

**Article 19, paragraph 5(e), of the Constitution of the ILO  
ILO Declaration on Fundamental Principles and Rights at Work  
Annual follow-up concerning non-ratified fundamental Conventions  
Report made by the Government of Finland  
on unratified  
Protocol of 2014 to the Forced Labour Convention, 1930 (P029)**

### **General information concerning the ratification of the Protocol of 2014 in Finland**

Finland intends to ratify the Protocol of 2014 to the 1930 Forced Labour Convention. The government proposal concerning the adoption of the Protocol is being discussed by Parliament.

### **Prevention of forced or compulsory labour, victim protection and access to remedies**

#### **Questions 1.1–1.5**

In Finland, slavery and forced or compulsory labour are criminalised as trafficking in human beings, or aggravated trafficking in human beings, punishable under Chapter 25 of the Criminal Code (39/1889). Attempted trafficking, or aggravated trafficking, in human beings is also punishable. The elements of the offence of trafficking in human beings are quite similar to those of extortionate work discrimination punishable under Chapter 47, section 3a of the Criminal Code. An English translation of the Criminal Code can be found here:  
<https://www.finlex.fi/en/laki/kaannokset/1889/en18890039>

The most recent Finnish action plan against human trafficking, the Revised National Plan of Action against Trafficking in Human Beings, was adopted by the Government in 2008. On the basis of this Plan of Action, two significant legislative projects relevant to human trafficking have been implemented, and the coordination of actions against human trafficking has been improved.

The government action against human trafficking is overseen by a ministerial working group on internal security and administration of justice and by the meeting of permanent secretaries. The government anti-trafficking coordinator works at the Ministry of the Interior Police Department. The duties of the coordinator are to arrange cross-administrative matters relating to the fight against human trafficking and to take part in the related international cooperation. Each ministry is responsible for following up and implementing the measures within its own administrative branch.

The anti-trafficking coordinator is assisted by a secretariat coordinating the government action against human trafficking. The secretariat consists of representatives of all key ministries involved in the action. It consults experts, such the National Rapporteur on Trafficking in Human Beings, where necessary.

The government anti-trafficking coordinator is also responsible for the organisation of the work of the government anti-trafficking network. Through this network, the authorities involved in the action against human trafficking (such as the National Police Board and the assistance system for

victims of human trafficking), civil society organisations and international actors work in cooperation. The labour market organisations also participate in this network, which currently has 27 members.

The Non-Discrimination Ombudsman, acting as the National Rapporteur on Trafficking in Human Beings, monitors phenomena relating to human trafficking. The Rapporteur may provide legal advice and assist victims in legal proceedings. The Rapporteur draws up reports on human trafficking and related phenomena, on action taken against human trafficking and on how victims' rights are protected, and participates in the monitoring of reporting on human trafficking and in the promotion and oversight of action against human trafficking.

The National Rapporteur on Trafficking in Human Beings submits a report on human trafficking and related phenomena to the Government annually and to Parliament every four years. One of the key objectives of this report is to identify, on the basis of the material that has been collected and analysed, any problems in the action against human trafficking, to intervene in these problems and to issue recommendations on how to improve the action. The Rapporteur also helps and supports those working with human trafficking in the implementation of its recommendations and Parliament's positions.

It is currently being considered whether the 2008 Revised National Plan of Action against Trafficking in Human Beings should be updated.

The 2008 Revised National Plan of Action is attached to this report.

### **Question 1.6.1.**

The Finnish Police and Border Guard collect data on the number of reported offences of trafficking in human beings. In recent years, a few dozen such offences have been reported to them every year.

Statistics Finland collects data on the number of convictions by general courts on the basis of the essential elements. For example, the number of convictions by district courts for trafficking in human beings under Chapter 25, section 3 of the Criminal Code was six in 2012 and three in 2013. The number of convictions for aggravated trafficking in human beings has varied from seven in 2006 and five in 2008 to one per year in 2011–2013.

As stated above, the National Rapporteur on Trafficking in Human Beings draws up reports on human trafficking and related phenomena, and submits one to the Government annually and to Parliament every four years.

### **Question 2.2.**

#### ***Information, education and awareness raising targeting especially people in vulnerable situation and employers***

The website of the Finnish Immigration Service contains information on how people can seek help if they encounter problems in their employment relationships. The website also includes links to sites providing additional information about human trafficking and situations involving underpayment or excessive working hours, for example, and links to sites of the respective authorities who can help in those situations.

Provisions on the employer's obligation to provide employees with written information on the principal terms of work are laid down in Chapter 2, section 4 of the Employment Contracts Act (55/2011). Failure to comply with this obligation is punishable by law.

Occupational safety and health authorities and the European Refugee Fund have designed a 'business card' against human trafficking. The card contains contact details for cases where an employment relationship might involve elements of trafficking in human beings. It is available in many languages. In addition, different authorities and other actors in Finland have organised joint awareness campaigns against human trafficking and the shadow economy, for example, that have also discussed punishments for the use of forced or compulsory labour.

***Strengthening and broadening of the coverage of legislation, particularly labour law***

Finnish labour law is applicable to all those working in the country, including those staying in the country illegally. It covers all sectors of economic activity. In addition to the legislation, the working conditions of employees are determined on the basis of sectoral collective agreements.

Under Chapter 3, section 8 of the Non-Discrimination Act (1325/2014), discrimination is prohibited on the basis of origin or nationality, for example. The Act is binding on both public authorities and employers as provided in Chapter 2, sections 5 and 7 of the Act.

***Regulation and supervision of the labour recruitment and placement process & supporting due diligence by the public and private sectors***

Chapter 3, section 3 of the Act on Public Business and Employment Service (916/2012) lays down provisions on the grounds on which employment and economic development authorities may refuse to accept an announcement for a vacant position, or remove an announcement from an Employment and Economic Development Authority's customer data system, on the basis of information available to it in the announcement or on the basis of 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 believe that the employer's conduct or conditions at the workplace are not appropriate.

Employers or enterprises may also be refused other public employment and business services on the grounds referred to above as provided in Chapter 12, section 7 of the Act on Public Business and Employment Service.

Under Chapter 1, section 6 of the same Act, public employment and business services for individual clients are free of charge. Provisions on prohibition of charges for employment exchange concerning private employment services and on the services and activities covered by the prohibition are laid down in Chapter 12, section 5 of the Act. Violation of this prohibition is punishable under Chapter 47, section 6 of the Criminal Code.

Chapter 12, section 4 of the Act on Public Business and Employment Service provides that providers of private employment services must comply with provisions on equality and must not supply underage labour for work for which employing underage labour is prohibited under the Young Workers Act (998/1993).

The prohibitions of discrimination included in the Non Discrimination Act and the Act on Equality between Women and Men (609/1986) are binding on providers of both public and private

employment services. Compliance with the Non-Discrimination Act is supervised by the occupational safety and health authorities and the Non-Discrimination Ombudsman. Compliance with the Act on Equality between Women and Men is supervised by the Ombudsman for Equality and the Non-Discrimination and Equality Board.

Finland has a nationwide organisation for the supervision of occupational safety and health. Occupational safety and health authorities are responsible for supervising that the providers of private employment services and the user undertakings comply with the terms of employment, and the prohibitions of discrimination imposed by the Non-Discrimination Act. They investigate any violation of the terms of employment, including alleged work discrimination. Where necessary, labour inspections may be targeted at specific sectors or places where forced or compulsory labour typically may occur.

### ***Promotion of safe and regular migration***

The Act on the Promotion of Immigrant Integration (1386/2010) aims to address the increase in immigration that has taken place in recent years, as well as its increasingly diverse nature, by supporting immigrant participation in Finnish society. It applies to immigrants residing in Finland who are not Finnish citizens, i.e. to foreign nationals and stateless persons.

The Integration Act aims to provide all immigrants with basic information about Finnish society, working life and services promoting integration. It focuses on the provision of information, guidance and advice at the initial stage of integration.

According to the Act immigrant integration measures and services are planned so that they form a clear and consistent package. An initial assessment is made to establish the immigrant's language skills, education and work history, and life situation. The provision of integration services is based on immigrants' individual service needs and on the situation of their family.

The Integration Act also defines the role and duties of Employment and Economic Development Offices, ministries, Centres for Economic Development, Transport and the Environment and Regional State Administrative Agencies in the promotion of integration.

The Act applies to all immigrants residing in Finland who have a valid residence permit specified in the Aliens Act (301/2004), whose right of residence has been registered or who have been issued with a residence card under the Aliens Act. The Act applies irrespective of their reason for moving to the country.

All immigrants are entitled to receive basic information about Finland as well guidance and advice at the initial stage of integration, but individual integration measures are planned together with the immigrant and his or her family on the basis of their needs.

The Integration Act emphasises the importance of the role of immigrants in the integration process – hence the use of the phrase 'integration of immigrants' instead of 'integrating immigrants' in the Act. Integration is a long-term and continuous process. Full integration takes place in interaction with Finnish society in everyday situations and in local communities, such as daycare centres, schools, leisure activities and workplaces.

Besides promoting the employment of immigrants, the Integration Act focuses especially on measures supporting the integration of families, children and young people. Their immediate network – home and family – have a key role to play in the integration process.

Each immigrant is a member of different communities and becomes a member of Finnish society. Participation and good ethnic relations are important to society as a whole, to its stability and public security. Immigrant participation in society and increasing dialogue between population groups are cross-cutting objectives of both the Integration Act and the Government Integration Programme.

### ***Education/vocational training***

The right to education and culture is recorded in the Constitution of Finland (731/1999). Public authorities must secure equal opportunities for every resident in Finland to get education, including "post-compulsory" education, and to develop themselves irrespective of their financial standing.

All immigrants of compulsory school age (6-17) permanently resident in Finland have the right to receive the same basic education as Finns. Immigrants of all ages are provided with instruction in the Finnish or Swedish language. The objective is 'functional bilingualism'; a command of Finnish or Swedish while maintaining one's native language and culture.

After finishing basic education, one can study at a general upper secondary school or at a vocational institution or apply to a polytechnic after having completed a vocational qualification or the general upper secondary school syllabus, or to a university after having completed a vocational qualification or the general upper secondary school syllabus and the matriculation examination.

### ***Capacity building for the competent authorities***

An action plan to reduce economic crime and the shadow economy was implemented in Finland in 2011–2015. The action plan set out measures to reinforce the monitoring of aliens, and more officials were hired to perform this duty. Although the implementation of the action plan has ended, the monitoring of aliens remains at the same level as during the action plan implementation period.

The Divisions for Occupational Safety and Health of Regional State Administrative Agencies also target their labour inspections on the basis of the monitoring of aliens. Each Division has one or more labour inspectors focusing on the monitoring of aliens. The aim is to improve the exchange of information between the authorities. The Ministry of Social Affairs and Health has prepared a government proposal to allow occupational safety and health authorities to obtain more information from other authorities. The proposal was submitted to Parliament in late June.

### ***Promotion of freedom of association and collective bargaining to enable at-risk workers to join workers' organizations***

The freedom of association is guaranteed by Chapter 13, section 1 of the Employment Contracts Act, and the right of assembly by Chapter 13, section 2 of the Act. Joining a trade union is optional for all employees.

### ***Basic social security guarantees***

Finnish legislation guarantees social security for all those residing legally in Finland. The Act on the Application of Residence-Based Social Security Legislation (1573/1993) applies, for example, to national and minimum pensions and to child and housing benefits.

The right to employment-based social security is also protected by law in cases where the employer has neglected obligations related to the arrangement of social security, such as insurance for occupational accidents and diseases.

### **Question 3.2.**

#### ***Training of relevant actors for identification of forced labour practices***

Section 38 of the Act on the Reception of Persons Applying for International Protection and on Identifying and Assisting Victims of Trafficking in Human Beings (746/2011) lays down provisions on the identification of victims of human trafficking. It provides that, in connection with launching a criminal investigation into suspected trafficking in human beings where the person to be identified might be a victim, the identification of victims of human trafficking is performed by the criminal investigation authority or prosecutor. In connection with granting a residence permit under section 52a(2) of the Aliens Act, the identification is performed by the Finnish Immigration Service. In certain specific situations provided by law, the Joutseno Reception Centre may also identify victims of human trafficking.

The Finnish Immigration Service has developed methods for the detection and identification of victims of human trafficking, including victims of forced or compulsory labour, in connection with issuing residence permits based on asylum and employment. The personnel of its Asylum and Immigration Units include experts on human trafficking issues, in particular.

The police work together with other authorities, including occupational safety and health authorities, to detect victims of forced or compulsory labour, for example. Police officers receive continuous training in the identification of victims of human trafficking to also identify them among victims of forced or compulsory labour.

#### ***Legal protection of victims, material and medical assistance for victims, appropriate accommodation etc.***

Provisions on the Finnish assistance system for victims of human trafficking are laid down in the Act on the Reception of Persons Applying for International Protection and on Identifying and Assisting Victims of Trafficking in Human Beings. Coordination, maintenance and development of the system of assistance for victims of human trafficking is the responsibility of the Joutseno Reception Centre, maintained by the state.

The purpose of the assistance system is specified in section 33 of the above mentioned Act. According to the section 34 of the Act, public, private or third sector bodies may request the Joutseno Reception Centre to admit a suspected victim of trafficking in human beings into the assistance system. The request may also be made by the victim.

Under section 35 of the Act, the person requested to be admitted into the assistance system is admitted where it is considered that, under the circumstances, he or she might be a victim of the offence of trafficking in human beings and needs assistance. Those assisting the authorities in the

investigation of the offence may also be admitted into the assistance system. Where the children of those admitted into the system are in Finland and are in need of help, they may also be admitted into the system.

The services provided for victims of human trafficking within the assistance system include advice, legal aid, interpreting, and assistance related to accommodation, livelihood and possible return to the home country. The victims may also be helped to access healthcare and social services. Provisions on the assistance provided for victims of human trafficking are laid down in section 38a of the Act on the Reception of Persons Applying for International Protection and on Identifying and Assisting Victims of Trafficking in Human Beings. Victims of human trafficking may not be helped unless they want to, unless otherwise provided in the Child Welfare Act (417/2007). Where their municipality of residence is in Finland, this municipality is responsible for providing them with assistance. In other cases, this responsibility rests with the Joutseno Reception Centre.

### ***Specific measures for children***

The assistance for victims of human trafficking specified in section 38a of the Act on the Reception of Persons Applying for International Protection and on Identifying and Assisting Victims of Trafficking in Human Beings also includes tracing the parents or other person responsible for the actual guardianship of unaccompanied child victims of trafficking in human beings. Section 38e of the Act provides that the Joutseno Reception Centre and child welfare authorities work together to assist child victims and children accompanying victims of human trafficking. For unaccompanied minors admitted into the assistance system, a representative is appointed as provided in Chapter 5 of the above Act and Chapter 7 of the Act on the Promotion of Immigrant Integration.

Where the police have reason to believe that a person is under 18 years old, and the person's age cannot be verified, they will treat this person as a minor.

### ***Protection of privacy and identity***

The protection of privacy and identity of victims of human trafficking is guaranteed according to the relevant Finnish legislation. E.g. the relevant personnel providing the assistance are obliged to secrecy by the Finnish legislation. This also means that no personal data considering the victims of trafficking may be forwarded to outside actors such as other authorities without a special permission in the relevant legislation.

The Act on the Openness of Government Activities applies to the secrecy of criminal investigation documents. Under section 24(1)(26) of the Act, documents containing sensitive information on the private life of an injured party are secret. The Act on the Publicity of Court Proceedings in General Courts (370/2007) applies to criminal proceedings. Under section 6 of the Act, the court may order that the identity of the injured party in a criminal case that concerns a particularly sensitive aspect of his or her private life be kept secret. Under section 15, the court may decide that an oral hearing be held, in full or to the necessary extent, without the presence of the public. Section 9 of the Act provides that trial documents must be kept secret to the extent that they contain sensitive information on the private life of a person. Under Chapter 17, sections 29 and 33 of the Code of Judicial Procedure, in a criminal case, where an injured party does not have any claims, and a decision has been made to hear him or her anonymously, the injured party may be heard in a manner that does not reveal his or her identity or contact information.

### ***Specific measures for migrants***

The assistance system for victims of human trafficking is being organized by the Joutseno Reception Centre. The assistance system has special experience on how to provide services for victims who are migrants. The assistance system also shares this experience to other relevant authorities such as local administration entities providing services for those victims of trafficking who are migrants. Also in key municipalities the services provided for the victims of human trafficking are coordinated with persons who have knowledge on work with migrants.

#### **Question 4.2.**

##### ***Information and counselling for victims regarding their rights***

The police are responsible for informing victims of crime of their possibilities to have legal aid and victim support services, for example. Public authorities and non-governmental organisations have drawn up various leaflets in different languages for victims of crime. The police also inform suspected victims of trafficking in human beings of the assistance system for victims of human trafficking and guide them to the service.

##### ***Free legal assistance, cost-free proceedings***

Victims of human trafficking may be provided with legal aid and advice as provided in the Criminal Procedure Act (689/1997) and the Legal Aid Act (257/2002). The amount of legal aid is calculated on the basis of the applicant's available means, i.e. his or her monthly income, necessary expenses and maintenance liability. Depending on the available means, the applicant is granted legal aid for free or against a deductible.

The Criminal Procedure Act provides that victims of trafficking in human beings may be appointed a legal counsel irrespective of their income under Chapter 2, section 1a of the Act, which provides that the court may appoint a trial counsel for an injured party. Where legal aid is granted and a legal counsel appointed under the Legal Aid Act, the applicant's economic situation determines whether the legal aid is granted for free or against a deductible.

##### ***Provision for authorities not to prosecute victims for acts which they have been compelled to commit***

According to general theories of criminal law, persons may not be punished for acts which they have been compelled to commit.

##### ***Access to remedies and compensation, provision of penalties ect.***

In Finland, slavery and forced or compulsory labour are criminalised as trafficking in human beings punishable under Chapter 25 of the Criminal Code. The elements of trafficking and aggravated trafficking in human beings also include transferring and transporting the person. Under Chapter 25, sections 3–3a of the Criminal Code, trafficking in human beings is punishable by imprisonment for a minimum of four months and a maximum of six years, and aggravated trafficking in human beings by imprisonment for a minimum of two and a maximum of ten years. Attempted trafficking and aggravated trafficking in human beings are also punishable.

Extortionate work discrimination, the elements of which are quite similar to those of trafficking in human beings, is criminalised under Chapter 47 of the Criminal Code. Chapter 47, section 3a provides that it is punishable by a fine or imprisonment for a maximum of two years. Violation of the prohibition of charges for employment exchange referred to above is punishable as employment agency offence under Chapter 47, section 6 of the Criminal Code. The employment agency offence is punishable by a fine or imprisonment for a maximum of one year.

The victim's right to damages is determined as provided in the Tort Liability Act (412/1974).

***Capacity building and enhanced resources for the competent authorities, such as labour inspection, law enforcement, prosecution services and judges***

Please see the answers given to the questions 2.2. and 3.2.

***Development of forced labour indicators***

In Finland the National Police Board has given instructions to the Police units containing practical indicators for human trafficking. Finland also participates in a project financed by the Nordic Council of Ministers which is aiming to create practical indicators for economical actors to detect forced labor in corporate setting.

In addition, the legislative drafting documents discussing the essential elements of trafficking in human beings, such as the government proposal (HE 103/2014) to Parliament for an Act amending the Criminal Code and other related Acts, have made reference to the ILO indicators.

**Question 4.3.**

Under Finnish immigration legislation, it is possible to grant a right of residence to victims of forced or compulsory labour who meet the residence permit conditions laid down in the Aliens Act. In such cases, the following permits and grounds under the Aliens Act may apply depending on the circumstances: a residence permit for a victim of trafficking in human beings under section 52a; a residence permit under section 52d to a third-country national who has resided and worked in the country illegally; international protection under Chapter 6 or a residence permit under section 52 issued on compassionate grounds if refusing a residence permit would be manifestly unreasonable with regard to their health, ties to Finland, or on other compassionate grounds, particularly in consideration of the circumstances they would face in their home country or of their vulnerable position.

If the conditions laid down in the Aliens Act are met, the right of residence in Finland is granted by the Finnish Immigration Service. Issuing a temporary residence permit for a victim of trafficking in human beings under section 52a(1) requires that the person is prepared to cooperate with the authorities in apprehending those suspected of trafficking in human beings. Issuing a residence permit under 52a(2) to a victim of trafficking in human beings in a particularly vulnerable position does not require cooperation with the authorities.

**Question 5.2.**

Finland is also committed to combating human trafficking through EU regulation, i.e.

Directive 2011/36/EU of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (Anti-trafficking Directive), and Directive 2012/29/EU of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA (Victims' Directive).

In addition, in 2006 Finland ratified the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime. In 2012, Finland ratified the 2005 Council of Europe Convention on Action against Trafficking in Human Beings.

These Directives and Conventions also apply to combating forced or compulsory labour, and their implementation already requires active measures to combat human trafficking.

### **Question 6.2.**

Employment legislation is drafted on a tripartite basis, in collaboration with the organisations representing the interests of employers and employees.

### **Question 7**

Please see the answers given to the questions 1.1.–1.5.

### **Question 10.2.**

The competent authorities and the representative employers' and workers' organisations have been consulted by written procedure.

### **Question 12**

Confederation of Finnish Industries (EK)  
Local Government Employers (KT)  
Office for the Government as Employer (VTML)  
Federation of Finnish Enterprises

### **Question 13**

Central Organisation of Finnish Trade Unions (SAK)  
Finnish Confederation of Professionals (STTK)  
Confederation of Unions for Professional and Managerial Staff in Finland (AKAVA)

### **Question 14**

Please see the answers given to the questions 1.1.–1.5. as well as the general information at the beginning of this report concerning the ratification of the Protocol of 2014 in Finland.