 and 5560/R/16883/20.

In case 5560/R/47363/18, I draw the attention of Detective Chief Inspector H to the fact that a pre-trial investigation decision must be justified in compliance with Chapter 11, section 1 of the Criminal Investigation Act.

Southwestern Finland Police Department

In case 5650/R/59149/19, I draw the attention of Detective Sergeant I of the Southwestern Finland Police Department, and in case 5650/R/74862/19, the attention of Detective Chief Inspector J to compliance with Chapter 3, section 3 of the Criminal Investigation Act.

I ask the police department to report on measures taken in case 5650/R/17957/18.

Häme Police Department

I issue the Häme Police Department with a reprimand as it has failed to conduct a pre-trial investigation without delay in cases 5590/R/31917/17 and 5590/R/18878/19.

Central Finland Police Department

In case 5680/S/6815/21, I issue a reprimand to Detective Chief Inspector K of the Central Finland Police Department as they have unlawfully transferred a report of an offence to the Regional State Administrative Agency.

Southeastern Finland Police Department

In case 5620/R/21876/16, I draw the attention of Detective Chief Inspector L of the Southeastern Finland Police Department to the fact that a pre-trial investigation cannot be terminated pursuant to Chapter 3, section 3(1) of the Criminal Investigation Act if persons have already been interviewed in the matter, and to the fact that the pre-trial investigation decision must be justified in compliance with Chapter 11, section 1 of the Criminal Investigation Act.

Eastern Finland Police Department

I issue the Eastern Finland Police Department with a reprimand as it has failed to conduct a pre-trial investigation without delay in case 5740/R/38473/19.

Ostrobothnia Police Department

I issue a reprimand to Detective Chief Inspector M of the Ostrobothnia Police Department as they have failed to conduct a pre-trial investigation without delay in case 5710/R/21037/18, and I draw attention to the fact that the victim's right to a counsel should be assessed appropriately in the early stages of the pre-trial investigation.

In case 5710/R/5807/15, I draw the attention of Detective Chief Inspector N of the Ostrobothnia Police Department to the fact that the victim's right to a counsel in the early stages of the pre-trial investigation should be appropriately assessed.

Oulu Police Department

I issue the Oulu Police Department with a reprimand as it has failed to conduct a pre-trial investigation without delay in cases 5770/R/13071/16 and 5770/R/25350/16.

Lapland Police Department

I draw the attention of the Lapland Police Department to the timely conduct of a pre-trial investigation in case 5800/R/1491/20.

National Police Board

I draw the National Police Board's attention to delays in pre-trial investigations of human trafficking offences and offences related to them as described above (training, instructions, oversight of legality, cooperation between authorities, translations, interpretation services).

In order to oversee the legality of the prevention of human trafficking offences by the National Police Board, I request that the National Police Board submit no later than 15 July 2022 information on the duration of pre-trial investigations of human trafficking and related offences between 1 January and 30 June 2022 and on pre-trial investigations pending on 1 July 2022 that have lasted more than 12 months at each police department. I also ask that an account be provided of pre-trial investigations that have been pending for more than 18 months and the reasons for their delay, as well as of the impacts of the measures presented in the statements on the duration of pre-trial investigations and of any other measures taken to ensure that pre-trial investigations are completed within a reasonable time period.

I ask the National Police Board to assess its internal oversight of legality measures aiming to ensure compliance with the pre-trial investigation legislation and its guidelines on combating human trafficking.

I ask the National Police Board and the Police University College to examine measures aiming to strengthen the training provided on combating human trafficking and offences related to it.

I also ask the National Police Board to report on measures it takes to improve cooperation between police units and between police units and parties external to the police administration.

I ask the National Police Board to report no later than 30 June 2022 on the measures it has taken based on what has been said above.

I ask the National Police Board to forward my decision to each police department.

I will also send my decision to the Ministry of the Interior for information.

4.10.2 National Prosecution Authority's actions

I draw the attention of district prosecutor O of the Eastern Finland prosecution district to providing proper justifications for a decision not to prosecute.

I ask the Prosecutor General to report on measures taken in case 5650/R/17957/18.

I will send my decision to the Prosecutor General's office.

This document has been signed electronically.

Deputy Chancellor of Justice Mikko Puumalainen

Senior Legal Adviser Linda Harjutsalo

Translation from Finnish to English: Lingsoft Language Services Oy