

Protocol of 2014 to the Forced Labour Convention, 1930

Article 22 of the Constitution of the ILO

Report for the period from 27 th January 2017 to 31 st May 2024

made by **the Government of Finland**

on the

Protocol of 2014 to the Forced Labour Convention, 1930

(ratification registered on 27 th January 2017)

In addition to the information requested in the report form concerning the Forced Labour Convention, 1930 (No. 29), please give detailed information for each of the following Articles of the Protocol.

Article 1

1. In giving effect to its obligations under the Convention to suppress forced or compulsory labour, each Member shall take effective measures to prevent and eliminate its use, to provide to victims protection and access to appropriate and effective remedies, such as compensation, and to sanction the perpetrators of forced or compulsory labour.

2. Each Member shall develop a national policy and plan of action for the effective and sustained suppression of forced or compulsory labour in consultation with employers' and workers' organizations, which shall involve systematic action by the competent authorities and, as appropriate, in coordination with employers' and workers' organizations, as well as with other groups concerned.

3. The definition of forced or compulsory labour contained in the Convention is reaffirmed, and therefore the measures referred to in this Protocol shall include specific action against trafficking in persons for the purposes of forced or compulsory labour.

Paragraph 2. Please describe the national policy against all forms of forced or compulsory labour and the measures envisaged under the national plan for the effective and sustained suppression of forced or compulsory labour, indicating how systematic action by the competent authorities is ensured so that these measures are implemented. Please indicate the manner in which employers' and workers' organizations are consulted. Please also indicate if there has been any coordination with employers' and workers' organizations, as well as with other groups concerned.

General starting point

Taking into account the rather comprehensive legislation related to the fight against trafficking in human beings, the coordination and development work related to the Government's anti-trafficking structure, and the role of the national rapporteur on trafficking in human beings as a developer and monitor of anti-trafficking activities, a separate action plan against forced or compulsory labour has not been considered necessary for the implementation of the Protocol to the Forced Labour Convention. The Protocol to the Forced Labour Convention is taken into account, where applicable, in the work of the Government's anti-trafficking structure, such as in the preparation of any Government anti-trafficking action plans or other similar plans for the period following the national entry into force of the Protocol.

The institutional and organisational structures

Established in 2014, the post of Government Anti-Trafficking Coordinator was initially based at the Ministry of the Interior. In 2020, the post was transferred to the Ministry of Justice. The Coordinator is responsible for the coordination in the Government of the action against trafficking in human beings. The Coordinator chaired the Working Group established to prepare the Action Plan against Trafficking in Human Beings and follow its implementation. This Working Group also included members of civil society organisations.

In addition to chairing the above mentioned Working Group, the Government Anti-Trafficking Coordinator takes part in and leads other development projects against human trafficking and labour exploitation, takes initiatives and cooperates internationally with other countries, the European Commission and international organisations.

The Ombudsman for Minorities (now the Non-Discrimination Ombudsman) became Finland's National Rapporteur on Trafficking in Human Beings 2009. The duties of the autonomous and independent National Rapporteur include monitoring compliance with international obligations and the effectiveness of the national legislation. The Non-Discrimination Ombudsman issues reports to Parliament. The consideration of the reports has prompted Parliament to issue several resolutions on enhancing legislation and action by the authorities. Among other things, the resolutions have sought to improve the standing of victims of trafficking in human beings and to promote the establishment of criminal liability in trafficking cases.

An advisory board on terms of employment and permit supervision of foreign workers and entrepreneurs

On 21 December 2021, the Ministry of Economic Affairs and Employment appointed an advisory board on terms of employment and permit supervision of foreign workers and entrepreneurs for the period between 1 January 2022 and 31 December 2024. The advisory board is an expert body consisting of various authorities and labour market and industrial policy organisations.

Its task is to promote cooperation in matters concerning the terms of employment of foreign workers and the residence permits of workers and entrepreneurs. The board also aims to improve the flow of information between the authorities, monitor the development of supervision of terms of employment and permits of foreign workers and entrepreneurs, and issue statements on these matters. The Board will support efforts to stop exploitation of foreign workers and entrepreneurs.

Finnish law

Finnish immigration law includes the possibility to grant a victim of forced or compulsory labour the right to reside in Finland if the conditions laid down in the Aliens Act (301/2004) are met. Depending on the circumstances of the case, a residence permit for a victim of trafficking in human beings in accordance with section 52a of the Aliens Act or a residence permit to a third-country national who has resided and worked in the country illegally in accordance with section 52d, international protection (chapter 6 of the Aliens Act) or a residence permit on humanitarian grounds in accordance with section 52 of the Aliens Act may be considered if refusal to issue a residence permit would be manifestly unreasonable due to the person's state of health, ties to Finland or other individual humanitarian reason, taking into account in particular the circumstances that they would face in their home country or their vulnerable position.

The Finnish Immigration Service grants a right of residence to Finland if the conditions laid down in the Aliens Act are met. The temporary residence permit issued to a victim of trafficking in human beings in accordance with section 52a(1) of the Aliens Act is tied to the victim's readiness to cooperate with the authorities in apprehending those suspected of trafficking in human beings. On the other hand, the issue of a residence permit on a continuous basis in accordance with section 52a(2) is not conditional on cooperation with the authorities if the victim of trafficking in human beings is in a particularly vulnerable position.

The police or the border control authority (or, under certain circumstances, the Joutseno Reception Centre) may grant a victim of trafficking in human beings a reflection period of at least thirty days and a maximum of six months before issuing a residence permit in accordance with section 52a. The said authorities may also extend the reflection period if the personal circumstances of the victim so require. The total duration of the reflection period may not exceed six months. During the reflection period, the victim of trafficking in human beings must decide whether they

will cooperate with the authorities as referred to in section 52a, subsection 1, paragraph 2. (Aliens Act, sections 52b and 52c)

According to section 54 of the Aliens Act, a victim of trafficking in human beings who has been issued a temporary residence permit is issued a continuous residence permit after a continuous residence of two years in the country if the circumstances on the basis of which the alien was issued with the previous fixed-term permit are still valid. In Finland, the offences of trafficking in human beings criminalised in chapter 25 of the Criminal Code (39/1889) cover the criminalisation of forced or compulsory labour and slavery. Trafficking in human beings and aggravated trafficking in human beings, as well as attempts thereof, are punishable acts. The punishment for trafficking in human beings is imprisonment for a minimum of four months and a maximum of six years. The scale of punishment for aggravated trafficking in human beings is imprisonment for at least two years and at most ten years.

A person who,

- 1) by taking advantage of the dependent position or vulnerable state of another person or by pressuring another,
- 2) by misleading another person or by taking advantage of a mistake made by that person,
- 3) by giving payment to a person who has control over another person, or
- 4) by receiving such payment, takes control over another person, recruits, transfers, transports, receives or accommodates another person for the purpose of subjecting the person to, for example, forced or compulsory labour, shall be sentenced for trafficking in human beings.

A person who takes control over another person under 18 years of age or recruits, transfers, transports, receives or accommodates such a person for a purpose mentioned above shall also be sentenced for trafficking in human beings, even if none of the means referred to above have been used.

If, in trafficking in human beings,

- 1) violence, threat or deception is used,
- 2) a grievous bodily injury, a serious illness or a state of mortal danger or other particularly grave suffering comparable to these is intentionally or through gross negligence inflicted on another person,
- 3) the offence is directed against a child under 18 years of age or against a person whose ability to defend himself or herself is substantially diminished, or
- 4) the offence is committed as part of the activities of an organised criminal group referred to in chapter 6, section 5, subsection 2 of the Criminal Code of Finland and the offence is also aggravated when assessed as a whole, the perpetrator shall be sentenced for aggravated trafficking in human beings.

A person who enslaves another person or keeps another person in servitude, or transports slaves or trades in slaves shall also be sentenced for aggravated trafficking in human beings if the act is aggravated when assessed as a whole. The extortionate work discrimination criminalised in chapter 47 of the Criminal Code is also close to meeting the essential criminal law elements of trafficking in human beings. Extortionate work discrimination refers to a situation where the employer puts an employee in a considerably inferior position by taking advantage of their financial or other distress, dependent position, lack of understanding, thoughtlessness or ignorance.

In practice, workers who are unable to assert their rights due to ignorance, lack of language skills and dependent position on the employer are almost always foreign. The situation approaches trafficking in human beings if the employee is made to work without taking into account occupational safety and health aspects or in unreasonable conditions that violate human dignity.

Violation of the prohibition of charging fees for employment services is punishable under chapter 47, section 6 of the Criminal Code. According to the provision, a person who, in violation of the prohibition of charging fees for employment services laid down in chapter 12, section 5, subsection 1 of the Act on Public Employment and Business Service (916/2012), charges a fee from an individual customer, shall be sentenced for a violation of the prohibition of charging fees for employment services to a fine or to imprisonment for at most one year. In some cases, victims of trafficking in human beings are made to pay the employer, the employer's representative or employment agents several thousand euros in their home country in order to get a job in Finland, so the obligation of debtor to creditor puts the workers in a dependent position even before their arrival in Finland.

Assistance system for victims of trafficking in human beings

Finland has an assistance system for victims of trafficking in human beings. Within this framework, a victim of trafficking in human beings can be offered, among other things, advice and legal assistance, interpreter services, assistance with finding housing and livelihood, and help with a possible return home. If a victim of trafficking in human beings has a municipality of residence in Finland, the municipality is responsible for helping them. In other cases, this responsibility rests with the Joutseno Reception Centre.

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, so called Reception Act) lays down provisions on the assistance system for the victims of trafficking in human beings.

Section 33 (1294/2022) of the Act contains a provision on functions of the assistance system.

A function of the assistance system maintained by the Joutseno Reception Centre is to:

- 1) decide on admitting a person into the assistance system and identify the person as a victim of trafficking in human beings in accordance with section 35;
- 2) grant, continue and suspend the reflection period referred to in section 52b of the Aliens Act to a victim of trafficking in human beings in accordance with section 52c of the said Act;
- 3) arrange assistance measures for a victim of trafficking in human beings who does not have a municipality of residence in Finland referred to in the Municipality of Residence Act, and also provide the guidance and counselling referred to in section 38a, subsection 1, paragraph 1 to any victim of trafficking in human beings who has a municipality of residence;
- 4) cooperate with the wellbeing services county, the City of Helsinki and HUS Group in assisting a victim of trafficking in human beings who has a municipality of residence in Finland referred to in the Municipality of Residence Act;
- 5) cooperate with the reception centre in assisting a victim of trafficking in human beings who is applying for international protection or is a beneficiary of temporary protection;
- 6) decide on the removal of a victim of trafficking in human beings from the assistance system;
- 7) serve as a national consultant authority in matters related to trafficking in human beings and work to oppose it.

Section 34 (1294/2022) of the Act contains a provision on proposal for admission to the assistance system. Public, private or third sector actors may submit a proposal to the Joutseno Reception Centre for admitting a suspected victim of trafficking in human beings to the assistance system. The proposal may also be made by the victim personally.

Section 35 (1294/2022) of the Act contains a provision on admission to the assistance system and identification of a victim of trafficking in human beings. A person proposed for admission to the assistance system is admitted to the system and identified as a victim of trafficking in human beings when an assessment of the circumstances finds that the person may be a victim of trafficking in human beings and is in need of assistance measures. A person who assists in investigating an offence of trafficking in human beings may also be admitted to the assistance system if the said person is in need of special assistance. A child of the persons referred to in subsections 1 and 2 who is in Finland may also be admitted to the assistance system if the child is in need of assistance. The right of a person admitted to the assistance system to assistance measures of the system continues until a separate decision on removal from the system has been made in accordance with section 38f.

The Occupational Safety and Health Administration assists victims of trafficking in human beings in matters related to worker protection.

The Non-Discrimination Ombudsman is responsible for promoting equality and tackling discrimination.

Paragraph 3. Please provide information on the specific measures taken to combat trafficking in persons for the purposes of forced or compulsory labour and on the results achieved.

The Action Plan to Combat Trafficking in Human Beings

The Government Anti-Trafficking Coordinator, situated at the Ministry of Justice, was appointed to chair the group established to prepare an Action Plan to Combat Trafficking in Human Beings, which was agreed by the Government of Prime Minister Sanna Marin. The Ministry of Justice appointed an intersectoral working group on 2 April 2020. The members of the working group were designated to represent the ministries central to anti-trafficking action and the agencies within the ministries' administrative branches as well as civil society actors. The ministries represented on the working group are the Ministry of Justice, Ministry of the Interior, Ministry of Social Affairs and Health, Ministry of Economic Affairs and Employment, and the Ministry for Foreign Affairs. The agencies within the ministries' administrative branches represented on the working group are the Assistance system for victims of human trafficking, the National Police Board and the Office of the Prosecutor General. Members were also appointed to the working group to represent MONIKA – Multicultural Women's Association Finland, the Finnish Refugee Advice Centre, Pro-tukipiste, Victim Support Finland and the European Institute for Crime Prevention and Control (HEUNI). A permanent expert was appointed to the working group to represent the Non-Discrimination Ombudsman, who is Finland's National Rapporteur on Trafficking in Human Beings.

The resolution of Parliament on intensifying efforts to combat human trafficking and on improving the standing of its victims as well as the recommendations issued to Finland by international human rights treaty bodies were taken into account in the preparation of the plan. Experts by experience, civil society organisations and multi-professional networks were consulted during the preparation. Workshops were moreover organised for experts engaged in anti-trafficking action. The aim was to gain a comprehensive picture of the challenges of anti-trafficking and to accumulate perspectives for its development.

The Action Plan was based on five strategic objectives and 55 actions. The plan promoted the detection of human trafficking, improved the standing of victims and enhanced the establishment of criminal liability. The plan also strengthened the mainstreaming of anti-trafficking into the wider activities of the Government and intensified cooperation with civil society. The plan linked anti-trafficking closely with analysis, assessment and research activities. The Action Plan sought to prevent and reduce trafficking in human beings. The plan was implemented in 2021–2023. Its implementation was monitored and reported by a working group, the steering group chaired by the Permanent Secretary of the Ministry of Justice and the ministerial group chaired by the Minister of Justice on a regular basis.

The Action Plan to Combat Trafficking in Human Beings (in English): https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/163326/OM_2021_24_ML.pdf?sequence=1&isAllowed=y

Examples of the measures:

- The resources of foreign labour supervision has been strengthened.
- Training was organised and/or training materials were developed for the occupational safety and health authority, staff in the field of criminal sanctions, aviation and the Employment and Economic Development Offices (TE Offices), instructors in training to migrants (especially in reading and writing instruction) and the staff of municipal employment trials and multi-professional guidance and counselling points, the Finnish Immigration Service, social welfare and healthcare professionals, legal aid offices, prosecutors and the courts.
- The National Referral Mechanism (NRM) is currently under preparation at the Ministry of Justice and will be published in autumn 2024 as one of the final activities based on the Action Plan. Four thematic multi-agency workshops have been organized in autumn 2023. These workshops have also included experts working with children. As a part of the implementation of the NRM, all relevant actors will be trained. Training will be offered both in person around the country and online. Definition of responsibilities and

roles for identification and assistance are at the core of the NRM regarding all forms of trafficking. The NRM will include a toolkit, material resources and practical guidelines for all the frontline workers. The NRM will also include guidelines and tools to identify and assist children and youth. The NRM will be finalized in autumn 2024 and training and implementation will take place starting in autumn 2024. The project is led by the Coordinator together with the project manager.

- Anti-trafficking efforts in policing was intensified by boosting intelligence-led policing and investigations to uncover crime, strengthening guidance and resources, and leveraging multi-professional approaches and international cooperation.
- The modelling has been leveraged to increase the effectiveness of the prevention and investigation of human trafficking offences.
- Multi-authority cooperation has been systematically developed by various measures.
- The potential for enabling the use of videotaped interviews in court proceedings on human trafficking offences and associated crimes has been made possible by legislative amendment.
- The potential for expanding the powers of the Finnish Border Guard to investigate human trafficking offences also when these do not involve the arrangement of illegal immigration has been investigated.
- A peer network of special prosecutors and any other prosecutors who prosecute cases of human trafficking has been established to allow prosecutors to share information and experiences as well as best practices in cases of human trafficking offences.
- The Government-level coordination structure of anti-trafficking action has been reviewed and the coordination has become permanent, with 2 staff members.
- The construction of a cooperation network between authorities and CSOs has been supported and strengthened, the capabilities of actors in identifying human trafficking related to gendered violence and sexual abuse, promoting its detection and referring the victims to assistance have been improved. Additional funding was allocated to Victim Support Finland. See more below.
- The cooperation between municipalities and the Assistance system for victims of human trafficking has been supported by organising regional discussion forums to share information and experiences in assisting victims and agree on joint policies to ensure trafficking victims' access to assistance and equality in access.
- Awareness of human trafficking and labour exploitation among businesses and labour market organisations has been improved.
- Statistics are under development. According to the Action Plan, Finland will for example develop the statistical database of the Assistance system for victims of human trafficking. This project will come to an end in autumn 2024.

In the end, the total sum for the implementation of the NAP was about 1.7 million Euros, excl. additional resources for the personnel in the police (specialized police unit), assistance system and labour inspection. One of the major goals and achievements of the NAP was to mainstream anti-trafficking within the Government activities related also to other policy areas, such as prevention of violence against women, grey economy and economic crime as well protection of the rights of children. The purpose was to strengthen the impact and effectiveness of the anti-trafficking work.

The purpose was also to ensure that anti-trafficking is better included in the structures and daily activities of the broad range of authorities rather than to implement isolated, short-term anti-trafficking projects. As a result, the number of authorities who participates in the anti-trafficking work has increased and the ability to deal with trafficking cases has improved in many fields and sectors of the society, including those who have not previously taken so actively part in the anti-trafficking work, such as civil aviation, criminal sanctions, integration and employment authorities as well as private sector. According to the steering group

following the implementation of the Action Plan, the work against human trafficking was one of the major achievement of the last Government period.

To clarify the funding of the National Action Plan, Finland has managed to get additional funding for the implementation of the NAP after its adoption, inter alia:

- A project to build up the national referral mechanism NRM has received additional funding around 240 000 Euros. The project is funded by European Union Home Affairs Funds (ISF) and it was launched in March 2023. It will run till the beginning of 2025. (NAP No. 15)
- A project to organize training for the pre-trial investigation authorities to bolster competences nationwide has been launched together with the Police Academy. Cooperation with the prosecutors is secured. Additional funding 55 000 Euros. (NAP No. 27)
- A project to develop the modelling to increase the effectiveness of the prevention and investigation of human trafficking offences. In the design of the models, particular attention will be paid to child trafficking offences. The modelling will provide support in drawing up investigation plans for human trafficking crime, developing the multi-professional supervision events targeted to various sectors, and increasing the efficiency of tracking and seizing proceeds of crime. The results of the project, such as a handbook for anti-trafficking pre-trial investigations, was published by the Finnish Police Academy in June 2024. Additional funding 260 000 Euros. (NAP No. 28)
- A project to support the construction of a cooperation network between authorities and CSOs and strengthen the capabilities of actors in identifying human trafficking related to gendered violence and sexual abuse, promoting its detection and referring the victims to assistance. Additional funding 140 000 Euros for the Victim Support Finland. (NAP No. 42)
- A project to develop the statistical database of the Assistance System for victims of human trafficking will run till the end of September 2024 (1.4.2023 – 30.9.2024). The project is funded by the European Union Home Affairs Funds (ISF), and the additional funding is ca. 650 000 Euros (sum in total). (NAP No. 55).

In addition, the anti-trafficking coordination within the Government has been made a permanent function with additional work force, earmarked funding 150 000 Euros/per year. Furthermore, the last Government decided to strengthen both the mandate and the permanent resources of the labour inspection, and the present Government decided that the specialized police unit will continue its anti-trafficking work also during this Government period. Moreover, the Ministry of Justice issued 300 000 Euros for Victim Support Finland in 2023 (-2024) to support victims of human trafficking. On the other hand, the action No. 6 of the NAP was not implemented as planned, and only ca. 69 000 Euros out of initial 300 000 was used for anti-trafficking activities.

One of the strategic priorities of the NAP was to link anti-trafficking closely with analysis, assessment and research activities. To implement the NAP, following studies were published:

- A study of why the provision in the Criminal Code of Finland concerning abuse of a victim of sex trade is only seldom applied. Published in April 2022.

The report assesses the application practice of the criminal provision on the abuse of a victim of sexual trade. The report focuses on the contents and problem areas of the provision. The report also assesses the functioning of the authorities' processes related to the application of the provision. The key finding is that while the fundamental elements of the provision concerning the abuse of a victim of sexual trade function well, the provision is not always applied consistently in practice. It is considered necessary to specify the scope of application of the provision in legal practice. The penal scale determined in the provision is not in line with the abusive nature of the act punishable under the provision. More attention should be paid to the progress of cases involving application of the provision in the criminal procedure. Furthermore, certain amendments improving the position of the injured party should be made to the Code of Judicial Procedure and the Tort Liability Act.

- A study on the application of the criminal provisions on human trafficking and associated crimes (e.g. pandering, extortionate work discrimination, aggravated extortion) and any challenges relating to their application. The study also examined the capacity of criminal procedure legislation in force to promote the identification of victims of human trafficking in the criminal justice process and to safeguard the standing of victims during it. Published in March 2022.

The research report focuses on how criminal provisions on human trafficking and its associated crimes, most notably pandering and extortionate work discrimination, are applied in practice. In addition, the report examines how a suspected act of human trafficking proceeds within the criminal process. One of the most crucial findings is that the nature or character of the act of human trafficking is not fully understood, and this also applies with the understanding of the purpose and the contents of criminal legislation on human trafficking. Human trafficking for forced labour, in turn, should be seen as economic crime, which would more often entail corporate criminal liability and more effective confiscation of the proceeds of crime. The challenges in applying the provisions on human trafficking and associated crimes mostly result from the sparsity of legal practice concerning human trafficking. The phenomenon of human trafficking is not widely known and there is little legal literature and education on it. The status of the victim should also be improved. In addition, attention should be paid to obtaining evidence during criminal investigation and using appropriate and possible coercive measures in investigating human trafficking and associated crimes.

- A review of the status quo relating to the fundamental principle of the legal system of imposing no punishment for a crime a person is compelled to commit (principle of non-punishment). Published in September 2022.

To implement the Government Action Plan against Trafficking in Human Beings (2021-2023), the Ministry of Justice commissioned the Non-Discrimination Ombudsman to review the status quo relating to the fundamental principle of the legal system of imposing no punishment for a crime a person is compelled to commit (principle of non-punishment). Exploitation in criminal activities is a form of human trafficking where a trafficking victim is compelled to commit offences on behalf of the exploiter. In Finland, a victim of trafficking in human beings who has been compelled to commit an offence may be left unpunished, even though abuse of a vulnerable position is not among the grounds for exemption from liability in the criminal law doctrine. According to the study, the provisions on the waiving of measures make it possible not to prosecute or punish victims of human trafficking.

According to the study, key obstacles to the application of the principle of non-punishment include the lack of experience in applying the principle in practice, inadequate identification of victims of trafficking in human beings, and the fact that insufficient attention is paid to the exploitation underlying the offence during the criminal procedure. Obstacles to the application of the principle of non-punishment can be removed by investigating the background of an offence committed by a possible victim of human trafficking in the criminal investigation, by applying the general provisions on the waiving of measures in a determined manner, by providing instructions for the actors involved in the criminal procedure, and by providing more training.

The study contains a number of recommendations. In addition, several needs for further research have been identified in the study. The study on the principle of non-punishment of victims of human trafficking has only just been published and the follow-up to it, for example in relation to recommendations, has not yet been decided.

The study containing a summary in English can be found at <http://urn.fi/URN:ISBN:978-952-400-386-5>

- A review of the application of the grounds for a residence permit of a victim of human trafficking under the Aliens Act and any challenges encountered in application. Published in September 2021.

The study looked at the types of cases in which victims of trafficking in human beings were identified, and how the Aliens Act was applied in processing their residence permit applications. The primary focus of the study was to examine the application and distinction between sections 52 and 52a of the Aliens Act. A key aspect was to investigate how the vulnerability of victims of trafficking in human beings was assessed and

which factors were deemed significant in the assessment of vulnerability. The study showed that it is very difficult for victims of trafficking in human beings to receive a continuous residence permit on the basis of their vulnerable position. The threshold for deeming that a victim of trafficking in human beings is in a particularly vulnerable position was remarkably high. The study made recommendations for legislative amendments and training.

- Report on reflection periods given to victims of human trafficking and suspicions of trading in sexual services as grounds for denial of admittance or stay. Published May 2023.

The aim was to find out whether there are shortcomings in the legislation or official practices concerning reflection periods for victims of human trafficking and the grounds for denial of admittance or stay when trading in sexual services is suspected, that might prevent the detection of human trafficking. The report was based on decisions made by the Assistance System for Victims of Human Trafficking, the police and the Border Guard (2015-2021) and expert and survivor interviews. The challenges identified were the criminal investigation authorities' lack of information about their right to give a reflection period, the unpredictability concerning the length of a reflection period and the grounds for discontinuing it. The threat of denial of admittance or stay may hamper the detection of human trafficking and increase vulnerability, as migrants selling sex fear denial of admittance or stay and entry ban. The report recommends that the criminal investigation authorities be trained and made more aware of reflection periods. It is also recommended that the grounds for denial of admittance or stay related to suspicions of trading in sexual services in the Aliens Act be removed. By improving the identification of human trafficking, the rights of victims and the realisation of criminal liability can be strengthened.

More specifically on the exploitation of foreign labour

Furthermore, there is a shortage of skilled labour in the Finnish labour market. Work-based immigration is very important for Finland's economic growth and safeguarding of services, and international recruitment to Finland will be promoted in a targeted manner in order to achieve this goal. As the use of foreign labour increases, preparations must also be made for possible negative consequences, such as an increase in labour exploitation and human trafficking. Wide ranges of measures are needed to combat the exploitation of immigrants arriving in Finland and living in Finland and to ensure that every employee can work in a safe and fair environment.

The previous Government adopted a resolution on a strategy to prevent and combat labour exploitation in March 2023. The strategy includes long-term objectives to help Finland respond more effectively to the exploitation of foreign labour. The objectives also support cooperation between the authorities and the inclusion of immigrants in the Finnish society.

With the strategy, Finland committed to preventing and combating the exploitation of foreign labour. The objectives include:

- ensuring the operational preconditions for authorities involved in the prevention and combat of the shadow economy, financial crime and exploitation, and to improve cooperation between these authorities;
- promoting the identification and detection of exploitation and human trafficking, improve the position of victims of exploitation, and prevent the recurrence of exploitation;
- promoting the integration, settling-in and social inclusion of foreign workers arriving in Finland, o strengthening corporate social responsibility of companies and contracting entities in preventing and combating the exploitation of foreign labour;
- improving the enforcement of criminal liability while ensuring the legal protection of the suspect.

According to the strategy, action against the exploitation of foreign labour is most effective when it is intersectoral and broad-based. In addition to addressing problems, it is important to introduce diverse measures to fight discrimination and improve participation of immigrants in society.

In September 2023, the Ministry of Economic Affairs and Employment appointed a steering group for work against labour exploitation and a working group for preventing and combatting labour exploitation. The task of the steering group is to steer the preparation of the action plan and monitor its implementation throughout the

government term. In addition to the Ministry of Economic Affairs and Employment, the Ministry of Justice, the Ministry of the Interior, the Ministry of Social Affairs and Health, the Ministry for Foreign Affairs and the Ministry of Agriculture and Forestry are represented in the steering group and working group. The task of the working group was to prepare an extensive action plan against labour exploitation by the end of 2023. It is based on the Government resolution on the strategy for preventing and combatting labour exploitation. The action plan includes 33 measures that respond to the objectives described in the strategy and ensure that the entries in the Government Programme on combating exploitation of labour will be implemented. The action plan has been adopted in early 2024.

Article 2

The measures to be taken for the prevention of forced or compulsory labour shall include:

- (a) educating and informing people, especially those considered to be particularly vulnerable, in order to prevent their becoming victims of forced or compulsory labour;
- (b) educating and informing employers, in order to prevent their becoming involved in forced or compulsory labour practices;
- (c) undertaking efforts to ensure that:
 - (i) the coverage and enforcement of legislation relevant to the prevention of forced or compulsory labour, including labour law as appropriate, apply to all workers and all sectors of the economy; and
 - (ii) labour inspection services and other services responsible for the implementation of this legislation are strengthened;
- (d) protecting persons, particularly migrant workers, from possible abusive and fraudulent practices during the recruitment and placement process;
- (e) supporting due diligence by both the public and private sectors to prevent and respond to risks of forced or compulsory labour; and
- (f) addressing the root causes and factors that heighten the risks of forced or compulsory labour.

Please describe all the measures taken to prevent all forms of forced or compulsory labour in each of the areas described in subparagraphs (a) to (f) of this paragraph, indicating the institutions responsible for their implementation and the resources at their disposal.

Educating and informing people (a)

Information and awareness campaigns, education and trainings

- Assistance system for victims of human trafficking helps and supports victims of human trafficking. Help is always tailored to each victim's individual needs. The following help may be offered: accommodation, advice and guidance, including legal advice, social services, health care services, financial support, interpretation and translation services and a voluntary, safe return to the victim's country of origin (or other country where they can legally reside).
- The Working in Finland brochure was published in May 2022 by the Ministry of Economic Affairs and Employment. It is available in 24 languages to inform workers about their rights and where to find help in case of suspected exploitation. It is distributed at the embassies where many people apply for work-based permits. It contains information on the working conditions in Finland and provides advice on how employees should act if they are subject to exploitation. The brochure also contains links to those who help employees.

- A project called IKUT was conducted in 2020-2023 by the assistance system for victims of human trafficking with funding from the European Social Fund. The aim of the project was to strengthen the working life skills of victims of human trafficking, develop working life services for victims, increase awareness of the position of victims of human trafficking in working life and increase the participation of the private sector in work against human trafficking. Victims of human trafficking received training that focuses on working life. The training courses develop the working life skills of victims of human trafficking and of exploitation related to human trafficking, and give them information about the working life in Finland. They also got support with entering employment on fair terms.
- The Ministry of the Interior's project to organise separate training on human trafficking implemented at the Police University College from 12.-14.2.2024. The project supports the identification of human trafficking, criminal investigation and the development of cooperation between authorities in the investigation of human trafficking. The target group of the training includes, for example, police officers working in criminal investigation, surveillance and emergency operations. The measures will support the implementation of criminal liability, extensive cooperation in the fight against human trafficking and improve the identification of human trafficking and its victims and their referral to assistance. The content of the training is largely based on the modelling project of human trafficking carried out by the Police University College.
- To combat work-related exploitation and human trafficking, the Ministry of the Interior has developed together with stakeholders a “work help Finland” mobile application to help foreigners coming to Finland to work and residing in Finland learn about their rights and obligations with 26 different language options. Work help Finland's application has been developed to prevent work-related exploitation and trafficking in human beings, but also to clarify the rights and obligations of employees. A separate communication project was carried out in 2023 to disseminate awareness of work help Finland's application. During the project, different kinds of material were produced that different authorities can use themselves when communicating about the prevention of work-related exploitation and human trafficking. The purpose of disseminating awareness of the application is to ensure that foreigners are aware of their rights and obligations before entering Finland and thus prevent victimisation.
- In addition, as part of the National Action Plan implementation training has been developed for the occupational safety and health authority, staff in the field of criminal sanctions, aviation and the Employment and Economic Development Offices (TE Offices), instructors in training to migrants (especially in reading and writing instruction) and the staff of municipal employment trials and multi-professional guidance and counselling points, the Finnish Immigration Service, social welfare and healthcare professionals, legal aid offices, prosecutors and the courts.

The Finnish Immigration Service's website also has a short information page on problems related to employment. There are also links on the page to more information, for example on trafficking in human beings or for situations where the employment relationship involves underpayment, overlong shifts or similar factors.

The occupational safety and health authorities, together with the EU Refugee Fund, have drawn up an anti-trafficking “business card” for victims, translated into several languages, with contact details in the event that an employment relationship shows any traits similar to trafficking in human beings. In addition, the occupational safety and health authorities have drawn up guidelines for companies and employers to prevent labour exploitation and trafficking in human beings from the perspective of both their own employees and those of subcontractors.

In Finland, joint awareness-raising campaigns of various authorities and other parties have been regularly organised, which touch, among other things, on the punishability of forced or compulsory labour (for example, a campaign against the shadow economy and a campaign against trafficking in human beings). In 2021, the Finnish Government published an Action Plan against Trafficking in Human Beings, which was implemented in 2021–2023. Many authorities and professionals received training, and the awareness and competence of key authorities and other entities were strengthened as part of the action plan.

The Tehoa project (2023–2025), which is funded by the EU Internal Security Fund, is also ongoing. Its aim is to prevent and tackle trafficking in human beings. The project is preparing a national referral mechanism (NRM) for the identification and guidance of victims of trafficking in human beings to promote the identification of victims and to secure access to assistance.

The police are responsible for informing victims of crime of their right to, for example, legal aid and victim support services. Public authorities and non-governmental organisations have drawn up various leaflets in different languages for victims of crime. Victims of crime have the opportunity to receive free interpretation in a language they are assumed to understand. In addition to the above, suspected victims of trafficking in human beings are informed by the police of the assistance system for victims of trafficking in human beings and, with their consent, referred to it.

The police are constantly trained to identify, among other things, victims of trafficking in human beings, which many workers subjected to forced or compulsory labour may be.

Efforts made to cooperate with private businesses (b)

The National Assistance System for Victims of Human Trafficking carried out the project IKUT – Building employability skills and working life competence for victims of human trafficking. The project was executed 1.6.2020–28.2.2023 and funded by European Social Fund (ESF). One purpose of the project was to increase the awareness of the private sector on human trafficking and support them in their anti-trafficking work. The project organized two webinars, one on work against human trafficking as part of corporate social responsibility and another on responsible businesses and the recruitment of victims of human trafficking. The project also implemented training courses customized directly for various businesses on the prevention of human trafficking in business procurement and recruitment as part of their corporate social responsibility efforts. Furthermore, the project piloted a collaboration for the recruitment of victims of human trafficking and other vulnerable immigrant groups with the Finnish Refugee Council and company called Lassila&Tikanoja.

In addition, The European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI) which functions under the auspices of the Finnish Ministry of Justice as an independent research and policy-making institute is cooperating actively with private businesses in combating labour trafficking and exploitation and by organising training and different events and expert meetings and consultations. As part of the ELECT project, HEUNI held a training workshop for businesses in Finland in June 2023. The aim of the event was to improve the possibilities to identify exploitation in companies' operations and supply chains, and learn from good examples and overcome challenges. The workshop gathered over 20 professionals from different organizations with substantial risk for labour exploitation in their operations and supply chains. In the workshop, authorities such as the labour inspectorate, tax administration and immigration office presented their work and how businesses could benefit from it.

In the construction sector, in 2023 HEUNI co-organized a workshop with central stakeholder organizations in the construction sector, including Rakennustieto, the Finnish Construction Trade Union and the Confederation of Finnish Construction Industries. The aim of the workshop was to start a process to create common guidelines and an industry standard to prevent exploitation in all construction projects in Finland. The guidelines and industry standard will be released in 2024.

In 2021 HEUNI also released a guide for risk management in national supply chains for public procurement agencies in Finland titled Labour Exploitation and Public Procurement. The guide was commissioned by the Ministry of Finance and the guide was prepared in connection with the Action plan for effective public procurement and the implementation of the Procurement Finland Strategy. HEUNI has trained several public procurement units on sustainable public procurement, and is looking for opportunities to share the public procurement guide also internationally in the Nordic region and within the EU at large.

In the area of corporate sustainability due diligence between 2021 and 2023 the actions have been concentrated on promoting upcoming EU legislation, namely the Forced Labour Ban Regulation and CSDD Directive. On OECD front, the Guidelines for Multinational Enterprises for Responsible Business Conduct were updated in the summer 2023 and the process took some time in the OECD RBC working party. Officials have been promoting these hard and soft law elements through different webinars and events as speakers during 2021- 2023. In spring 2022 the Finnish government released a Memorandum on the due diligence obligation where options for national due diligence legislation were investigated. Stakeholders were consulted during the analysis that led to the published Memorandum.

Coverage and enforcement of legislation (c)

Chapter 2, section 4 of the Employment Contracts Act (55/2001) contains provisions on the employer's obligation to provide employees with information on the principal terms of work. Failure to comply with the obligation to provide the information is punishable under the Employment Contracts Act.

In Finland, the labour code applies to all workers, including those in the country illegally. The labour code also covers all areas of economic activity. Collective agreements are applied to employees on the basis of either normal or universal applicability when the conditions for their application are met.

The Non-Discrimination Act (1325/2014) prohibits discrimination in working life on the basis of, among other things, nationality and ethnic origin. The authorities are obliged to promote equality in their sector.

In Finland, social security is mainly based on residence. Residence is permanent when a person has actual housing and a home in Finland and he or she continuously primarily resides in Finland. Therefore, the right to several benefits is based on the person being considered a resident of Finland in the aforementioned manner. The Act on the Application of Residence-Based Social Security Legislation (1573/1993) applies, among other things, to national and guarantee pensions, child allowance and housing allowance.

The Act on the Application of Residence-Based Social Security Legislation only applies to persons whose residence in Finland is legal. If a person is required to have a residence permit under the Aliens Act, the permit is, as a rule, required to be valid for at least one year in order for the person to be covered by social security. In some cases, a residence permit or right to work valid for less than a year is also sufficient.

The residence requirement based on the Act on the Application of Residence-Based Social Security Legislation is also used in the application of health insurance and unemployment insurance. Health insurance benefits include rehabilitation arranged and reimbursed by Kela, the Social Insurance Institution of Finland. Kela organises medical rehabilitation, vocational rehabilitation and discretionary rehabilitation for persons with severe disabilities, and reimburses rehabilitative psychotherapy on the basis of the Act on the Rehabilitation Benefits and Rehabilitation Allowance Benefits of the Social Insurance Institution of Finland (566/2005).

In addition, everyone residing in Finland as required by the Municipality of Residence Act has the right to municipal health and social services in Finland.

A person may also be covered by Finnish residence-based social security through work. This requires at least four months of continuous work or self-employment.

The areas of social security based on working in Finland are earnings-related pensions and insurance against accidents at work or occupational diseases. The employer is obliged to arrange the aforementioned insurance coverage, and the employees are entitled to benefits from the beginning of work. However, even if the employer neglects to arrange the insurance coverage, the employees will not lose their right to benefits. The arrangement of insurance coverage is monitored, and legislation includes specific procedures for cases of negligence.

Finnish legislation guarantees social security, including rehabilitation, for all legal residents of Finland. Social security rights based on work are also secured by law in situations where employers neglect their social security obligations.

Implementation of occupational safety inspections and other legislation (c)

There is a national occupational safety and health monitoring organisation in Finland. If necessary, inspection activities can be targeted at specific industries or specific locations where forced or compulsory labour typically occurs.

Issues checked in the Occupational Safety and Health Information System (VERA) include discrimination at work, equal treatment and the remuneration of posted workers. For temporary workers, the hours worked, rest periods and their placement, the shift schedule and the organisation of weekly time off are checked.

In the residence permit process, the terms and conditions of the employment relationship are examined in the manner provided for in chapter 5 of the Aliens Act. Section 71b of the Aliens Act, which concerns the application for a residence permit for an employee and the employer's obligation to provide information, requires the employer to submit, among other things, information on the key terms of the employment relationship, the collective agreement applicable to the work and assurance on the terms and conditions of employment. The Employment and Economic Development Office (TE Office) considers, among other things, the aforementioned factors when issuing a partial decision on an employee's residence permit application. The fulfilment of the requirements for a residence permit issued for other gainful employment is judged by the Finnish Immigration Service. Applicants for a residence permit may be heard in person (usually at a Finnish mission abroad) or remotely by the Finnish Immigration Service if this is considered necessary for the matter, for example for a more detailed examination of the circumstances of an alien applying for a permit.

In connection with the Action Plan against Trafficking in Human Beings 2021–2023, trafficking in human beings was also combatted through legislative amendments, such as the Act amending the Criminal Investigation Act, which expanded the possibilities for using videotaped interrogations in court proceedings.

In addition, analysis, assessment and research was carried out during the implementation period. These activities improved the knowledge base of anti-trafficking measures and promoted practical anti-trafficking work. During the period, Finland also intensified international cooperation to prevent and combat trafficking in human beings and took the initiative, for example, in setting up a working group of coordinators and a police network operating in connection with the Nordic Council of Ministers.

Protection against inappropriate recruitment and hiring processes (d)

Chapter 3, section 8 of the Act on Public Employment and Business Service lays down the grounds on which the Employment and Economic Development Authority may refuse to accept a vacancy notice or remove it from the customer information system of Employment and Economic Development Offices. Such grounds include the suspicion of the following:

- 1) the employer violates the prohibition of discrimination provided by law;
- 2) the employer seeks an employee for work tasks that are against the law or for which the employment of the person sought for is prohibited;

- 3) the employer materially neglects its obligations provided for in chapter 2 of the Employment Contracts Act or chapters 2 and 3 of the Seafarers' Employment Contracts Act or the obligation to pay taxes or statutory contributions;
- 4) there is a clear threat of violence at the workplace or there is harassment or other inappropriate treatment causing harm or danger to the employee's health; or
- 5) due to the nature of the position or other similar reason, it is not appropriate to support the filling of the vacancy by means of employment services.

When assessing the grounds for not accepting a vacancy notice or deleting a vacancy from the customer information system, the Employment and Economic Development Authority acts on the basis of the information available to it either directly on the basis of the vacancy notice or on the basis of information received on the employer's previous conduct. On the basis of its previous cooperation with employers or public authorities, or on the basis of contacts from clients, an Employment and Economic Development Office may have reasonable grounds to suspect that the employer's conduct or conditions at the workplace are not appropriate.

Other public employment and business services may also be refused to the employer or the company on these grounds under chapter 12, section 7 of the Act on Public Employment and Business Service.

According to chapter 1, section 6 of the Act on Public Employment and Business Service, public employment and business services provided to individual clients are free of charge. Chapter 12, section 5 of the Act, on the other hand, provides for a prohibition of charging fees for private employment services or for services and activities that would be considered to be covered by the prohibition of charging fees for employment services. On the basis of the provision, providers of private employment services may not charge fees from individual customers for the provision of available information on vacancies, the search for and provision of suitable jobs for a jobseeker, the introduction of a jobseeker to an employer, advice on vacancies and job search, or the registration of an individual customer as a jobseeker. The prohibition of charging fees for employment services also applies to situations where a person who has worked as a temporary agency worker becomes an employee of the client company after the assignment ends. In addition to the prohibition of charging fees for employment services, private employment services are also subject to chapter 12, section 4 of the Act on Public Employment and Business Service. The section provides for the obligation of private employment service providers to comply with provisions on equality and the prohibition on supplying under-age labour force for work for which employing underage labour force is prohibited under the Young Workers Act. In addition, the section provides for the right of the Ministry of Economic Affairs and Employment to receive information on private employment services from the entities providing or representing private employment services in order to monitor private employment services. A Government decree provides for the processing of information on a tripartite basis and the publication of information.

The prohibition of discrimination contained in the Non-Discrimination Act and the Act on Equality between Women and Men also obliges providers of private employment services. The requirement of compliance with equality under the Act on the Public Employment Service is aimed at ensuring the equal treatment of employees and jobseekers in private employment services. Private employment agencies that hire workers to hire them out must also comply with the Young Workers Act. This is reinforced by the prohibition under the Act on Public Employment and Business Service on supplying under-age labour for work for which employing under-age labour is prohibited under the Young Workers Act.

The occupational safety and health authorities monitor that the providers of private employment services comply with the terms and conditions of employment and the prohibitions of discrimination against their employees under the Employment Contracts Act, Seafarers' Employment Contracts Act and Non-Discrimination Act. The monitoring applies to the discrimination based on all protected categories. The Non-Discrimination Ombudsman and the National Non-Discrimination and Equality Tribunal of Finland monitor discrimination based on ethnic origin outside working life, and the Ombudsman for Equality controls discrimination based on gender.

Although there are no provisions on an actual right of appeal against an employment service event itself, the occupational safety and health authorities investigate any violations of the terms and conditions of employment, including allegations of work discrimination. In addition, suspicions of work discrimination or violation of the prohibition of charging fees for employment services may be reported to the police for investigation, taking into account the penal provisions of chapter 47 of the Criminal Code.

f)

Provision of information on working life and working conditions before coming to work in Finland is one way to prevent people from being brought to work in Finland under false assumptions. Collective agreements define the minimum level of terms and conditions of employment for everyone.

Finland has enacted prohibitions on charging fees for employment services. The aim is to promote the use of only reliable intermediaries in the recruitment of foreign workers. The Act on the Conditions of Entry and Residence of Third-Country Nationals for the Purpose of Seasonal Work is aimed at preventing abuse.

Measures to prevent labour exploitation (see section on Article 1 Paragraph 3)

Cooperation with multiple authorities and the promotion thereof has been essential in addressing abuses as early as possible and more effectively than before.

Integration measures are part of the prevention of trafficking in human beings and its early identification. Anti-trafficking work has been included in Finland's Development Policy Action Plan.

The work against trafficking in human beings has been promoted by mainstreaming the awareness and competence of the authorities, employers and employees to prevent and tackle problems.

Article 3

Each Member shall take effective measures for the identification, release, protection, recovery and rehabilitation of all victims of forced or compulsory labour, as well as the provision of other forms of assistance and support.

Please indicate the measures taken to ensure that the competent authorities are able to identify and release all victims of forced or compulsory labour. Please describe the measures taken to provide victims with protection, recovery and rehabilitation. Please also indicate the measures taken to provide other forms of assistance and support.

Measures taken to tackle the digital business model of traffickers

In 2022 and 2023, the National Bureau of Investigation (NBI) has participated in the EMPACT Hackathon, which focuses on an open network for revealing potential criminal activity. In 2023, the EMPACT Hackathon focused on recruitment. In addition to the NBI, the event was also attended by the Helsinki Police Department. The NBI disseminates up-to-date information and trains other actors on the observations it makes and the role of the open network in human trafficking offences. The purpose of the activities has been to strengthen identification, data collection and referral of cases to criminal investigation. In addition, the NBI has a separate unit specialising in open network criminal activities, and they are also used in human trafficking offences. The police (NBI, National THB Team and Local Police) work in close cooperation with the Border Guard's roving liaison officer and the Finnish Visa Police, who also produce information from open sources on the Internet, especially regarding countries of origin.

Efforts made to improve the capacity of labour inspectorates and/or social partners to identify cases of trafficking in human beings as well as cooperation between law enforcement authorities and labour inspectorates

The resources of foreign labour supervision have been strengthened. Labour inspectors have received appropriate training to identify possible victims of human trafficking and the labour inspectorate and the law enforcement authorities have further strengthened their co-operation.

The national THB investigation team, the Helsinki Police Department and the Regional State Administrative Agency are piloting a contact person experiment in which an occupational safety and health inspector is at the police department on predetermined days to review the situational picture and topical joint projects. In general, the threshold for cooperation has been lowered in the form of cooperation meetings. A nation-wide multi-professional cooperation model (MOVI) has been created.

Measures taken to address the responsibility of legal persons for committing trafficking offences, including sanctions

According to the Criminal Code of Finland (19.12.1889/39), the liability of legal persons is applicable to the offences of trafficking in human beings and aggravated trafficking in human beings (Criminal Code chapter 25, section 10, subsection 1). A corporate fine is imposed as a lump sum. The minimum monetary amount of a corporate fine is EUR 850 and the maximum monetary amount is EUR 850,000.

Investigations to impose business prohibitions and corporate fines have been highlighted in investigations and as part of the MOVI model.

Measures taken to seize and confiscate instrumentalities of, and proceeds obtained from, trafficking in human beings

Attention is paid to the seizure of criminal proceeds in every investigation. The operations are supported, for example, by the Financial Intelligence Unit located in the NBI. The National Police Board has published guidelines on the recovery of proceeds of crime. Police departments regularly monitor the recovery of proceeds of crime. Police departments have appointed crime proceeds experts and, in turn, enforcement liaisons at police departments.

Measures taken for the detection and early identification of victims of trafficking

The website ihmiskauppa.fi maintained by the Assistance System for Victims of Human Trafficking has been renewed during the year 2023 and is still partly under construction. The goal is to develop the website so that it serves its purpose even better. The website is the main and the most extensive portal dealing with THB in Finland. Information and practical examples about all forms of exploitation is available in the site for authorities and civil society as well as guidance on how to encounter a potential victim, how to refer a victim to assistance etc. The Assistance System also maintains an info-line where authorities and NGOs as well as private citizens can get consultation to support identification. The info-line serves at the same time also as a hotline for victims themselves.

A new position of communications specialist was established in the Assistance System in 2023. The aim is, for example, to improve and intensify information and training on THB in order to promote detection and identification.

The Action Plan to Combat Trafficking in Human Beings (2021-2023) include number of training measures as listed above. Training has been organised and/or training materials have been developed for many different sectors and authorities in order to intensify detection and identification of victims of human trafficking (VoTs). For instance, in 2022 the Finnish Immigration Service launched an online training course on THB, which is compulsory to all staff members. The Assistance System for Victims of Human Trafficking has participated in developing the materials and contents and in the trainings. In addition, the asylum unit of the Finnish Immigration Service gives regular trainings and develops guidance materials on THB topics. During the residence permit process, potential VoTs can be identified during an oral hearing with the potential victim, after which they are directed to the assistance system.

At reception centres, employees aim to identify potential victims of human trafficking in families in various information events, initial health examinations, meetings with social services as well as day-to-day encounters and discussions. Applicants for international protection who are unaccompanied minors are provided accommodation in a special unit for minors, where each child is given an initial health examination and provided with an individual care and upbringing plan as well as a social worker's initial assessment, service needs assessment and client plan. Efforts are made to identify potential victimization related to trafficking in human beings in these contexts and in day-to-day observations and discussions.

In the degree programmes of the Police, trafficking in human beings is discussed as follows: The essential elements of human trafficking are discussed in legal studies during the sub-period the essential elements of criminal law in teaching in connection with the essential elements of Chapter 25 of the Criminal Code. Teaching emphasises the diversity of human trafficking as a phenomenon and the diversity of essential elements. Practical cases are used in teaching and the report on the application of the provisions on trafficking in Human beings and related offences published on 15.2.2022 is taken into account as far as this is possible for students at universities of applied sciences. In connection with the training on immigration control, the topics include encounters between cultures in supervisory tasks, human trafficking and illegal immigration activities, human trafficking as a phenomenon, and field surveillance of foreigners, which also includes the perspective of identifying human trafficking. In connection with the study period on supervision and alarm activities related to housing alarm tasks, the perspective of trafficking in human beings is taken into account in theory and exercises. The question is that the housing alarm duty must take into account different issues related to the situation of the target persons. Identifying human trafficking situations is one of these. In the degree programme of the Police officers, human trafficking issues are discussed in crime prevention and investigation management in two different study modules (investigation management and demanding investigation management). The curriculum is updated every two years. In the further training of the police, trafficking in human beings is discussed in the course of economic crime and in the course of investigation of labour offences.

A report was published in 2021, "From Exploitation to Fair Employment" on the organization of employment services for victims of trafficking in Finland. HEUNI and the National Assistance System wrote the report in cooperation for Victims of Trafficking as part of the IKUT project. Based on the recommendations of the report, an instruction card was drawn up for the workers of the public employment and integration services to help identify work-related exploitation and human trafficking. In addition, training was organized in 2022 on the identification of victims of human trafficking and their service needs for employees of the public employment services, immigrant training and literacy training as well as guidance and counselling points. A recording of the trainings was distributed to other groups working with migrants and integration.

The Ministry of Employment and Economic Affairs has funded a Seasonal Work Helpline for seasonal workers. It has been in function in 2021, 2022, 2023 and 2024. The service was provided by Victim Support Finland and was intended to serve especially foreign workers who suspect that they have been exploited at work. The helpline gave advice on, for example, legal working conditions such as working hours and salaries, housing and hygiene conditions, as well as available legal remedies. If the employee gave their consent, their matter could be referred to the authorities for further investigation.

A new permit was adopted in Finland in 2021, which allows an exploited worker to change employers more easily (residence permit or certificate due to exploitation by employer). This permit can be granted, if an employer has exploited a worker and neglected their obligations to a significant degree. This permit can be obtained without filing criminal charges and is meant to require a relatively low threshold. If a person is granted this permission, they can work in any field (unrestricted right to work). This new type of permit allows migrant workers to more easily change employers and therefore leave employment relations where they are subject to exploitative work conditions. When the new act entered into force, The Ministry of Employment and Economic Affairs organized a training for the Immigration Service on the identification of victims.

In addition, the Finnish Institute for Health and Welfare, together with the Assistance system for victims of trafficking, developed a training on human trafficking and assistance to the victims of trafficking for the social

and health care sector professionals. This training, available online, guides professionals in identifying and assisting victims of trafficking.

Finland started to use the Passenger Name Record (PNR) system to detect offences related to human trafficking. The intent is to detect potential victims of human trafficking in the passenger lists delivered by transportation companies by analysing factors such as routes, gender, age and payment method.

Efforts made to ensure that all victims identified are provided with assistance, support and protection, including in criminal proceedings

Legislative amendments entered into force on 1 January 2023 (https://intermin.fi/-/ihmiskaupan-uhreja-autetaan-rikosprosessin-etenemisesta-riippumatta?languageId=en_US). The amendments improved the status of victims of trafficking in human beings. The legislative amendments improved the access to services of victims of trafficking in human beings as the help provided through the Assistance system for victims of human trafficking no longer depends on the progress of the criminal proceedings related to human trafficking. Primarily, the assistance is based on an assessment of the victim's individual situation. The victim has the right to receive assistance regardless of the initiation, continuation and outcome of the criminal proceedings insofar as the victim is considered to need assistance.

The amendments promote both the status of the victim and the interests of society as a whole: they improve the detection of human trafficking, referral of victims to assistance, and thus also the enforcement of criminal liability. At the same time, the amendments clarify the previous legislation.

The Reception Act (Section 38b) states that the assistance measures for a victim admitted to the Assistance System for VoTs and thus identified, shall be arranged based on an individual assessment of the need for support of a victim. When organizing assistance measures, special needs due to the victim's age, vulnerable situation and physical and mental state must be considered, as well as the safety of the victim. If the victim does not have a home municipality in Finland, the Assistance System is responsible for the assessment of the need for support of a victim as well as arranging the assistance measures. The social services and healthcare professionals initiate a review of the victim's specific individual needs as soon as possible after the victim has been admitted to the Assistance System. During 2022 and 2023, the Assistance System has developed methods for assessing service needs. The aim of developing the assessment work has been to improve the quality, consistency and equality of service need assessment.

If the victim admitted to the Assistance System has a home municipality in Finland, the wellbeing services county is responsible for arranging the assistance measures as well as for the assessment of the need for support of a victim. The task of the Assistance System is to cooperate and consult the professionals of the wellbeing services county. In addition, the Assistance System provides guidance and counselling to victims based on individual needs. This may include, for example, advice related to reporting an offence and criminal proceedings or the right of residence.

The clients of the public social welfare and health care have a right to receive the social welfare and health care services on the basis of an individual needs assessment. Wellbeing services counties and the City of Helsinki are responsible for organising healthcare and social services. Urgent social services must be organised immediately. In urgent cases, every person residing in the wellbeing services county has the right to receive social services based on their individual needs in a way that does not jeopardise their right to indispensable care and subsistence. In other than urgent cases, people have the right to receive adequate social services from the wellbeing services county where they have their municipality of residence.

Also, the Social Welfare Act was amended in the beginning of 2023. According to section 11(5) of the Social Welfare Act (1301/2014), social services must be organised for the need for support arising e.g. from violence and abuse. Abuse refers i.a. to trafficking in human beings.

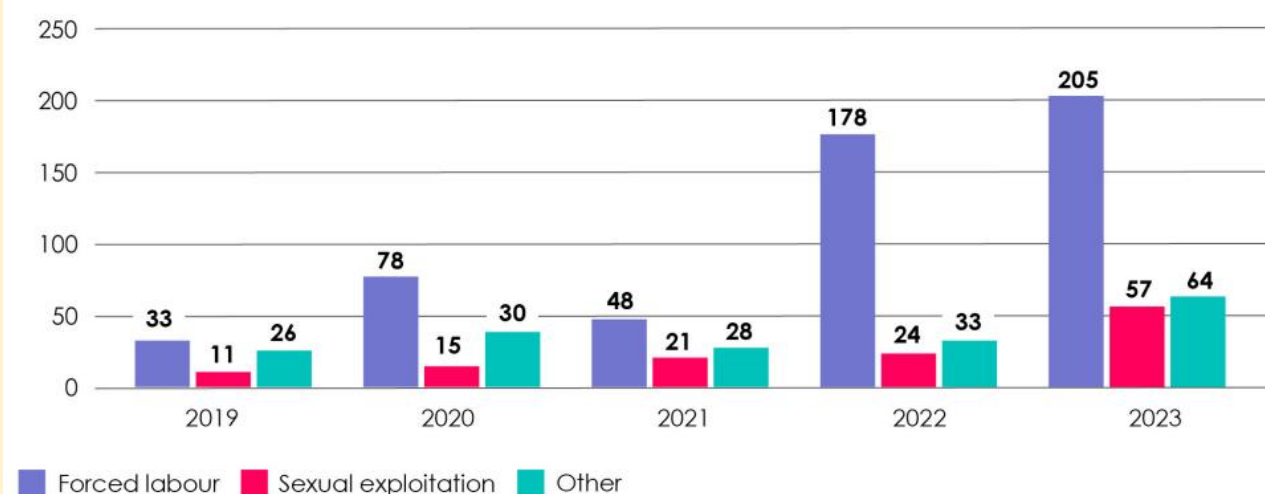
Provisions on child welfare are laid down in the Child Welfare Act (417/2007). A child welfare case is initiated upon application or notification submitted to the social welfare authorities. A child's possible need for urgent child welfare measures must be assessed immediately. In other cases, a social worker must assess whether an investigation of the need for child welfare measures is necessary within seven weekdays. A child welfare client is assigned a personal social worker. The wellbeing services counties are responsible for providing the child

and his or her family with those social services that the social worker responsible for the child’s case assesses in the client plan to be absolutely necessary for the health and development of the child.

In 2023 the Finnish Institute for Health and Welfare launched a training on human trafficking and assistance to the victims of trafficking for the social and health care sector professionals. This training, available online, guides professionals in identifying and assisting victims of trafficking. Furthermore, individual wellbeing services counties may have practices and protocols on assistance of the victims of trafficking. Some of the counties also have centralized services for victims of trafficking into certain units and/or to certain professionals.

Victims of trafficking in human beings included in the Assistance System

People admitted to the assistance system who have become victims of trafficking in human beings in Finland



Source: Assistance System for Victims of Human Trafficking¹⁸²

There were no major statistical changes in the numbers of new clients in the Assistance System for Victims of Human Trafficking in 2023. In 2023, the number of new clients entering the Assistance System for Victims of Human Trafficking due to being identified as potential victims of trafficking in human beings was 326 (2022: 367).

In addition, 36 minor children of clients entered the Assistance System due to needing support alongside their guardian. This meant that a total of 362 new clients entered the Assistance System. The figure is lower than in the previous year when 429 persons entered the Assistance System.

The new clients represented 47 nationalities (the nationality of three people was marked as unknown in the statistics). The most common nationalities were Thailand (25 per cent), Somalia (11 per cent) and Iraq (10 per cent). There were also Finnish nationals among those exploited.

Of the new clients, 58 per cent were women and girls, and 42 per cent were men and boys. In the case of women and girls, the most common forms of exploitation were forced labour (43 per cent of the cases), forced marriage (26 per cent) and sexual exploitation (24 per cent). For men and boys, forced labour was the most common form of exploitation by a large margin (90 per cent of the cases).

Each year, more and more people who may have become victims of trafficking in human beings in Finland are referred to the Assistance System for Victims of Human Trafficking. In previous years, a majority of the persons referred to the Assistance System were classified as having become victims of trafficking in human beings outside Finland.

Measures taken to ensure adequate capacity of specialised accommodation

A victim admitted to The Assistance System for Victims of Human Trafficking is entitled to safe accommodation. If the victim does not have a home municipality in Finland, the Assistance System is responsible for arranging the accommodation if needed. The services and accommodation are arranged based on an individual assessment of the need for support of a victim and in arranging the services such as the accommodation, the security of the victim is considered. The accommodation of the victims can be arranged in many different ways in order to meet the specific needs of an individual victim. The Assistance System and the costs of the services, it arranges for the victims, are funded by the state.

In situations where a person is unable to arrange their own housing, the wellbeing services county must apply the provisions of the Social Welfare Act and assess the person's need for housing services. The range of housing services varies by wellbeing services counties, and suitable solutions are sought for victims of human trafficking based on their individual situation. Responding to the housing-related service needs of victims of human trafficking requires a wide range of housing services, such as supported housing, sheltered housing and shelters. Services for victims of human trafficking can be secured by guaranteeing equal and accessible health and social services. Housing needs are often related to organizing suitable solution for housing and everyday support.

Shelters for the victims of domestic violence are available for those victims of human trafficking who have experienced violence or threat of violence in close relationship. According to the shelter act (1354/2014) “Shelter services can also be provided to help people who need help for reasons similar to intimate partner violence, if the help meets the victim's needs and the provision of help does not cause harm or danger to others in the shelter”. Shelter staff have been trained on human trafficking, for example by the Finnish Institute for Health and Welfare. For instance in the beginning of 2022 a specific training on shelters and victims of trafficking was organized. In addition to trainings, information on trafficking has been included in the information material on legal issues for shelters.

Article 4

1. Each Member shall ensure that all victims of forced or compulsory labour, irrespective of their presence or legal status in the national territory, have access to appropriate and effective remedies, such as compensation.

2. Each Member shall, in accordance with the basic principles of its legal system, take the necessary measures to ensure that competent authorities are entitled not to prosecute or impose penalties on victims of forced or compulsory labour for their involvement in unlawful activities which they have been compelled to commit as a direct consequence of being subjected to forced or compulsory labour.

Paragraph 1. Please indicate the remedies that have been established to enable victims of forced or compulsory labour to claim their rights and obtain reparation, including compensation, as well as the measures taken to ensure that such remedies are accessible to all victims, irrespective of their presence or legal status in the national territory.

Measures taken to ensure tools are in place for victims to access compensation

Victims of human trafficking are entitled to similar compensations as any victim of a violent crime (as laid down in the Act on Compensation for Crime Damage¹). There is no separate compensation mechanism in place.

Furthermore, in some cases, the victim might be entitled to the wage guarantee, which ensures the payment of employee claims arising from an employment relationship in the event of employer insolvency. All wage

¹ Criminal Injuries Act (1204/2005) (in Finnish): <https://www.finlex.fi/fi/laki/ajantasa/2005/20051204>.

guarantee matters in Finland are handled in the Uusimaa Centre for Economic Development, Transport and the Environment (ELY Centre).

Paragraph 2. Please indicate the measures taken to enable the competent authorities not to prosecute or impose penalties on victims of forced or compulsory labour for their involvement in unlawful activities which they have been compelled to commit as a direct consequence of being subjected to forced or compulsory labour. Please also indicate how the competent authorities are made aware of these measures and apply them in practice.

Measures taken to ensure the efficiency and effectiveness of investigations and prosecutions

The Ministry of the Interior's project modelling the pre-trial investigation of human trafficking offences was implemented in the competence area of RDI (TKI) activities of the Police University College 1.10.2022-31.12.2023. The project examines the pre-trial investigation of human trafficking offences from six different perspectives: from the perspectives of official practices, legislation, modus operandi, the third sector, international operating models and the injured party. The victim perspective crosses all the frames of reference presented above. The project will produce a model for the criminal investigation of human trafficking offences for the operative and tactical use of the police as part of multi-authority cooperation. The modelling takes into account work-related exploitation, sexual exploitation as a form of human trafficking and children as the target group of exploitation. The investigation of a human trafficking offence is modelled and described in such a way that matters related to the tactical and operative activities of the police are protected as required by the appropriate level of protection, however, especially taking into account the victim's need for protection as a person in a vulnerable position. The project has produced a research report on the project (publicly available), process descriptions (the victim's perspective, pre-trial investigation and cooperation between multiple authorities) on the stages of the pre-trial investigation (publicly available), as well as a handbook for pre-trial investigation (both public and official versions) and a report on the pre-trial investigation of human trafficking offences from the perspective of the third sector.

In 2022, the National Bureau of Investigation (NBI) conducted an internal police assessment into reports of THB and related offences that have been open with the police for more than 12 months and on the quality of investigations into the above-mentioned crimes. The NBI annually compiles the police's internal management observations on crime reports opened during the year. NBI supports the detection of crimes by disclosing information and assisting pre-trial investigations with the knowledge and expertise of the Financial Intelligence Unit's expert services. For each opened Trafficking in Human beings (THB) investigation, the NBI asks the head of investigation whether any activity suggestive of money laundering has been detected during the investigation. The national THB investigation team has been established and its activities are constantly being developed. The team cooperates closely with the local police and the NBI THB functions, as well as with operational units.

Article 5

Members shall cooperate with each other to ensure the prevention and elimination of all forms of forced or compulsory labour.

Please indicate how, and in which areas, cooperation has been established with other member States to ensure the prevention and elimination of all forms of forced or compulsory labour.

Finland has focused on strengthening international cooperation during the last years.

During the Finnish Presidency in 2021, the need to strengthen police cooperation among the Nordics was also discussed, and the Finnish specialized anti-trafficking police unit was active in these discussions by suggesting a formalized cooperation models for the Nordic police. As a result, the Police Network has also been established in early 2024.

Finland held the presidency of the Council of the Baltic Sea States (CBSS) from July 2023 to June 2024. During its presidency, Finland prioritised anti-trafficking activities. The CBSS Task Force against

Trafficking in Human Beings focuses on improving the know-how and cooperation of countries in the Baltic Sea Region in preventing violence and human trafficking targeted at children and helping the victims.

The National Bureau of Investigation strengthened cooperation with Chinese partners on protecting victims of trafficking in human beings. China considers Chinese victims of human trafficking found in EU countries as suspects under national law. Cooperation with the Chinese authorities was aimed at building trust to enable the exchange of information and to ensure the protection of victims.

Finland will hold the Presidency of the Nordic Council of Ministers in 2025, and the Government Anti-Trafficking Coordinator will chair the Nordic Coordinators' Working Group against trafficking in human beings established in June 2022. In 2021, when Finland held the Presidency last time, the Coordinator led a project which objective was to exchange best practices and to identify needs for further Nordic cooperation. The focus was on practical work, implemented best practices and sharing of ideas, information and contacts. During the project, a concrete need for closer cooperation among Nordic countries in the work against trafficking in human beings became apparent and possibilities to establish more formalized cooperation structures were suggested. The report can be found [here](#).

Experts' views were taken to the Nordic Council of Ministers of Justice (MR-JUST) and needs for further anti-human trafficking cooperation was discussed in the MR-JUST meeting in 2022. As a result, the Nordic Ministers of Justice decided to establish the Nordic Coordinators' Working Group against trafficking in human beings. The Working Group shares information and best practices in order to strengthen cooperation against human trafficking in the Nordics.

The international dimension - measures taken to enhance transnational law enforcement and judicial cooperation

For each opened investigation of human trafficking offences, the NBI asks the head of investigation whether the investigation is cross-border and whether the case falls under Europol's jurisdiction. With the permission of the investigator, the NBI releases the information to Europol's analysis database. Finland has participated/participates in two OTFs and one JIT related to THB. Finland participates closely in Europe's joint anti-trafficking activities, with Europol and ELA at the centre. These include both operational and situational awareness activities. In 2021–2023, Finland has actively participated in several EMPACT OAs. During the abovementioned years, Finland, coordinated by the NBI, has participated in several joint European EMPACT Action Day surveillances.

Furthermore, the NBI has a centralised international information exchange group, through which mutual requests for criminal legal assistance (MLA) from the police and the Border Guard outside Europe. The NBI cooperates with the FBI both in detecting THB and in developing information exchange and analytical cooperation. The NBI and the police participate in planning and training activities in accordance with CEPOL cooperation.

Article 6

The measures taken to apply the provisions of this Protocol and of the Convention shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned.

Please describe the manner in which the measures to apply the Protocol and the Convention are determined, in particular to what extent this is done by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned.

Labour legislation is prepared on a tripartite basis. Stakeholders and labour market organisations have been involved in the preparation of measures to combat trafficking in human beings. In addition, the Government's proposal for ratification of the Protocol has been discussed by the ILO Committee.

Please describe the manner in which the measures to apply the Protocol and the Convention are determined, in particular to what extent this is done by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned.

A copy of this report has been sent to following labour market organizations:

1. The Confederation of Finnish Industries (EK)
2. The Central Organization of Finnish Trade Unions (SAK)
3. The Finnish Confederation of Salaried Employees (STTK)
4. The Confederation of Unions for Academic Professionals in Finland (Akava)
5. The Commission for Local Authority Employers (KT)
6. The State Employer's Office (VTML)
7. The Federation of Finnish Enterprises (SY)

Statements of the labour market organisations

The central workers' organisations (SAK, STTK and Akava) have stated the following:

In Finland, national practices and measures to eliminate forced or compulsory labour have been the subject of an action plan in recent years. The Government of Prime Minister Sanna Marin agreed on the preparation of an Action Plan against Trafficking in Human Beings. The action plan, entitled *Finland Fights Human Trafficking – Action Plan against Trafficking in Human Beings*, was adopted as a Government Resolution on 6 May 2021, and its implementation period was extended to the end of 2023. It was based on five strategic objectives and 55 actions. The action plan aimed to promote the detection of trafficking in human beings, improve the position of victims and intensify the enforcement of criminal liability. The action plan also aimed to strengthen the mainstreaming of anti-trafficking work as part of broader Government activities and to intensify cooperation with civil society.

Despite an extensive implementation programme and several measures implemented, there is still a lot left to do and gaps in the eradication of forced and compulsory labour in Finland at the legislative and practical level. The exploitation of workers manifests itself in Finland in many ways ranging from the underpayment of workers to serious labour exploitation and forms of extortionate work discrimination that meet the essential elements of trafficking in human beings. These cases, which differ in severity, are characterised by the pursuit of the employer's financial gain at the expense of the employee.

Based on the accounts of customers of Victim Support Finland and the number of different employer companies, it seems that in some industries (such as cleaning, certain restaurants, construction, agricultural/seasonal work) exploitation is prevalent and, in places, even standard practice.

The victims of labour exploitation are mainly foreigners, who often have poor Finnish and English language skills. Workers from a foreign background most often entered Finland with a residence permit for an employed person or as asylum seekers, but some are also undocumented persons who do not have the right to reside in Finland.

Victim Support Finland's customers who are victims of labour exploitation have usually had to pay large entry fees for jobs and/or residence permit arrangements, or were tricked into becoming, for example, light entrepreneurs. They are rarely in possession of information about their rights as employees in Finland or about their opportunities to get out of the situation. Customers of Victim Support Finland have also been subject to hidden exploitation, such as recording shorter hours than worked or not recording the hours worked at all. There are also situations where the employer pays wages by bank transfer into the employee's account but forces the employee to return the money to the employer. It is also typical to situations of exploitation that the victims of exploitation do not dare to report the situation to the authorities or even to a trade union because they are afraid of, for example, losing the opportunity to obtain a residence permit for themselves or their family members, of losing their livelihood and of difficulty in finding another job. The fear of retaliation and exclusion from the community in Finland also raises the threshold for reporting.

There are challenges in the investigation of trafficking in human beings and related offences, such as extortionate work discrimination, and the problem is structural. The challenges include the long duration of investigations of cases and the interpretation of what constitutes an offence. In terms of crime nomenclature, discrimination is a poor fit for situations where some foreigners are paid proper wages in accordance with the collective agreement and others are not. In practice, the underpayment of wages is sometimes interpreted as a mere wage dispute, which is not even investigated as a crime. In addition to resources and inadequate awareness of what constitutes each offence, in some cases, the problem may also lie in attitudes. These offences are not always considered important; for

example, victims' residence problems may automatically be considered a factor that undermines their credibility. Systematic operating models may remain undiscovered when reports are processed separately and the extent of the employer's activities is not investigated. In addition, the means of the occupational safety and health authority to intervene in the labour exploitation are still very limited. Although small improvements have been made to the authorities' operational capabilities, they still seem to have insufficient means to intervene in the continuation of business models based on the labour exploitation in Finland.

In addition, the central workers' organisations consider that victims of forced or compulsory labour should have better legal remedies that provide better protection against forced labour. For example, the statute of limitations for labour offences should be longer than at present and the sanctions for labour offences should be stricter. The investigation of offences has proved difficult, running a risk that they become time-barred before they reach the court. Cases of exploitation often become known to the occupational safety and health authority and the police only after the employment relationship is over, leaving little time for the investigation. The reasons for the delay in the reports include lack of language skills, ignorance of the legislation and assistance systems, fear of retaliation by the employer, and possible actions against family members in both the country of work and the country of origin. Workers do not dare to report grievances during the employment relationship because they are afraid of losing their job and being deported.

The central workers' organisations consider that the legislation is not at the appropriate level in situations of labour exploitation. The maximum penalties for offences related to work discrimination and extortionate work discrimination laid down in chapter 47 of the Criminal Code are less severe than the penalties for extortion and aggravated extortion provided for in chapter 36 of the Criminal Code, which means that the statutes of limitations are also shorter. In addition, studies have shown that the sanction practice for labour offences is mild. In cases of exploitation, a stricter scale of punishment for labour offences would have the benefit of not only presumed general prevention, but also the prolongation of the statute of limitations of the right to institute proceedings. Legal aid and interpretation services for victims of exploitation are also insufficient.

In addition, sanctions against employers who engage in labour exploitation, including possible business bans, are currently ineffective and do not *de facto* prevent employers from continuing their exploitation-based business operations and pursuit of financial gains.

Comments of the *Federation of Finnish Enterprises* according to the questions in the report form:

Articles 1(2) and 6

Forced labour and other labour exploitation are regularly dealt with by the advisory board on terms of employment and permit supervision of foreign workers and entrepreneurs under the Ministry of Economic Affairs and Employment. The establishment and operation of the advisory board is based on section 211 of the Aliens Act (301/2004) and the Government Decree (862/2021). The advisory board operates on a tripartite basis, and its activities have focused on, for example, the preparation a Government resolution on a strategy to prevent and combat labour exploitation in 2023.

The Federation of Finnish Enterprises considers it important that the application of the Forced Labour Convention and the Protocol supplementing it, and the measures based thereon, are prepared and discussed in institutions where various operators of society are widely represented. In Finland, this is particularly true of the activities of the above-mentioned advisory board.

Article 2

The Federation of Finnish Enterprises considers it important to take measures to increase the knowledge and skills of employers (in accordance with Paragraph b of the Article) so that employers and companies can identify situations of exploitation. This is especially important in various situations of subcontracting and temporary agency work involving foreign employees. Finland's current legislation is comprehensive in this regard but, to support compliance with the legislation and in addition to it, employers also need information and support from the authorities on how to identify and avoid risk situations.