




Human trafficking, forced labour and carceralities in the wild berry industry

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ABSTRACT

This paper examines the exploitation of seasonal migrant labour in European agribusiness from the perspective of labour geography, combined with elements of carceral geographies of non-prison places. It presents a novel case study that focuses on three recent or ongoing aggravated human trafficking and forced labour court cases concerning wild berry companies; these companies misinformed seasonal migrant workers from Thailand, offering unfree, even carceral, living and working conditions and exploitative wages in Finland. Academic research on labour exploitation in European agribusiness has concentrated on Southern Europe, and studies on the wild berry industry in Finland are lacking, although it is one of the leading suppliers of wild berries in the global markets together with its neighbouring country, Sweden. The materials include court documents and decisions, Pre-Trial Investigation Records and reports from institutions such as the Ministry of Economic Affairs and Employment in Finland. Special attention is paid to the unfree and carceral working conditions that the wild berry companies provided for the Thai wild berry pickers, highlighting the importance of investigating this industry. As determined by the Supreme Court in 2022, the workers won the first court case against a wild berry company. This indicates that the workers also have the possibility to win the other cases, which are relatively similar but more extensive. These court cases represent a significant turning point that shapes the laws and regulations in Finland and informs other European countries about the successes and failures of tackling human trafficking in agribusiness within one EU country.

1. Introduction

This paper examines the exploitation and unfree working conditions of seasonal migrant labour from the perspective of labour geography, combined with elements of carceral geographies of non-prison places (e.g., Cassidy, Griffin and Wray, 2020). As Lewis et al. (2015) argue, labour geography should pay attention to global inequalities and socio-legal questions that expose (migrant) labour to exploitation, such as unfree working conditions; I contribute to this task in the context of the Nordic wild berry business. I present a novel case study of the court cases concerning aggravated human trafficking and forced labour by three private wild berry companies, which created unfree, even carceral (e.g., Moran, Turner and Schliehe, 2018), working conditions for Thai wild berry pickers in Finland. It is important to explore these understudied circumstances as Finland produces the largest percentage of the world's wild berries together with its neighbouring country, Sweden (e.g., Eriksson and Tollefsen, 2018).

Labour exploitation is structural in the European agribusiness, which has become dependent on labour from the Global South and ex-Soviet

countries in the neoliberal era; the food production system takes advantage of the global income gap (Palumbo, 2022). The wild berry industry in the Nordic countries, particularly in Sweden and Finland, is not an exception (e.g., Eriksson, Tollefsen and Lundgren, 2019; Hedberg and Olofsson, 2022; Mešić and Wikström, 2021). However, most writings on seasonal migrant labour exploitation in Europe have focused on Southern European farms (Palumbo, Corrado and Triandafillidou, 2022), where asylum seekers or people under international protection form a significant percentage of seasonal agricultural workers. In Finland and Sweden, most of the wild berry pickers are usually hired from the Global South, particularly Thailand, to pick wild berries during the wild berry season, which lasts three to four months from summer to early autumn.

Finnish wild berry companies hired the first Thai berry pickers in 2005 and have been strongly dependent on Thai workers ever since (Ministry of Economic Affairs and Employment in Finland, 2024a). Around 2500–4000 wild berry pickers have entered Finland from Thailand yearly, except in 2024, when only 900 were allowed to come as the human trafficking and forced labour cases discussed in this study

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escalated (Finnish Immigration Service, 2024). However, the Thai authorities have regulated the number of pickers' visas already earlier because they suspected labour exploitation (Mattila, 2013). The pickers are usually recruited from Northern Thailand, including the Isan province (Northeastern Thailand), a materially poorer agricultural region where people often seek extra income elsewhere (Musikphan, 2023). Their situation received wider publicity in Finland already in 2013 as a group of pickers initiated a police report on human trafficking, but the courts turned down their claim. However, some improvements concerning their position were made in 2014 when a Letter of Intent was formulated to guarantee their rights. In addition, in 2021, the Act on the Legal Status of Foreigners Picking Natural Products, also known as the 'Berry Act' or 'Berry Law', clarified the pickers' rights. It also legislated obligations and sanctions for companies that neglect their responsibilities (Ministry of Economic Affairs and Employment in Finland, 2024b; see also The Occupational Safety and Health Administration in Finland, n.d.).

Nonetheless, these provisions were not effective enough to prevent exploitation, as in 2018, the Chief Executive Officer (CEO), who owned three currently defunct wild berry and mushroom companies, was found guilty of using forced labour and aggravated human trafficking of 26 Thai pickers (Central Finland District Court, 2018). After the berry picking season in 2022, two other companies, Kiantama and Polarica, which belong to Finland's largest and oldest wild berry companies, faced 62 and 78 aggravated human trafficking and forced labour charges, respectively. In September 2025, the Lapland District Court (2025a) found Kiantama's CEO and the company's broker guilty (Lapland is the northernmost district in Finland), but the sentence is not yet final as the accused will most likely appeal (see Kiantama, 2025a). Moreover, the hearings of the Polarica case, the largest human trafficking court case in Finnish history to date, started in August 2025 (Lapland District Court, 2025b; see Yle News, 2025a). I focus on these three cases, but the Finnish police finalised investigations of yet another labour exploitation case concerning a wild berry company in September 2025, which moved under consideration of charges (Yle News, 2025b). All these companies benefit from the low-cost Thai labour as they cannot attract enough Finns to work long hours in the mosquito-infested and remote forests with relatively poor pay (Yle News, 2024a).

One of the problems when controlling seasonal labour exploitation at the EU level has been that the Seasonal workers Directive 2014/36/EU gives the countries a considerable amount of flexibility in its interpretation (Palumbo, 2022; see also Eurlex, 2014). In March 2024, the European Commission (2024) sent seven Member States letters as part of its infringement procedure because they failed to comply with the Directive; these countries included Finland and Sweden (the other countries were Spain, Portugal, Romania, Slovenia, Slovakia).¹ According to the Berry Law, the pickers can come to Finland with tourist visas, so their situation is equated with tourism, and they are treated as individual business partners of the company that buys the berries from the workers. The Ministry for Foreign Affairs of Finland (2024) states the following about the system:

Visas for wild-berry picking have been issued on the assumption that pickers enter the country for a purpose comparable to tourism, collect wild berries freely under the right of public access ('Everyman's Right') and sell the natural products that they have harvested to the party of their choice. However, it is evident that the current

practice in the sector contradicts this assumption. It has come to the Foreign Ministry's attention that wild-berry pickers have generally entered into employment contracts.

These precarious 'employment contracts' lacked the benefits of a legal contract and subjected the pickers to human trafficking, forced labour and unfree working conditions (e.g. Central Finland District Court, 2018; Lapland District Court, 2025a).

The wild berries are the most important Non-Timber Forest Products (NTFP) in Finland (Peltola et al., 2014), and several wild berry companies utilise them for free. They are understood as 'common goods' in Finland, just like in Sweden (Eriksson, Tollefsen and Lundgren, 2019, p. 46); this understanding is based on everyone's rights (formerly everyman's rights), which guarantee that everyone can roam freely and pick NTFPs, such as wild berries regardless of the ownership of the land, excluding the direct proximity of people's houses, cottages, yards or fenced areas. Paradoxically, the wild berry companies capitalised on the freedoms that everyone's rights and the Berry Law provide, offering the pickers unfree working conditions (see e.g., Lewis et al., 2015), where carceral elements do not create visible physical boundaries but are still very present (see Cassidy, Griffin and Wray, 2020). The seemingly open forest space where everyone's rights apply became 'carceral spatiality' (Moran, Turner and Schliehe, 2018, p. 677) for the trafficked Thai wild berry pickers, as will be discussed in more detail in this paper.

In comparison, in Sweden, where people also have everyone's rights, Thai workers have picked wild berries since the 1990s. The system was comparable with the Finnish Berry Law until 2005, after which the pickers received contracts. However, the companies have still hired workers through foreign subcontractors who do not need to follow the ethical guidelines, taxation or labour laws in Sweden (Eriksson and Tollefsen, 2018). Thus, offering a low wage and poor working conditions for the pickers have been lawful, although considered ethically questionable (Iossa and Selberg, 2022). For example, when the Thai workers went on strike in Sweden in 2013, the companies and state authorities blamed the subcontractors or brokers for the workers' precarious situation without taking responsibility (Eriksson, Tollefsen and Lundgren, 2019). In the neoliberal system, workers are often 'intermediated' through subcontractors or brokers, instead of having bilateral employment relationships with their employer (Strauss and Fudge, 2013, p. 5; see van Eerbeek and Hedberg, 2021). Both are used to lower wages and working conditions, increasing migrant workers' precarity as they often fall beyond the regulatory reach of states and trade unions (Axelsson and Hedberg, 2018; Wills et al., 2010).

Also, in the three human trafficking cases analysed in this study, many pickers were already in debt before arriving in Finland as they took loans from the broker for travel expenses (e.g. Central Finland District Court, 2018; Pre-Trial Investigation Record, 2023a; 2023b). As Hoang (2020) notes in the context of migrant workers from Vietnam, taking a loan can be necessary for materially poorer families to finance their living, and migrant workers relying on brokers demonstrate active agency in improving their living standards. However, the 'debt is used by brokers and employers as an effective governance technique to "unfree" them, keeping them docile, disciplined, and exploitable' (Hoang, 2020, p. 38). This also occurred with the Thai berry pickers whose case I discuss in this study; the debt was a first step towards the unfree, even carceral, working conditions that led them to a position where they could not contest the exploitative companies (see Yea, 2017). As Cassidy, Griffin and Wray (2020, p. 1095) state, it is important to investigate 'control strategies of employers towards unfree migrant workers'.

Labour geography is traditionally attuned to an uneven development and accumulation of wealth in neoliberal capitalism (see Castree et al., 2004; Castree, 2007; Herod, 1997; Massey, 1995), which also manifests in the context of agricultural migrant labour exploitation (e.g., Mitchell, 1996; 2012; Rogaly, 2021), such as the seasonal migrants in the wild berry industry (e.g., Hedberg and Olofsson, 2022). However, according

¹ Finland has also ratified the United Nations Human Rights Office of the High Commissioner's (OHCHR, 1996-2025b) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, International Labour Organisation's (ILO, 1996-2024a) Forced Labour Convention No. 29 to prevent forced labour and convention No. 181 stating that private employers of the member states shall 'provide adequate protection for and prevent abuses of migrant workers recruited or placed in its territory by private employment agencies' (ILO, 1996-2024b).

to Cassidy, Griffin and Wray (2020, pp. 1081-1082), the punitive and carceral aspects of work are under-theorised in labour geography, and the political economy of labour is under-theorised in carceral geography. Investigating companies and their subcontractors or brokers to uncover the types of unfree and carceral conditions they establish for their workers is one way these fields can enrich each other; I contribute to these debates in this study.

Geographical studies on carceralities have typically focused more on state-led forms of carceralities than on critically investigating companies or industries (see e.g., Moran, 2015; Shantz, 2017; Stuit et al., 2024; Yea, 2021). However, (multinational) companies may be more powerful than poorer states in a neoliberal era, characterised by free markets and corporate power (see Hathaway, 2020). They can pressure the states towards deregulation and to relinquish control over them (Kothari, 2013; see also Castree et al., 2004), which gives them more power to exploit the workers and offer them unfree (see Lewis et al., 2015), even carceral working conditions (see Moran, Turner and Schliehe, 2018). Therefore, it is essential that carceral geographies of non-prison places (see Cassidy, Griffin and Wray, 2020) pay attention to the carceralities industries create for their workers. Furthermore, there are only a few discussions on human trafficking or forced labour in geographical studies on carceralities (see Bhagat and Yea, 2024), while labour geography traditionally focuses more on organised labour in industrial or extractive sectors (Strauss, 2017). It is important to investigate various types of unfree working conditions, such as trafficking and forced labour, as they are an inherent part of capitalism, with roots in slavery, and they do not appear to be declining despite global preventative efforts (Morgan and Olsen, 2015; see ILO, 1996-2025a).

2. Research on Seasonal Migrant Workers in Wild Berry Industry and Study Materials

The COVID-19 pandemic was an awakening for the (seasonal) migrant workers' precarious living standards in Europe as poor working conditions, sanitation and accommodation increased COVID-19 risks (Molinero-Gerbeau, 2021; Palumbo, Corrado and Triandafillidou, 2022). Academic attention on these questions also increased after the start of the pandemic (e.g., Fernández García, Molinero-Gerbeau and Sajir, 2023; O'Reilly and Scott, 2023; Siegmann, Quaedvlieg and Williams, 2022), although some scholars had already discussed them earlier (e.g., Eriksson and Tollefsen, 2018; Howard and Forin, 2019; Rogaly, 2009). There is a lack of studies concerning the Finnish wild berry business or the pickers' situation among these studies. However, Seikkula (2024) has examined the regulatory frameworks governing wild berry picking and how Finland excluded wild berry pickers from its labour laws before 2025, when the system changed because of the human trafficking cases discussed in this study. There are more scholarly publications about the wild berry pickers' situation in the berry industry in Sweden (e.g., Axelsson and Hedberg, 2018; Carmo and Hedberg, 2019; Eriksson, Tollefsen and Lundgren, 2019; Hedberg, 2016; Hedberg and Olofsson, 2022; Mešić and Wikström, 2021; van Eerbeek and Hedberg, 2021) – they form an informative reference point for this study.

Scholars have previously discussed unfree working conditions in the context of European agriculture (e.g., Pradella and Cillo, 2021; Rogaly, 2015; 2021), but inadequately in the context of the Nordic Countries. Nevertheless, wild berry harvesting has been studied in general (e.g., Saastamoinen, Kangas and Aho, 2000), also in the context of everyone's rights (Peltola et al., 2014). These studies demonstrate that recreational berry and mushroom picking have been among the most dominant forest activities based on everyone's rights. However, only a minority of Finns sell the berries to companies (see Pouta, Sievänen and Neuvonen, 2006; Vaara, Saastamoinen and Turtiainen, 2013). Some scholars mention the Thai seasonal migrants (e.g., Richardson and Saastamoinen, 2010) and some have discussed them earlier in Finnish from a different perspective than I do (e.g., Rantanen and Valkonen, 2013), but no earlier studies are focusing on the human trafficking and forced labour court cases

concerning the Finnish wild berry industry. However, Lacuna-Richman's (2022) study on NTFP, which includes 30 interviews with Thai wild berry pickers in 2005, demonstrates that similar problems to those of today existed when the first pickers started working for Finnish companies in 2005. The better salaries than in their home country attracted the pickers, but a significant percentage of their profit went to high travelling and living costs in Finland. As the wild berry industry has expanded since these studies, and the court cases and new laws have shaped the industry, there is a need for more research on the topic.

I use various materials in my analysis of the three human trafficking and forced labour court cases I focus on in this study. In the already finalised case, I analyse particularly the decisions of the Central Finland District Court, Vaasa (city in Finland) Court of Appeal and the Supreme Court. In the two other cases, I analyse particularly the Pre-Trial Investigation Records. The investigations have been extensive and international (including materials from Thailand), and include pictures of the plaintiffs' plane tickets, housing and food as well as detailed interviews with the Thai wild berry pickers (hundreds of pages altogether). All details of the records cannot be analysed in detail in this study, so I pay special attention to the police summaries and the statements of the law firms that advocate for the pickers. I also analyse relevant news items, working group papers and press releases from the appropriate authorities and institutions, such as various courts, the Ministry of Economic Affairs and Employment and the Ministry for Foreign Affairs of Finland. Moreover, I analyse the Helsinki District Court's decision on a bribery case connected to Polarica as well as the English summary of the research report funded by the Royal Thai Embassy in Helsinki about Thai berry pickers' position in Finland, written by Dr. Ukrit Musikphan, 2023 from the Faculty of Law in Thaksin University, Thailand.

I have also conducted media monitoring of independent media, such as Helsingin Sanomat, i.e. Helsinki News, the largest daily subscription newspaper in the Nordic countries and the Finnish Broadcasting Company (i.e. Yleisradio, 'Yle', in Finnish) concerning the ongoing cases. These media outlets mainly report what the court documents and Pre-Trial Investigation Records reveal; I refer particularly to the news items that summarise the content of the Finnish documents in English.² I have also followed the Bangkok Post to obtain some Thai media perspectives on the berry pickers' situation and browsed the Finnish wild berry companies' websites.

3. Theoretical Premises and the Analytical Lens

The United Nations Convention against Transnational Organized Crime and its Trafficking in Persons Protocol defines human trafficking, which includes forced labour, as 'the recruitment, transport, transfer, harbouring or receipt of a person by such means as threat or use of force or other forms of coercion, abduction, fraud or deception for the purpose of exploitation' (OHCHR, 1996-2025a). However, some scholars are concerned that human trafficking and forced labour are defined so strictly that those forms of exploitation that do not meet their indicators can remain unnoticed by official actors (Skrivankova, 2010; Lewis et al., 2015). Therefore, Skrivankova (2010) considers forced labour (and labour exploitation), which may occur as part of human trafficking or independently, as continuums (see also Strauss and McGrath, 2017).

Several scholars also consider unfreedom of labour as a continuum (Morgan and Olsen, 2015; Strauss and Fudge, 2013). According to Lewis et al. (2015, p. 595), unfreedom can range from more mundane to extreme forms, which may lead to forced labour. Strauss (2012, p. 139), who also thinks unfreedom as a continuum, considers forced labour (and slavery) as a subset of unfree labour, which can overlap in situations

² When I refer to a Finnish article or document, I translate their names into English after the Finnish name in the Reference list. I use the English names of the institutions.

such as coercive employments where an employer takes away workers' passports or does not pay what has been promised, causing an inability to break their contract (Strauss, 2012, pp. 139-140; see also Smith, 2018), like happened for the trafficked Thai wild berry pickers in Finland. However, although their living and working conditions were unfree, their situation was not among the mundane cases, which could remain unnoticed because human trafficking or forced labour are defined too tightly (see Skrivankova, 2010).

Vice versa, the trafficked Thai wild berry pickers' working and living conditions discussed in this study met most of the ILO's (1996-2025b) eleven indicators of forced labour, i.e., abuse of vulnerability, deception, restriction of movement, isolation, intimidation and threats, retention of identity documents, withholding of wages, debt bondage, abusive working and living conditions, and excessive overtime. Of the indicators, only physical and sexual violence were not present in the materials I examined. Therefore, the continuums discussed above seem slightly vague or blurred to conceptualise alone how severe their situation was. Nevertheless, the wild berry companies and their brokers 'unfreed' (Hoang, 2020, p. 38) the Thai pickers step by step, first providing a loan that pushed them towards increasing unfreedoms. In this sense, the unfree continuum manifested in their lives.

I turn to carceral geography to explain the situation where the trafficked Thai wild berry pickers ended up when their unfreedoms accumulated in Finland, creating 'carceralities of non-prison places' for them (Cassidy, Griffin and Wray, 2020, p. 1081). Hamlin and Speer (2018, p. 800), who adopt Foucault's (1977) metaphor of the 'carceral continuum' (see also Bloch, 2018), criticise Moran, Turner and Schliehe's (2018, p. 672) relatively widely adopted (e.g., Stuit, Turner and Weegels, 2024) but slightly stricter definition, which includes three core conditions determining the carceral, i.e. detriment, intention and spatiality, as too restrictive. However, all of them were present in the research materials of this study. Detriment refers to 'lived experience of harm, as perceived by those suffering it', and intention refers to the agent who intends to cause carcerality. Carceral spatiality, 'any space, at any scale', is the most crucial element, a detention centre being one manifestation in the context of migration (Moran, Turner and Schliehe, 2018, p. 679).

Moran, Turner and Schliehe (2018, p. 672) ask scholars to define the analytical value of interpreting different non-prison constructions, with varying legal statuses and spatialities, such as 'spaces of confinement for trafficked workers', as carceral. In the trafficked Thai wild berry pickers' situation in Finland, carcerality helps to emphasise what happened to them when several unfreedoms accumulated and finally turned carceral; their unfreedom and forced labour conditions were not just fluid continuums, they were intentionally caused detriment by the companies that turned the berry forest into carceral spatialities for them (Moran, Turner and Schliehe 2018, p. 679). Moran, Turner and Schliehe (2018) consider carceral spatiality as carceral geography's core contribution, stating that it is important not only to discover that carceral is spatial but also to ask how carceral spatiality is present; in the penultimate chapter, I will demonstrate how it was present in the trafficked Thai wild berry pickers' lives in Finland.

As Cassidy, Griffin and Wray (2020, pp. 1092-1093) argue, 'the most harmful and punitive labour practices are not necessarily in carceral spaces' that tend to be predefined as carceral. Because of this spatial, temporal and institutional variability, they call for a 'more-than-carceral punitive labour geographies agenda'. Antona (2023) applies this agenda to discuss the situation of domestic workers in Singapore. Some elements of their situation resonate with those of the seasonal Thai wild berry pickers in Finland, despite the differences in working conditions, as I will discuss in the penultimate chapter. In both cases, the migrant workers were mobile, crossing international borders for work (see Turner and Peters, 2024). However, various interconnected unfreedoms accumulated, resulting in carceralities and carceral spatialities for them (Moran, Turner and Schliehe, 2018).

Cassidy, Griffin and Wray's (2020) agenda also helps direct more

attention towards the carceralities of work created by companies and industries, as the focus is not limited to places with prison-like boundaries or only on states and state-led institutions. According to Hastings and Herod (2024, 59), critical geographical literature on capital accumulation often posits that 'the representatives of capital' have 'captured the state', which uses power to discipline labour, prioritising capital and economic growth over labour (see also Herod, 2001). Acknowledging the damage states can cause to labour when favouring neoliberal practices, Hastings and Herod (2024) demonstrate that workers can still contest the states to support them. The case of the Finnish wild berry industry demonstrates how the state can struggle to control 'the representatives of capital', yet it may still be the only authority that can truly regulate companies and industries in global neoliberal capitalism (see Strauss, 2012).

To discuss these questions, I 'think with theory' (Jackson and Mazzei, 2013) when I read the materials, paying special attention to unfreedoms of labour and 'carceralities of non-prison places' (Cassidy, Griffin and Wray, 2020, p. 1081). My analysis is based on what St. Pierre and Jackson (2014) or Mazzei (2014) call 'analysis after coding', where the research materials are not coded, and on non-coding thematic analysis in terms of Guyotte and Shelton (2024), who consider reading an analytical act. Thus, I did not search for codes and categories occurring in the data, including those terms that could have been directly translated and coded as words, such as 'carceral', without theoretical reading and thinking. I conducted in-depth reading, informed by the theories and concepts I use (Guyotte and Shelton, 2024, p. 74), and avoided reducing complicated voices to thematic "chunks" interpreted 'free of context, circumstance, other texts, theoretical concepts, and so on' (Jackson and Mazzei, 2013, p. 261).

Engagement with the research materials through theory-informed, in-depth analysis and fluid theory-led theming (Guyotte and Shelton, 2024) helped me to engage with broader and somewhat blurry concepts and issues, such as unfreedoms or 'carceralities of non-prison places' (Cassidy, Griffin and Wray, 2020, p. 1081). These carceralities and carceral spatiality (Moran, Turner and Schliehe, 2018) are discussed in more detail in the following chapters. The detriment and intention Moran, Turner and Schliehe (2018, p. 678) developed 'vis-à-vis' each other also appeared in the materials and are closely linked to human trafficking and forced labour. They often appear simultaneously in the materials as the detriment caused by the wild berry companies to the Thai pickers was intentional, according to the courts. Thus, I discuss them together in the following chapter.

4. Intentional Detriment and Forced Labour

The three human trafficking and forced labour court cases against the wild berry companies I focus on in this study provide details concerning the unfreedoms, intentional detriment and carceral spatiality that the companies caused the Thai berry pickers in Finland (see Moran, Turner and Schliehe, 2018). The first of these cases occurred in 2016 and concerned the CEO of three One Person Companies (OPC), which were smaller than the other companies I discuss. It is the only case so far where the sentence is final and the decisions of all courts are available. In Finland, the District Courts are the first courts to deal with instances of criminal, dispute and application matters, and the Court of Appeal reviews decisions made in these courts. The Supreme Court is the highest court dealing with criminal and dispute matters, for example.

In 2018, the Central Finland District Court (2018) found the CEO of the three OPCs guilty of human trafficking and using forced labour in the case of 26 Thai pickers. Approximately 230 other Thai pickers and a Thai broker also worked for the CEO in Finland; the latter sometimes in collaboration with his Thai wife, but they were not found guilty of human trafficking. According to the Central Finland District Court (2018), if someone is charged with human trafficking, it inherently means the act must be considered intentional. Thus, it states that the CEO intentionally abused the plaintiffs' dependent position because:

[H]e must have known that he recruited workers from poor areas in Thailand's countryside, the pickers needed to pay massive travel expenses for the trip to Finland in comparison with their income level, and this was the reason why they were in debt when arriving in Finland. The pickers were entirely dependent on the company's services in Finland and the pickers' passports and travel documents were kept in the company's office.

The intentional detriment that affected the pickers began in Thailand; the broker led them to believe that they would earn enough money to repay the travel loan to Finland, cover the service costs deducted from their income and return home with earnings. They were charged too much for services, such as accommodation, food and travel, and were not informed beforehand about all these costs. Moreover, these services were poor, and the pickers had to stay in trucks and old buses with only bunk beds in remote locations, in living conditions that violated their human dignity (Central Finland District Court, 2018).

The 26 pickers worked long hours and picked considerable amounts of berries (sometimes also mushrooms) but earned little or nothing. As most of them had very few euros with them when they arrived, they did not have enough money to fulfil their basic needs because of the deductions. They were in Finland for the first time and lacked the language skills needed in the country. They also did not receive sufficient guidance or have experience in finding the best berry spots (Central Finland District Court, 2018). The Central Finland District Court (2018) defined their situation in terms of forced labour as follows:

The CEO of the companies was judged guilty of abusing the plaintiff's dependency, providing an unsafe space and misleading the plaintiff and/or abusing their misunderstanding. He recruited the plaintiff from Thailand to Finland and organised the transportation, reception and accommodation on his estate... and took control over them; he subjected them to forced labour that included wild berry and mushroom picking and other inhuman conditions.³

The wild berry pickers also agreed that they particularly encountered two issues included in human trafficking: forced labour and living conditions that abused their human rights (Vaasa Court of Appeal, 2020). Consequently, the verdict of the Central Finland District Court (2018) was a one-year, eight-month conditional sentence for the CEO for 26 human trafficking cases (which included the use of forced labour) and a business ban for three and a half years; however, he did not restart the companies. It also directed the companies to pay back the earnings which the 26 pickers should have received. According to the letter of intent concerning the Finnish wild berry companies, the pickers should have had a realistic opportunity to earn at least 30 euros a day, which meant that everyone should have earned at least 2400 euros after reasonable costs were deducted. Thus, the companies needed to pay each picker the missing sum of 2400 euros plus an additional sum of 6000 euros for mental suffering.

Both parties appealed to the Vaasa Court of Appeal; the prosecutor demanded a harder and unconditional sentence for human trafficking and use of forced labour for the CEO, who argued that the authorities are responsible for the laws and regulations concerning seasonal migrant workers, such as the Berry Law, and therefore he cannot be judged on this matter. The Vaasa Court of Appeal (2020) agreed that the CEO had not created the structures that allowed the exploitation, but he intentionally took advantage of them. The CEO also argued that the pickers earned so little because they were not sufficiently hardworking. The Vaasa Court of Appeal (2020) disagreed as each of the workers picked at least 2000 kg of berries, and the best picked more than 3000 kg during the season. A couple who picked together earned the largest sum, around 450 euros altogether, and one picker earned nothing, being in

debt after the deducted costs, such as food and accommodation.

After considering the ILO's human trafficking and forced labour indicators (see ILO, 1996-2025b) and other agreements and conventions that Finland is obliged to follow, including the EU's human rights conventions, the Vaasa Court of Appeal (2020) unanimously agreed with the Central Finland District Court that the CEO had disrespected the freedom of 26 pickers and was guilty of human trafficking and using forced labour, arguing that:

[T]he circumstances that constitute the principles of forced labour include acts such as holding workers' passports, abstaining from paying their salaries and deducting items from the salary partly or completely when the work ends.

Evidently, these circumstances restricted the pickers' freedoms significantly, causing them 'lived experience of harm', which Moran, Turner and Schliehe (2018, p. 677) consider as an element of detriment.

Nevertheless, the Vaasa Court of Appeal (2020) interpreted that the CEO should be charged with one human trafficking case. It dealt with the individual cases as one single whole because the CEO ran a legal business, and most pickers (other than the 26) working for him were not victims of human trafficking. Thus, it reduced the sentence to a one-year and four-month conditional sentence but increased the compensation of one of the 26 pickers. Because of the different interpretations of how many human trafficking cases there were, the case was solved by the Supreme Court (2022), which agreed with the District Court that the CEO was responsible for 26 separate human trafficking cases and abused the freedom of 26 Thai berry pickers. The Supreme Court did not consider it significant that some other workers were not trafficked; the 26 pickers were in Finland for the first time and thus would have needed extra guidance, unlike those who were used to wild berry picking and finding the best berry spots. The Supreme Court (2022) increased the CEO's imprisonment time; he received unconditional imprisonment for one year and 10 months.

After the berry picking season in 2022, aggravated human trafficking and forced labour charges were brought against Kiantama (62 charges) and Polarica (78 charges), which is one of Europe's leading suppliers of frozen berries and fruits (Poarica, n.d. a). Both companies were founded over 50 years ago, having partly the same origins. They buy and sell frozen berries globally, selling more than half of their products internationally (Kiantama, 2025b; Poarica, n.d. a). Kiantama is a Finnish company, but Polarica's main ownership is in Sweden. It has several subsidiaries, including the Finnish wild berry subsidiary that faces the human trafficking charges discussed in this study (Polarica, 2024, p. 10). Polarica has employed five to three people and Kiantama employed 40 to 39 people in Finland (excluding the pickers) between 2020–2025, according to Kauppalehti (2025a; 2025b), a trade newspaper that publishes information about companies. Altogether, Polarica (2024) had 178–164 employees in Finland, Sweden and Poland from 2022 to 2024, respectively.

Before the court charges, both companies annually hired several hundred Thai wild berry pickers as seasonal workers (the exact number is unknown because the field has not been sufficiently controlled or transparent). Their revenues, measured annually in May by Kauppalehti (2025a; 2025b), peaked in 2022–2023 when the quotas of the pickers were the largest and the exploitation was evident. In 2022–2023, Kiantama's revenue was 17 million and 18 million euros, and Polarica's was 12 million and 10 million euros in Finland, respectively. In 2025, following Finland's improved control over the picker quotas because of the human trafficking cases, Kiantama's revenue was 14 million euros, and Polarica's revenue was 6 million euros. In contrast, before the exploitation cases in 2021, Kiantama's revenue was 14 million euros, and Polarica's revenue was 9 million euros in Finland. Thus, it seems that the larger quotas of the Thai wild berry pickers, part of whom they exploited, were profitable.

In August 2025, the Lapland District Court (2025a) handed a three-and-a-half-year prison sentence and a four-year business ban to

³ I have translated the direct quotations of the court documents from Finnish to English.

Kiantama's CEO for human trafficking and use of forced labour, as well as a 100,000 euros corporate fine for the company. Altogether, Kiantama and its broker, who received a three-year prison sentence, are required to pay more than 600,000 euros for the trafficked workers and legal costs of around 279,000 euros (Lapland District Court, 2025a). Several pickers complained that the broker, who also worked for Polarica, forced them to sign their loan agreements in Thailand without sufficient time to consider the terms and that they did not fully understand all the details (Pre-Trial Investigation Record, 2023a; 2023b). The pickers' material poverty in Thailand contributed to their need for the loan, although they had an active agency in taking the loan to improve their livelihoods. Later, the companies and the broker used their debt as an 'effective technique to "unfree" the pickers, keeping them docile, disciplined, and exploitable' (Hoang, 2020, p. 38).

The charges in all three human trafficking cases were relatively similar; the loan provided by the broker served as the basis and the first step in the continuum of unfreedoms where carceral elements began to accumulate. According to the Pre-Trial Investigation Records (2024a; 2024b) of the Kiantama and Polarica cases, the detriment caused to the Thai berry pickers was intentional and systematic, including the fact that the pickers were already in debt upon arrival, they had no language skills needed in Finland, and the companies usually held their passports. The pickers were also often overcharged for services they could not choose. Moreover, the scales used for weighing the berries were manipulated to benefit the companies (Pre-Trial Investigation Record, 2023a; 2023b). However, unlike in the already finalised case, the Lapland District Court (2025) decided that the accommodation and food provided for the pickers by Kiantama did not violate their human dignity, although the standard of the food could have been much better.

Polarica's trial started in the Lapland District Court in August 2025; the prosecutor is demanding a minimum five-year prison sentence for Polarica's CEO and a corporate fine for the company for human trafficking and use of forced labor (Lapland District Court, 2025b; Yle News, 2025b) What is exceptional in the Polarica case is that a high-ranking Finnish public officer from the Ministry of Economic Affairs and Employment was found guilty of bribery and violation of his official duty in October 2024 because he requested and received a bribe from Polarica's CEO. The Helsinki District Court (2024) considered the case to be aggravated bribery as the officer affected the recruiting permits and quotas of the Thai wild berry pickers; with his assistant, it was possible for Polarica to recruit more pickers. The officer received a one-year suspended prison sentence, was forced to resign from his post and compensate the bribe, which was 7,500 euros. The Helsinki District Court (2024) also handed Polarica's CEO an eight-month suspended sentence for gross bribery. Both these individuals denied the bribery charges and may appeal. The officer also asked for a reduction of the sentence because he was afraid of being connected with human trafficking, since Polarica's CEO is charged with that. However, the Helsinki District Court (2024) did not reduce the sentence, drawing attention to the fact that the officer's act was intentional.⁴

As Kiantama's and Polarica's defendants deny any crime, it could take years before the final decisions become public. Both companies have extensive English websites and have discussed the court charges briefly online. Kiantama (2025c) published a press release entitled 'Kiantama's Board and owners express solid trust in CEO'. However, after the sentence given by the Lapland District Court (2025), it is stated that the CEO will resign, although the case is not yet final (Kiantama,

2025a). Polarica (n.d. b) also contests the proposed corporate fine and denies all charges against its ex-CEO, stating he 'has categorically denied all charges and related claims'. The company cites their CEO's attorney as saying, 'The charges are being denied because the alleged crime did not occur' (Polarica, n.d. b). Both companies also relate online how well they take care of pickers and develop their working conditions in a responsibility brief (Kiantama, 2025d) and a sustainability report (Polarica, 2024).

5. Unfreedoms and Carceral Spatiality

There were several reasons as to why and how the working and living conditions became unfree, even carceral, for the Thai wild berry pickers in Finland. All cases shared similar traits, explaining why the pickers could not just quit their job and leave. The Central Finland District Court (2018) crystallises this:

Despite the inferior opportunities to earn money in Finland than they had been given to expect and the dire working and living conditions, the plaintiff could not refuse the work or quit and return to their homeland because of their dependency on the defendant and the debt, destitution, and confiscation of the travel documents and the lack of social networks.

The above resonates with Skrivankova (2010, p. 7), who emphasises that in forced labour conditions, the work can be undertaken voluntarily, after which the workers realise they have been deceived about the nature of the job. The companies and brokers intentionally increased the indebted pickers' dependency on them in Finland, pushing them deeper into the unfree continuum (Lewis et al., 2015):

They could not sell the berries to other companies. They could not freely choose their accommodation or food. They could not have left Finland in practice without the contribution of the accused (Pre-Trial Investigation Record, 2024a; 2024b).

The deception was intentional because the educational materials shown to the pickers in Thailand by Kiantama's and Polarica's broker stated that it was prohibited to sell the berries to other companies and that the pickers must stay overnight in the company's accommodation (Pre-Trial Investigation Record, 2024a; 2024b). However, according to the Berry Law, the pickers should be treated as free entrepreneurs who can sell the berries to those who pay the best and choose where to stay. Thus, the broker's instructions deceived the pickers and restricted their freedom, benefiting the companies and the broker who charged them for accommodation, food and other services. As Moran, Turner and Schliehe (2018, p. 677) point out, an 'organised network of traffickers who confine labourers can create carceral spatialities'.

According to Kiantama's and Polarica's Pre-Trial Investigation Records (2024a; 2024b) and all the courts in the already finalised human trafficking case, it was aggravating that the companies held the pickers' passports and plane tickets and only intended to return them when they left Finland. According to the CEO of the already judged case, this was to ensure that the pickers would not lose them, would not leave early and would repay their loans and services. He argued that the pickers could have still left the camp if they wanted to and that some had left before the season ended. However, the courts agreed that leaving was possible in practice only for those who were not in debt, but unrealistic for the 26 pickers who had taken a loan from the broker to travel to Finland. Even buying a new flight ticket home or changing it would have been too costly for many of them (Central Finland District Court, 2018; Supreme Court, 2022; Vaasa Court of Appeal, 2020). Thus, confiscation of the flight tickets and passports pushed the indebted pickers deeper into the unfree continuum (Lewis et al., 2015).

In addition, the Pre-Trial Investigation Records (2024a; 2024b) of Kiantama and Polarica state that the pickers felt they could not take holidays because they would not receive payment and needed to pay their debt. The Central Finland District Court (2018) crystallises the

⁴ Interestingly in this context, the Thai Department of Special Investigation filed bribery charges against two Thai ex-ministers and two high-ranking officials in the Ministry of Labour concerning these wild berry pickers' exploitation cases, with some evidence provided by the Finnish authorities (Bangkok Post, 2024; Yle News, 2024b). All these bribery cases demonstrate how companies and authorities can collaborate in bribery, but also that the state can intervene and regulate businesses.

situation in the context of the 26 finalised cases:

The plaintiff needed to work long hours from morning until evening (12–15 h) without any vacation time or at least without regular vacations. The plaintiff mainly worked to pay the costs that the defendant demanded and to pay the loan they took for the trip and coordination fees.

Thus, the deductions of the service costs and debt had also other consequences than financial, such as extensive overwork. In scholarly literature, [LeBarron and Roberts \(2010\)](#) connect debt with carceral conditions that restrict people's freedoms, and [Strauss \(2012, p. 139\)](#) connects debt bondage with slavery-like working conditions. Interestingly, the [Central Finland District Court \(2018\)](#) and the law firm that investigated both the Polarica and Kiantama cases used the compound word 'velkavankeus' to describe the trafficked Thai berry pickers' situation. The term can be directly translated as 'debt imprisonment' or 'debt captivity', the closest formal English term perhaps being indentured servitude. The word 'vankeus', i.e. imprisonment or captivity, emphasises the carceral conditions into which their financial situation had forced them. Additionally, [Teittinen \(2023\)](#), who interviewed the trafficked Thai berry pickers for Helsingin Sanomat, named his article illustratively as 'Velan Vangit', which can be translated as 'Prisoners of debt'.

Punitive practices of work ([Cassidy, Griffin and Wray, 2020, p. 1084](#)) further deepened the Thai wild berry pickers' unfreedoms in Finland, increasing the carceral elements. In the finalised case, the companies demanded work performance under a threat of punishment, which is typical in forced labour, and all 26 pickers were 'reminded about their costs and debt during their working period' ([Vaasa Court of Appeal, 2020](#)). In the Kiantama and Polarica cases, the agreement that the broker required the pickers to sign in Thailand included financial penalties. It mentioned a 15 % interest rate if the pickers failed to pay their loan back to the broker on time. If they could not repay by picking berries, they needed to pay back using other means and have a guarantor who would pay back if the picker could not. The agreement also stated that if the pickers could not pick for 90 euros per day, the company and the broker could dismiss them after two warnings ([Pre-Trial Investigation Record, 2023a; 2023b](#)). If they acted against the agreement, they would be expelled and sent back to Thailand immediately, although they did not have an employment relationship according to the Berry Law ([Pre-Trial Investigation Record, 2024a; 2024b](#)). Thus, companies can also punish migrant workers for not being productive enough by expelling them or denying their rights to stay or work; these sorts of punishing methods are formerly connected mainly with the state-led punishment methods in carceral geographies (see e.g., [Cassidy, Griffin and Wray, 2020](#)).

Kiantama and Polarica also used collective punishment methods – all pickers belonging to the same picking groups who used the same car could be punished for the possible harm someone caused to the company. For example, if any crowberries were found among the berries they should pick, such as blueberries, they needed to pay a fine based on the sum of the blueberries they had sold from the day they started picking. The whole group was punished if they could not prove that no crowberries had been included previously (this seems impossible as the berries cannot be stored in the camps). The CEOs defended the system, stating that some pickers had previously included crowberries among blueberries. In addition, all pickers were advised on how to spot the difference before they started picking; however, the punishment was extremely harsh, as crowberries look like blueberries ([Pre-Trial Investigation Record, 2023a; 2023b](#)). These sorts of punishing methods are not typical in Finnish working contracts and reflect the fact that the companies and the broker knew that the pickers did not know their rights in Finland.

The Thai seasonal migrant workers' situation in Finland shares some similarities with [Antona's \(2023\)](#) study on the domestic migrant workers' situation in Singapore – she applies [Cassidy, Griffin and Wray's](#)

(2020, p. 1081) concept of 'carceralities of non-prison places'. In both cases, the workers commonly took a loan from the broker to travel to their destination, and the employers started to reduce the loan from their income immediately. Because of the debt they needed to repay first, the workers had almost no money or free time, which increased their dependency. Moreover, the workers were often unable to decide matters concerning themselves, such as the quality of food they ate. Although the Thai wild berry pickers were not bound to their employers' homes like the domestic workers in Antona's study, they needed to stay in the company's accommodation, which they had to pay for ([Central Finland District Court, 2018; Pre-Trial Investigation Record, 2023a; 2023b](#)). In the Kiantama and Polarica cases, the pickers' movements were also restricted and monitored using GPS locators ([Pre-Trial Investigation Record, 2024a; 2024b](#)), while the employers often controlled the workers' free time in Singapore. As [Cassidy, Griffin and Wray \(2020\)](#) argue, migrants and asylum seekers may sometimes encounter more restrictions and less contact with the wider society than some forms of prison labour; for example, if the latter are released on temporary license to participate in common labour markets.

As I have demonstrated above, all three of [Moran, Turner and Schliehe's \(2018\)](#) crucial conditions of the carceral were present in the pickers' lives, i.e., detriment, intention and carceral spatiality. The 'keeping-in' factor that [Moran, Turner and Schliehe \(2018, p. 679\)](#) consider crucial in carceral spatiality was also present in the relatively isolated berry forests where the pickers worked without many contacts to the outside world; the wild berry companies intentionally kept them in the berry forests and exploitative work to maximise their profit. However, it was not only the relative isolation in the forests (the actual place) that formed their carceral spatialities, but the whole situation described above, starting from the debt bondage. The unfreedoms saturated in their work and life in Finland so that the 'carceralities of non-prison places' actualised ([Cassidy, Griffin and Wray, 2020, p. 1081](#)) in an unexpected space; the vast forest of Finland where everyone's rights apply. These sorts of carceralities include elements of mind control and are not only place-bound; people cannot leave their work(place) because of the situation they are in, although they are not fenced in anywhere.

6. Discussion and Conclusion

The three Finnish wild berry companies discussed in this study took advantage of the uneven global economy, the pitfalls in the Berry Law and everyone's rights to maximise their profits. As the [Central Finland District Court \(2018\)](#) stated, in all the 26 human trafficking cases already finalised, 'the plaintiff did not have a working contract with the companies, while the berry picking was based on everyone's rights'. The companies obtained the raw materials for free and capitalised with the 'common goods', i.e., the wild berries ([Eriksson, Tollefsen and Lundgren, 2019, p. 46](#)) and kept their costs to a minimum by giving the seasonal migrant workers poor services and pay (see [Eriksson and Tollefsen, 2018](#)). Paradoxically, everyone's rights give people more freedom to roam and use the NTFP regardless of property ownership, but the wild berry companies capitalised on these rights and freedoms, causing unfree and carceral conditions for the pickers.

The companies also intentionally searched for loopholes in the Finnish system, including the Berry Law, which gives exceptional freedoms to commercially pick wild berries with tourist visas. It is meant to prevent exploitative practices, but in practice, it gives the wild berry companies opportunities to buy and sell with minimal state control. As the law firm that conducted the Pre-Trial Investigation concerning the Polarica and Kiantama cases stated, the companies have not followed the regulations of the Berry Law 'that form the minimal standards of how the foreign berry pickers should be treated' ([Pre-Trial Investigation Record, 2024a; 2024b](#)). As [Musikphan, 2023](#) state, proper working contracts instead of following the poorly controlled Berry Law that exposes the workers to human trafficking would be better for the pickers.

Forced labour, unfree and carceral conditions overlapped in the Thai wild berry pickers' lives in Finland. As they can all be seen as continuums (Hamlin and Speer, 2018; Lewis et al., 2015; Morgan and Olsen, 2015; Skrivankova, 2010), there is no exact point when unfreedoms turn carceral. For example, merely accepting the loan from the broker in Thailand did not make their working and living conditions carceral, as the workers have an active agency in taking the loan. However, at this point, the opportunities for companies and brokers to intentionally 'unfree' the workers based on their debt increased (see Hoang, 2020, p. 38); the companies started to immediately deduct the loan from the pickers' pay in Finland, reminding them about their debt, etc. Debt bondage belongs to the forced labour indicators and the 'control strategies of employers towards unfree migrant workers' (Cassidy, Griffin and Wray, 2020, p. 1095). The poor pay and deduction of the companies' costs, which were often too high, prolonged the pickers' dependency on the companies and brokers, as they could not repay their loans as quickly as possible. This also restricted their freedom to change employers or leave earlier than planned.

In the context of carceral spatiality (Moran, Turner and Schliehe, 2018), geography also matters; the pickers were living in camps in remote locations, picking berries in the vast forests in the country with the lowest population density in the EU (for comparison with Sweden, see Mešić and Wikström, 2021). The location, combined with the fact that they could not speak Finnish (or often English) and that some were almost illiterate, resulted in minimal contact with the world outside the berry forests and their accommodations (Central Finland District Court, 2018; Pre-Trial Investigation Record, 2023a; 2023b). Thus, obtaining objective information about their rights as workers in Finland was almost impossible. As leaving their exploitative work became too difficult, they became trapped in the berry forests. This demonstrates that exploitative industries can create carceral spatialities in unexpected places without visible boundaries if it is possible to capitalise on something.

At least partly because the Thai authorities notified the Finnish government that they would not allow more pickers to leave for Finland before they were supplied with employment contracts (Hutasingh, 2024a), and a new crime allegation relating to the wild berry harvesting in 2023 was revealed (Yle News, 2025c), the Finnish government (2024) proposed amendments to safeguard the workers' rights and provide the Thai pickers with working contracts with a minimum pay from February 2025 onwards (Ministry of Economic Affairs and Employment in Finland, 2024a; see Yle News, 2024a). Finland piloted the new system in 2024, when only 900 Thai pickers were allowed into Finland. However, pickers already residing in Finland can still follow the Berry Law and continue to sell berries to whomever they wish (e.g., Finnish Immigration Service, 2024). Although Finland should have acted earlier, these changes in laws and regulations demonstrate that the state still has a crucial role in controlling unfree labour conditions and forced labour (see Strauss, 2012); the 'representatives of capital' have not 'captured the state' totally (Hastings and Herod, 2024, p. 59).

It remains to be seen how effectively the new laws and employment contracts prevent labour exploitation in the future and how efficient the joint efforts of the Thai and Finnish authorities will be in stopping human trafficking. As Hedberg (2022) discusses, the pickers also have an active agency; there is an interplay between exploitative structures and workers' aspirations for better livelihoods (see also Rogaly, 2009). For example, the Bangkok Post reported that Thai authorities had detained 43 people who had tried to leave Thailand to pick berries in Finland in 2024 without being part of the quota of the 900 pickers allowed into the country; they were all without proper exit permits and had been 'duped' by a local agent (Hutasingh, 2024b). As Morgan and Olsen state (2015, p. 185) 'neo-liberal form of globalisation creates extended supply chains that are difficult to monitor and in which exploitation can flourish'. Thus, it is important to research how successful the new laws and regulations will be in preventing labour exploitation in Finland throughout the supply chains. This will reveal

more about the future effective methods to prevent human trafficking of seasonal migrant labour in the wild berry industry, and hopefully also inform the European agribusiness more widely.

CRediT authorship contribution statement

Rebecca Frilund: Writing – original draft, Methodology, Investigation, Formal analysis, Data curation, Conceptualization.

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