

No. 29

REPORT

for the period of 1 June 2017 to 31 May 2021 made by the Government of Finland, in accordance with article 22 of the Constitution of the International Labour Organization, on the measures taken to give effect to the provisions of the

Forced Labour Convention (No. 29)

(Ratification of which was registered on 13 January 1936)

I LEGISLATION AND REGULATIONS

There have been no legislative changes since the last reporting period with regard to the residence permit of a victim of trafficking in human beings (Section 52 a of the Aliens Act) or measures to assist victims of trafficking in human beings (Reception Act).

The new provisions of the Aliens Act (301/2004) will enter into force on 1 October 2021. The amendments to the Aliens Act will prevent exploitation of foreign labour and improve the legal status of victims of exploitation. The aim of the Act is to detect exploitation at work more easily than now.

More information on the amended Aliens Act can be found on the following website, link: https://tem.fi/-/ulkomaalaislain-uudistukset-ehkaisevat-ulkomaisen-tyovoi-man-hyvaksikayttoa-ja-parantavat-uhrin-ase-maa-tyo-ja-elinkeinoministerio-?languageId=en_US

II Direct Request, 2017

The Committee requests the Government to continue providing information on the enforcement of the related provisions under the Criminal Code, including the number of investigations, prosecutions and convictions, as well as the penalties imposed

Number of investigations on trafficking in human beings, aggravated trafficking in human beings and extortionate discrimination

The International Labour Organization has requested Finland to provide information on the number of investigations, prosecutions and convictions, as well as the penalties imposed on trafficking in human beings, aggravated trafficking in human beings and extortionate discrimination. The request did not specify the period for which the information is requested.

Finland announces the investigations carried out by the Finnish Border Guard and the police for 2017–2020.

Pre-trial investigations carried out by the Finnish Border Guard in 2017–2020:

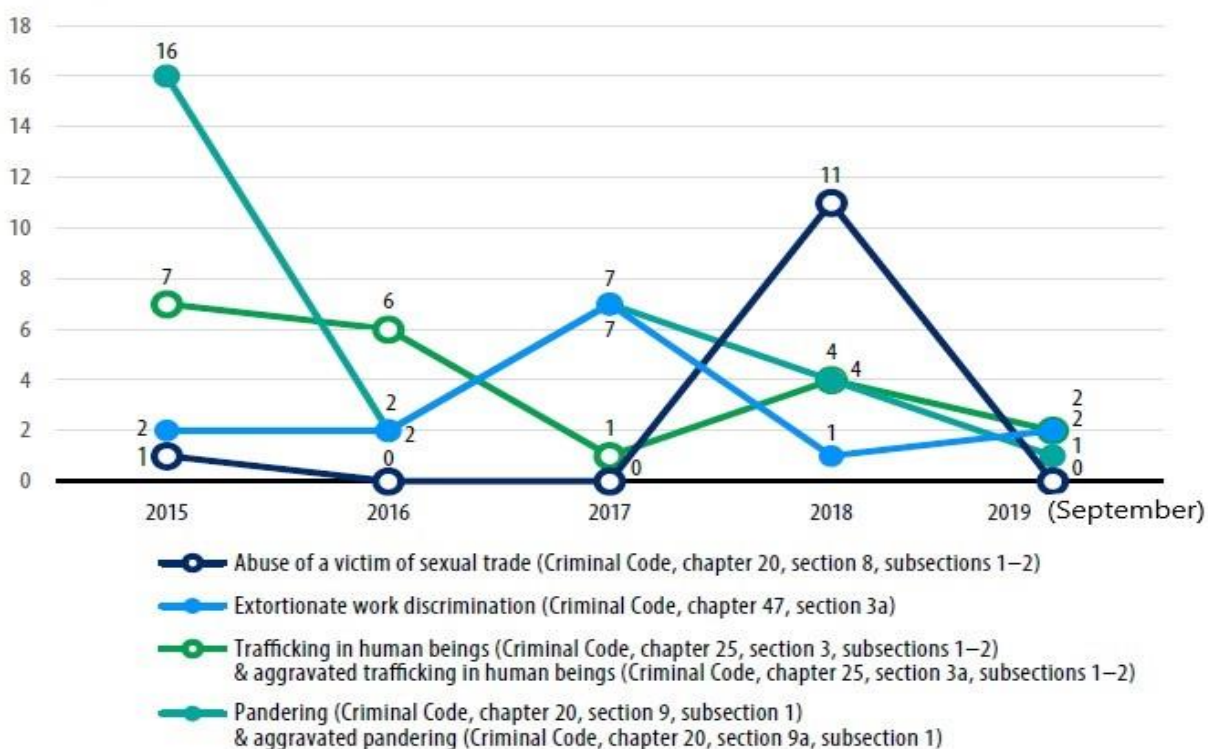
	2017	2018	2019	2020
Trafficking in human beings	0	0	0	1
Aggravated trafficking in human beings	0	1	0	0
Extortionate discrimination at work	0	0	0	1
Total	0	1	0	2

Pre-trial investigations carried out by the police in 2017–2020:

	2017	2018	2019	2020
Trafficking in human beings	3	13	9	19
Aggravated trafficking in human beings	6	2	3	16
Extortionate discrimination at work	19	8	22	7
Total	28	23	34	42

A national investigation team focusing on the detection and investigation of human trafficking crimes has been established in connection with the Helsinki Police Department in early 2021. The strength of the investigation team is 20 person-years, of which 17 have been referred to the Helsinki Police Department and 3 to the Central Criminal Police. The national investigation team and the national police network of experts in the fight against trafficking in human beings, established in February 2020, work closely together.

Persons convicted in court (district courts and court of appeal) in 2015–2019 by designation of offence, no.



The decision in case KKO:2017:60 concerned sentencing. A victim of human trafficking had been kept under the control of a man and his daughter for several years, during which the victim had borne the man three children. In 2020, the Supreme Court granted leave to appeal in a human trafficking case involving berry-picking. The issue before the Supreme Court is whether the acts committed by the entrepreneur in question constitute one or 26 offences of trafficking in human beings. The Supreme Court will also consider the matter of sentencing.

The Committee requests the Government to continue providing information on the application of the laws regarding the protection of victims in practice, including the number of victims identified, the types of services provided to them and the number of those who have received such services.

Protection of victims of labour exploitation

The International Labour Organization has also requested Finland to provide information on the application of the laws regarding the protection of victims in practice, including the number of victims identified, the types of services provided to them and the number of those who have received such services. The comments of the Finnish Immigration Service (incl. The Assistance system for victims of human trafficking) have been requested in the matter.

Statistics on the assistance system for victims of human trafficking:

Statistics for the period from 31 May 2017 to 31 December 2017 are not available, as statistical data are only available for the whole year. There are also no statistics available on how many of the proposals to the assistance system have concerned labour exploitation. With regard to the form of exploitation (labour exploitation), the statistics are compiled only for persons admitted to the assistance system, not for those proposed. In addition, no statistics are available on how many of the proposals have concerned minors. For minors or adults, too, statistics are compiled only on persons admitted to the assistance system.

Year	Proposed to the assistance system	Admitted to the assistance system	Victims of labour exploitation admitted to the assistance system	Minors admitted to the assistance system
2017	177	127	58	14
2018	228	163	63	10
2019	303	229	76	14
2020	394	247	122	10
From 1 January 2021 to 31 May 2021	129	78 * Note! Several proposals pending and awaiting resolution	42	4

Assistance measures for victims of labour exploitation:

A person admitted to the assistance system is entitled to the following services:

1. counselling and guidance
2. safe accommodation
3. reception allowance/income support
4. social services
5. health care services
6. interpreting and translation services
7. legal aid and legal advice
8. safe return support

During the period under review, victims of forced labour or labour exploitation were more often men than women in Finland. Irrespective of gender, their need for assistance typically focuses on the need for different types of advice and guidance on the right of residence and different options for it, on training and re-employment, on criminal proceedings and starting the criminal procedure of a criminal case, and on wage claims. In many cases, there has also been a need for safe accommodation, i.e. the need to get help to get out of the

housing provided by the exploiter. In addition, victims of labour exploitation often have a need for psychosocial support and may also need therapy. Depending on the person's individual situation, the victim of labour exploitation may need all or only some of the services available.

Possible changes from the previous reporting period and other comments:

Changes

There have been no legislative changes since the last reporting period with regard to the residence permit of a victim of trafficking in human beings (Section 52 a of the Aliens Act) or measures to assist victims of trafficking in human beings (Reception Act).

Residence permit practices concerning victims of human trafficking are being reviewed at the time of reporting, link:

https://intermin.fi/-/ihmiskaupan-uhreja-koskevia-oleskelulupakaytantoja-selvitetaan?languageId=en_US

The Parliament has demanded that the Government find out whether there are legislative amendment needs related to the grounds for the residence permits of trafficking victims. The aim of the review is to produce information based on which the possible needs for legislation amendment and development of law application and interpretation practices can be assessed.

The Ministry of Social Affairs and Health has set up a working group to draw up a new act to assist victims of human trafficking. The aim of the reform is to improve the status, rights and equality of victims of human trafficking and to improve the implementation of their human rights. Safeguarding the rights of victims of human trafficking and the reform of related legislation are included in the Government Programme. The working group's mandate runs until the end of 2022, link:

https://stm.fi/-/tyoryhma-laatii-ehdotuksen-uudeksi-laiksi-ihmiskaupan-uhrien-auttamiseksi?languageId=en_US

Prevention, detection and identification of labour exploitation

Asylum seekers systematically receive information on Finnish society at reception centres, which also includes a Working in Finland information brochure. The aim of the brochure is to provide information about Finnish society and the rules of Finnish working life and the employee's rights (and obligations) and thus to prevent labour exploitation. In addition, an asylum seeker who is employed during the asylum process can obtain more detailed advice from reception centre staff, for example on employment contracts and working conditions. The staff of the reception centres have been trained in cooperation with the reception unit of the Finnish Immigration Service to identify all forms of human trafficking, incl. forced labour and to refer presumed victims to the assistance system.

All officials of the Finnish Immigration Service's Asylum Unit (interviewers/decision-makers) receive or have already received training in identifying all forms of human trafficking in the asylum process and instructions on referring identified victims to the assistance system. The permit officers of the Permits and Citizenship Unit of the Finnish Immigration Service have also received or will receive systematic training on identifying human trafficking and less severe labour exploitation. Applicants are interviewed in Finland and abroad for the purpose of identifying the risks of exploitation and to prevent labour exploitation.

Minors

According to the Finnish Immigration Service (incl. The Assistance system), labour exploitation of minors has not been identified as a problem in Finland. Minors admitted to the Assistance system for victims of trafficking in human beings who have been victims of labour exploitation have been exploited outside Finland. They are typically unaccompanied minors seeking asylum in Finland who have been identified as victims of

human trafficking in the asylum process by the Finnish Immigration Service's asylum unit, by the staff of reception centres (juvenile units) or by an assistant and referred to the assistance system.

The Committee requests the Government to provide information on the implementation of the NAP 2016–17 and to indicate whether the NAP will be renewed upon its expiration in 2017.

Action Plan against Trafficking in Human Beings (2021-2023)

The preparation of an action plan to combat human trafficking was agreed by the Government of Prime Minister Sanna Marin. On 2 April 2020, the Ministry of Justice appointed an intersectoral working group to prepare such an action plan and on 6 May 2021, the government approved it.

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 is based on five strategic objectives and 55 actions. The plan will promote the detection of human trafficking, improve the standing of victims and enhance the establishment of criminal liability. The plan will also strengthen the mainstreaming of antitrafficking into the wider activities of the Government and intensify cooperation with civil society. The plan links anti-trafficking closely with analysis, assessment and research activities. The action plan seeks to prevent and reduce trafficking in human beings.

The Government's Action Plan against Trafficking in Human Beings for 2021–2023 includes a measure according to which the Finnish Immigration Service will draw up an internal training plan related to human trafficking. The measure is currently being implemented. In the first phase, the Finnish Immigration Service will plan and implement electronic general training on human trafficking and its identification, the completion of which will become mandatory for all staff. This will be followed by the possibility of building in-depth training for different services, such as targeted training on identifying the risks of labour exploitation for work permit officers.

The plan will be implemented in 2021–2023. Its implementation will be monitored and reported by a working group. An external assessment of the implementation of the action plan will also be carried out.

Action Plan against Trafficking in Human Beings, published in English on the following website, link: <https://julkaisut.valtioneuvosto.fi/handle/10024/163326>

III APPLICATION OF THE ARTICLES IN FINLAND

Action plan for tackling the grey economy and economic crime for 2020–2023

On 11 June 2020, the Government adopted a strategy and an action plan for tackling the grey economy and economic crime for 2020–2023. The tackling of the grey economy will focus on prevention, more effective access to information and cooperation between authorities. To implement the strategy, an action plan has been drawn up that includes more than 20 projects and more than 50 concrete measures. These projects and measures will be carried out in cooperation between different ministries, agencies and stakeholders. The Strategy promotes a comprehensive, consistent and effective approach to combating the grey economy and economic crime and healthy competition and a fair labour market. The elements of the efforts to combat the grey economy are legislation, actions taken by the authorities, and the choices made by companies and private individuals.

The objectives of the Strategy for Tackling the Grey Economy and Economic Crime are to:

1) promote healthy competition between companies and a fair labour market,

- 2) prevent the grey economy and economic crime,
- 3) ensure the ability of authorities to combat the grey economy and economic crime, and
- 4) develop measures to combat the grey economy and economic crime and improve cooperation between authorities.

To attain the objectives of the strategy different measures are needed:

- Legislation that provides better support for the authorities must be developed.
- Sufficient resources for the authorities' operational work must be secured and allocated appropriately.
- Operating models based on a shared situation awareness must also be created for cooperation between multiple authorities.
- Legislation and the actions of authorities create a societal framework for preventing the grey economy and economic crime with the aim of hampering or preventing the activities of those who neglect their obligations or perpetrate offences.

The most up-to-date information on the scale of the grey economy, the efforts to combat it, and the phenomena associated with it is available on the web service Grey economy & economic crime, link: www.grey-economy-crime.fi. The latest situation awareness of both conventional and new grey economy phenomena is compiled on this web service for the use of citizens and decision-makers. Understanding the big picture also contributes to supporting the decision-making of authorities and cooperation.

Government Resolution (11 June 2020) on a strategy and an action plan for tackling the grey economy and economic crime for 2020–2023, published on the following website:

<https://valtioneuvosto.fi/documents/1410877/16402203/Government+Resolution+on+a+Strategy+and+an+Action+Plan+for+Tackling+the+Grey+Economy+and+Economic+Crime+for+2020%E2%80%932023.pdf/ba2282cd-449f-f2de-a449-9c8d15b0de36/Government+Resolution+on+a+Strategy+and+an+Action+Plan+for+Tackling+the+Grey+Economy+and+Economic+Crime+for+2020%E2%80%932023.pdf?t=1591942369000>

IV

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 Federation of Finnish Enterprises (SY)

The Federation of Finnish Enterprises find that Finland has taken important measures to prevent trafficking in human beings. The Federation of Finnish Enterprises consider it to be of utmost importance that the exploitation of foreign labour can be prevented effectively. Non-compliance with the terms of employment applicable to foreign workers not only distorts competition for honest entrepreneurs but is also unacceptable from the humane perspective. With regard to the Forced Labour Convention, work against trafficking in human beings is at the heart of Finland's activities. In this regard, Finland is also implementing legislative changes that will improve the position of exploited foreign workers (Government proposal 253/2020; parliamentary bill pending).

However, work to combat trafficking in human beings requires sufficient official resources. In Finland, legislation and the competent authorities in and of themselves constitute a functioning system for addressing trafficking in human beings and other forms of labour exploitation, but the authorities do not have sufficient resources.

The Central Organization of Finnish Trade Unions (SAK), The Finnish Confederation of Salaried Employees (STTK) and The Confederation of Unions for Academic Professionals in Finland (Akava)

Finnish working life involves a considerable amount of exploitation of employees, ranging from the exploitation of workforce and extortionate work discrimination, which meet the characteristics of human trafficking, to the underpayment of employees. What is characteristic to these cases of varying degrees of severity is that the employer seeks financial benefits at the employee's expense.

Currently, Victim Support Finland (RIKU) has more than 400 active customers who have been victims of labour exploitation in Finland. Up until June 2021, RIKU has had 72 new customers related to labour trafficking or milder forms of labour exploitation.

The most common sectors in which employees are exploited are restaurants, cleaning, agriculture, and construction, while exploitation also exists in the beauty sector, warehousing and households, and at car washes and repair shops. According to statements given by RIKU's customers and on the basis of the number of different employer companies, it appears that exploitation is common and even prevalent in certain sectors (e.g., cleaning, certain restaurants, construction, agriculture/seasonal work). As a rule, victims of labour exploitation are foreigners who often have poor Finnish and English skills. Foreign victims of labour exploitation most generally come from Iraq, Nepal, Bangladesh, Afghanistan, or Ukraine. These foreign employees have primarily come to Finland with a residence permit for an employed person or as an asylum seeker, while some are also undocumented individuals who have no right to reside in Finland.

Among RIKU's customers, exploitation is usually hidden so that fewer working hours are registered than what an employee actually works or working hours are not monitored at all, or wages are paid in an employee's bank account, with the employee being forced to return the funds to the employer. More often, an employee's employment relationship is disguised as entrepreneurship, and the means of concealing exploitation are developing. Based on findings made by SAK's employee rights advisory service for immigrants, this type of masquerading of employment relationships into other legal relationships exists in the construction sector, for example.

What is typical in exploitation situations is that the victim of exploitation does not dare to report the situation to the authorities or even to the trade union, because they are afraid of losing their residence permit or that of one of their family members or the preconditions of obtaining a residence permit, losing their income or having difficulties in finding a new job. In addition, the fear of retribution in their home country and exclusion from the community raises the threshold of reporting.

According to the most recent annual report of the assistance system for victims of human trafficking, "the assistance system was most often approached by individuals who were assessed to have been victims of human trafficking related to forced labour in Finland". The number of such new customers was twice (78 individuals) as high as in the previous year (33 individuals). Based on the number of new customers, sectors with the highest risks in 2020 were cleaning, restaurants, construction, seasonal work in agriculture, and working as a domestic worker for private people. In some cases, victims were forced to work by their own spouse. Link: https://www.ihmiskauppa.fi/files/525/Ihmiskaupan_uhrien_auttamisjarjestelman_vuosikatsaus_1.1.-31.12.2020.pdf

Human trafficking and similar offences, such as extortionate work discrimination, are challenging to investigate, and the problem is structural. Challenges include the long duration of investigations and the interpretation of the characteristics of crime. As an offence, discrimination is not highly applicable to situations where wages are paid in accordance with the collective agreement to some foreign employees, but not to everyone. In practice, underpayments are sometimes interpreted as mere disputes over wages that are not even investigated as a crime. In addition to identifying resources and the characteristics of crime, attitudes also present problems in some cases. These offences are not always considered to be important, and problems involving residence, for example, may automatically be regarded as factors that reduce credibility. Systematic procedures cannot be uncovered when reports are processed separately, without investigating how extensive the employer's actions are. Furthermore, the means of the labour protection authority to intervene in the exploitation of employees are very limited. It appears that the available tools to intervene in business activities based on the exploitation of employees are insufficient in Finland.

The Confederation of Finnish Industries (EK)

Measures have been taken in Finland to prevent human trafficking, but legislation needs to be further developed in some respects. Exploitation is often targeted to the most vulnerable people. The victims are most likely to be workers from outside the EU with low levels of education and language skills. Exploitation of workers should be addressed by strengthening legislation and penalties in situations where an employer knowingly exploits the weak position of such workers and obtains an economic advantage in order to pay the worker a wage that is clearly too low. The resources of the police and other authorities, as well as co-operation between them, should also be strengthened. The possibility for foreign employees to receive support and counseling in employment matters in their own language must be increased.