

Lanzarote questionnaires, relevant Finnish legislation, unofficial translations

Law on the Ombudsman for Children 21.12.2004/1221

1§ Field of activity

The Ombudsman for Children in connection with the Ministry of Social Affairs and Health ensures that the situation and rights of children are taken account of in legislation and in societal decision-making. The qualification requirements and appointment of the Ombudsman for Children are stipulated by the government law.

2§ Duties

It is the duty of the Ombudsman for Children, in cooperation with other authorities as well as organisations in the field of activity and other actors, to promote the implementation of the interests and rights of children. The duties of the Ombudsman for Children are:

1. to assess the implementation of the interests and rights of children and to monitor the living conditions of children and adolescents;
2. to monitor legislation and societal decision-making and assess their impact on the welfare of children;
3. to develop initiatives, advice and guidance on matters relating to children in societal decision-making and to promote the realisation of children's interests in society;
4. to maintain contacts with children and adolescents and provide them with information on decision-making;
5. to develop forms of cooperation between different actors;
6. to convey information concerning children to children, to those working with children, to authorities and other sections of the population; and
7. to promote in different ways the implementation of the Convention on the Rights of the Child adopted by the General Assembly of the United Nations (59-60/1991).

3§ Annual report and plan of action

The Ombudsman for Children must submit a report annually on his/her field of activities to the government and must prepare a plan of action. The report on activities and plan of action are stipulated precisely by the government law.

4§ Advisory Board

In order to promote the situation and rights of children and cooperation related to them among authorities, the Ombudsman for Children is assisted by an Advisory Board, the appointment, composition, duties and working methods of which are stipulated precisely by the government law.

5§ Office

The Ombudsman for Children has an office. A sufficient number of civil servants and other members of staff assist the office, within budgetary limits.

6§ Right to information

The Ombudsman for Children is entitled to receive from other officials without charge sufficient information necessary for carrying out his/her duties, unless otherwise covered by confidentiality regulations.

7§ Precise regulations

The precise regulations concerning the implementation of this law are given as required by the government act.

8§ Entry into force

This law enters into force on the 1st day of September 2005. Prior to the entry into force of the law activities required for its implementation may be started.

Criminal Records Act (770/1993; amendments up to 505/2002 included)

Section 1

(1) The criminal records shall be maintained by the Legal Register Centre as provided in this Act. (1093/1999)

(2) Data shall be gathered and stored in the criminal records, from where they shall be delivered for the imposition and enforcement of penal sanctions.

(3) Data from the criminal records may also be delivered for the establishment and evaluation of a person's reliability or personal aptitude.

Section 2

(1) On the basis of notices by courts of law, data shall be entered in the criminal records on decisions whereby a person in Finland has been sentenced to unsuspended imprisonment, community service, suspended imprisonment, a fine, community service or supervision supplementary to suspended imprisonment, juvenile punishment, a fine instead of juvenile punishment, or dismissal from office, or whereby sentencing has been waived under chapter 3, section 3, of the Penal Code (39/1889). However, no entries shall be made in the criminal records on the conversion of fines into imprisonment, nor on imprisonment imposed under the Civilian Service Act (1723/1991). Data on fines imposed on the basis of the provisions governing corporate criminal liability shall also be entered in the criminal records.

(2) Furthermore, entries shall be made in the criminal records, as provided by Decree, on court decisions whereby a Finnish citizen or a foreigner permanently resident in Finland has been sentenced abroad to a sanction equivalent to one mentioned in paragraph (1).

(.....)

Deletion of data from the criminal records

Section 10

(1) Entries shall be deleted from the criminal records as follows:

(1) after five years, entries on suspended imprisonment, a fine, community service or supervision supplementary to suspended imprisonment, juvenile punishment, a fine instead of juvenile punishment, dismissal from office, and fines imposed on the basis of the provisions governing corporate criminal liability;

(2) after ten years, entries on imprisonment for at most two years, and community service; and

(3) after twenty years, entries on imprisonment of more than two and at most five years, and a waiver of sentencing under chapter 3, section 3, of the penal code calculated from the date when the final sentence was passed. (523/2001)

(2) However, an entry on an individual penalty shall not be deleted if the criminal records contain data on the person which cannot yet be deleted under paragraph (1). Nevertheless, all data on a person shall be deleted from the criminal records after the person has died or reached the age of 90 years. A pardon shall have no effect on the deletion of data from the criminal records.

(3) Data on sanctions ordered abroad shall be deleted, in so far as appropriate, in compliance with the principles referred to in paragraph.

Act on the Processing of Personal Data by the Police (761/2003)

Section 2

Data System for Police Matters

(1) The Data System for Police Matters is a permanent, computerized personal data file intended for nationwide use by the police. The Data System for Police Matters may contain personal data whose processing is necessary for the performance of duties laid down in section 1(1) of the Police Act.

(2) The data that may be recorded in the data system on the identity of persons suspected of an offence or subject to a pre-trial investigation, police investigation, police action or coercive measure consists of the person's full name, date of birth, personal identity code, sex, mother tongue, nationality, marital status, country of birth, municipality of residence at birth, municipality of residence, occupation, address and telephone number or other contact details, information on the person's death, travel document information in the case of an alien, and any personal data relevant to the person's own safety or the occupational safety of the police.

(3) In addition, other necessary data obtained for the performance of duties laid down in section 1(1) of the Police Act may be recorded in the data system, as follows:

(.....)

9) in the case of persons suspected or convicted of an offence, for the purpose of identifying persons suspected of an offence, investigating offences and registering offenders, the personal descriptions laid down in Chapter 6, section 4(1) and (4) of the Coercive Measures Act, and the DNA profiles laid down in section 5 of the same Chapter, the video images and shoeprints of the person, information on the suspected offence, and information concerning registration and the classification of the person (*personal description data*);

Criminal Code (39/1889)

Chapter 1 - Scope of application of the criminal law of Finland (626/1996)

Section 1 - Offence committed in Finland

(1) Finnish law applies to an offence committed in Finland.

(2) Application of Finnish law to an offence committed in Finland's economic zone is subject to the Act on the Economic Zone of Finland (1058/2004) and the Act on the Environmental Protection in Navigation (300/1979). (1680/2009)

Section 2 - Offence connected with a Finnish vessel

(1) Finnish law applies to an offence committed on board a Finnish vessel or aircraft if the offence was committed

- (1) while the vessel was on the high seas or in territory not belonging to any State or while the aircraft was in or over such territory, or
- (2) while the vessel was in the territory of a foreign State or the aircraft was in or over such territory and the offence was committed by the master of the vessel or aircraft, a member of its crew, a passenger or a person who otherwise was on board.

(2) Finnish law also applies to an offence committed outside of Finland by the master of a Finnish vessel or aircraft or a member of its crew if, by the offence, the perpetrator has violated his or her special statutory duty as the master of the vessel or aircraft or a member of its crew.

Section 3 - Offence directed at Finland

(1) Finnish law applies to an offence committed outside of Finland that has been directed at Finland.

(2) An offence is deemed to have been directed at Finland

- (1) if it is an offence of treason or high treason,
- (2) if the act has otherwise seriously violated or endangered the national, military or economic rights or interests of Finland, or
- (3) if it has been directed at a Finnish authority.

Section 4 – *Offence in public office and military offence*

(1) Finnish law applies to an offence referred to in chapter 40 of this Code that has been committed outside of Finland by a person referred to in chapter 40, section 11, paragraphs (1), (2), (3) and (5) (604/2002).

(2) Finnish law also applies to an offence referred to in chapter 45 that has been committed outside of Finland by a person subject to the provisions of that chapter.

Section 5 - *Offence directed at a Finn*

Finnish law applies to an offence committed outside of Finland that has been directed at a Finnish citizen, a Finnish corporation, foundation or other legal entity, or a foreigner permanently resident in Finland if, under Finnish law, the act may be punishable by imprisonment for more than six months.

Section 6 - *Offence committed by a Finn*

(1) Finnish law applies to an offence committed outside of Finland by a Finnish citizen. If the offence was committed in territory not belonging to any State, a precondition for the imposition of punishment is that, under Finnish law, the act is punishable by imprisonment for more than six months.

(2) A person who was a Finnish citizen at the time of the offence or is a Finnish citizen at the beginning of the court proceedings is deemed to be a Finnish citizen.

(3) The following are deemed equivalent to a Finnish citizen:

- (1) a person who was permanently resident in Finland at the time of the offence or is permanently resident in Finland at the beginning of the court proceedings, and
- (2) a person who was apprehended in Finland and who at the beginning of the court proceedings is a citizen of Denmark, Iceland, Norway or Sweden or at that time is permanently resident in one of those countries.

Section 7 - *International offence*

(1) Finnish law applies to an offence committed outside of Finland where the punishability of the act, regardless of the law of the place of commission, is based on an international agreement binding on Finland or on another statute or regulation internationally binding on Finland (*international offence*). Further provisions on the application of this section shall be issued by Decree.

(2) Regardless of the law of the place of commission, Finnish law applies also to a nuclear explosive offence or the preparation of an endangerment offence that is to be deemed an offence referred to in the Comprehensive Nuclear Test Ban Treaty (Treaties of Finland 15/2001) (841/2003)

(3) Regardless of the law of the place of commission, Finnish law applies also to trafficking in persons, aggravated trafficking in persons and an offence referred to in chapter 34a committed outside of Finland. (650/2004)

Section 1

[1] In the application of chapter 1, section 7 of the Criminal Code, the following offences are deemed international offences:

- (1) counterfeiting currency, the preparation of the counterfeiting of currency, or the use of counterfeited currency, referred to in the International Convention for the Suppression of Counterfeiting Currency (Treaties of Finland 47/1936) and counterfeiting of the euro referred to in article 7, paragraph 2 of the Council framework decision of 29 May 2000, on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro (Official Journal L 140, 14 June 2000), (370/2001)
- (2) a crime against humanity, aggravated crime against humanity, war crime and aggravated war crime defined in the Charter of Rome of the International Criminal Court (Treaties of Finland 56/2002) or other corresponding punishable criminal act which should be deemed a grave breach of the Geneva Conventions for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, Relative to the Treatment of Prisoners of War, and Relative to the Protection of Civilian Persons in Time of War (Treaties of Finland 8/1955), as well as the Protocol Additional to the Geneva Conventions, and relating to the protection of victims of international armed conflicts (Treaties of Finland 82/1980), (286/2008)
- (3) genocide and the preparation of genocide referred to in the Convention on the Prevention and Punishment of the Crime of Genocide (Treaties of Finland 5/1960),
- (4) a narcotics offence, aggravated narcotics offence, preparation of a narcotics offence, promotion of a narcotics offences, promotion of an aggravated narcotics offence, and concealment offence as referred to in the Single Convention on Narcotic Drugs of 1961 (Treaties of Finland 43/1965), the Protocol amending the Single Convention on Narcotic Drugs of 1961 (Treaties of Finland 42/1975), the Convention on psychotropic substances (Treaties of Finland 60/1976), and the United Nations Convention against illicit traffic in narcotic drugs and psychotropic substances (Treaties of Finland 44/1994), (1014/2006)
- (5) such seizure of aircraft or other punishable act by which the perpetrator unlawfully, by force or threat thereof, seizes or exercises control of an aircraft, that is to be deemed an offence referred to in the Convention for the suppression of unlawful seizure of aircraft (Treaties of Finland 62/1971),
- (6) such criminal traffic mischief or aggravated criminal mischief, preparation of an endangerment offence or other punishable act that is to be deemed an offence referred to in the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (Treaties of Finland 56/1973),
- (7) murder, assault or deprivation of liberty directed against the person of an internationally protected person, or violent attack upon the official premises, the private accommodation or the means of transport of such a person, or a threat thereof, referred to in the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (Treaties of Finland 63/1978),
- (8) taking of a hostage or other deprivation of liberty referred to in the International Convention against the Taking of Hostages (Treaties of Finland 38/1983),
- (9) such torture for the purpose of obtaining a confession, assault, aggravated assault or other punishable act that is to be deemed torture referred to in the Convention against

Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Treaties of Finland 60/1989),

- (10) such nuclear device offence, endangerment of health, nuclear energy use offence or other punishable act directed at or committed by using nuclear material that is deemed an offence referred to in the Convention on the Physical Protection of Nuclear Material (Treaties of Finland 72/1989),
- (11) such deprivation of liberty, aggravated deprivation of liberty, abduction, sabotage, endangerment or other punishable act that is to be deemed an offence referred to in the European Convention on the Suppression of Terrorism (Treaties of Finland 16/1990), (353/1997) homicide, assault, deprivation of liberty or robbery directed at a person on board a vessel or aircraft, or seizure, theft or damage of a vessel, aircraft or property on board a vessel or aircraft that is to be deemed piracy as referred to in the United Nations Convention on the Law of the Seas (Treaties of Finland 50/1996), (118/1999)
- (12) such violation of the prohibition of chemical weapons referred to in the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (Treaties of Finland 19/1997), (118/1999)
- (13) such unlawful act directed against the safety of maritime navigation that is referred to in the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (Treaties of Finland 11/1999), (537/2000)
- (13a) such violation of the prohibition of biological weapons referred to in the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare (Treaties of Finland 23/1929) and the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (Treaties of Finland 15/1975), (286/2008)
- (14) such unlawful act that is directed against the safety of fixed platforms located on the continental shelf as is referred to in the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (Treaties of Finland 44/2000), (739/2001)
- (15) such crime against United Nations and associated personnel as is referred to in the Convention on the Safety of United Nations and Associated Personnel (Treaties of Finland 2-3/2001), (510/2002)
- (16) such offence against a place of public use, state or government facility, a public transportation system or an infrastructure facility as is referred to in the International Convention for the Suppression of Terrorist Bombings (Treaties of Finland 60/2002),
- (17) such financing of terrorism as is referred to in the International Convention for the Suppression of the Financing of Terrorism (Treaties of Finland 74/2002), (859/2003)
- (18) such wilful killing or causing of serious injury to civilians as is referred to in the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-traps and other Devices as amended on 3 May 1996 (Treaties of Finland 91/1998). (859/2003)

(2) Also a punishable attempt of and punishable participation in an offence referred to in subsection 1 is deemed an international offence.

Section 8 - *Other offence committed outside of Finland*

Finnish law applies to an offence committed outside of Finland which, under Finnish law, may be punishable by imprisonment for more than six months, if the State in whose territory the offence was committed has requested that charges be brought in a Finnish court or that the offender be extradited because of the offence, but the extradition request has not been granted.

Section 9 - *Corporate criminal liability*

If, under this chapter, Finnish law applies to the offence, Finnish law applies also to the determination of corporate criminal liability.

Section 10 - *Place of commission*

(1) An offence is deemed to have been committed both where the criminal act was committed and where the consequence contained in the statutory definition of the offence became apparent. An offence of omission is deemed to have been committed both where the perpetrator should have acted and where the consequence contained in the statutory definition of the offence became apparent.

(2) If the offence remains an attempt, it is deemed to have been committed also where, had the offence been completed, the consequence contained in the statutory definition of the offence either would probably have become apparent or would in the opinion of the perpetrator have become apparent.

(3) An offence by an inciter and abettor is deemed to have been committed both where the act of complicity was committed and where the offence by the offender is deemed to have been committed.

(4) If there is no certainty as to the place of commission, but there is justified reason to believe that the offence was committed in the territory of Finland, said offence is deemed to have been committed in Finland.

Section 11 - *Requirement of dual criminality*

(1) If the offence has been committed in the territory of a foreign State, the application of Finnish law may be based on sections 5, 6 and 8 only if the offence is punishable also under the law of the place of commission and a sentence could have been passed for it also by a court of that foreign State. In this event, no sanction that is more severe than what is provided by the law of the place of commission shall be imposed in Finland.

(2) Even if the offence is not punishable under the law of the place of commission, Finnish law applies to it if it has been committed by a Finnish citizen or a person referred to in section 6, subsection 3(1), and the penalty for it has been laid down in

- (1) sections 5 or 6 of chapter 11, if the act is a war crime or aggravated war crime referred to in article 15 of the second protocol to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict or an act of participation into said acts,
- (2) sections 1 – 9 of chapter 15 pursuant to section 12a of said chapter,
- (3) sections 1 - 3 of chapter 16 and even if the object of the offence is a person referred to in chapter 40, section 11, paragraph (2), (3) or (5) or a foreign public official who is in the service of the International Criminal Court,
- (4) sections 13, 14, 14a and 14b of chapter 16 and even if the provisions are applied pursuant to section 20 of the same chapter,
- (5) sections 18, 18a or 19 of chapter 17,
- (6) sections 6, 7 or 8a-8c of chapter 20,
- (7) sections 1-5, 9 or 9a of chapter 20, if the act is directed at a person below the age of eighteen years,

- (8) sections 7, 7a, 8 or 8a of chapter 30 and even if these provisions are applied on the basis of section 14 of said chapter, or
- (9) sections 1 - 4 of chapter 40 or 4a, if the offender is a member of Parliament, a foreign public official or a member of a foreign parliament. (637/2011)

Section 12 - *Prosecution order by the Prosecutor-General* (205/1997)

(1) A criminal case may not be investigated in Finland without a prosecution order by the Prosecutor-General, where

- (1) the offence was committed abroad, or
- (2) a foreigner has committed an offence on board a foreign vessel when the vessel was in Finnish territorial waters or on board a foreign aircraft when the aircraft was in Finnish air space and the offence was not directed at Finland, a Finnish citizen, a foreigner permanently resident in Finland or a Finnish corporation, foundation or other legal entity.

(2) However, the order by the Prosecutor-General is not be required, if

- (1) the offence was committed by a Finnish citizen or a person who, under section 6, is equivalent to a Finnish citizen and it was directed at Finland, a Finnish citizen, a foreigner permanently resident in Finland, or a Finnish corporation, foundation or other legal entity,
- (2) the offence was committed in Denmark, Iceland, Norway or Sweden and the competent public prosecutor of the place of commission has requested that the offence be tried in a Finnish court (441/2011),
- (3) the offence was committed aboard a Finnish vessel while on the high seas or in territory not belonging to any State or aboard a Finnish aircraft while it was in or over such territory,
- (4) the offence was committed aboard a vessel or aircraft while it was in scheduled traffic between points in Finland or between a point in Finland and a point in Denmark, Iceland, Norway or Sweden,
- (5) the offence is to be tried as a criminal case in accordance with the Military Court Procedure Act (326/1983), or
- (6) there is a statutory provision to the effect that the President of the Republic or Parliament is to order any charges to be brought.

Section 13 - *Foreign judgment*

(1) Charges may not be brought in Finland if a judgment has already been passed and has become final in the State where the act was committed or in another member state of the European Union and

- (1) the charge was dismissed,
- (2) the defendant was found guilty but punishment was waived,
- (3) the sentence was enforced or its enforcement is still in progress or
- (4) under the law of the State where the judgment was passed, the sentence has lapsed. (814/1998)

(2) The provisions of subsection 1 notwithstanding, the Prosecutor-General may order that the charge be brought in Finland if the judgment passed abroad was not based on a request of a Finnish authority for a judgment or on a request for extradition granted by the Finnish authorities and

- (1) under section 3, the offence is deemed to be directed at Finland,

- (2) the offence is an offence in public office or a military offence referred to in section 4,
- (3) the offence is an international offence referred to in section 7, or
- (4) pursuant to section 10, the offence is deemed to have been committed also in Finland. However, the Prosecutor-General shall not order charges to be brought for an offence that has been partially committed in the territory of that member state of the European Union where the judgment was passed. (814/1998)

[subsection 3 has been repealed; 515/2003]

Section 14 - Reference provision

Separate provisions apply to extradition on the basis of an offence and to other international legal assistance and to the immunity in certain cases of persons participating in court proceedings or a criminal investigation.

Section 15 - Treaties and customary international law binding on Finland

If an international treaty binding on Finland or another statute or regulation that is internationally binding on Finland in some event restricts the scope of application of the criminal law of Finland when compared with the provisions of this chapter, such a restriction applies as agreed. The provisions in this chapter notwithstanding, the restrictions on the scope of application of Finnish law based on generally recognised rules of international law also apply.

Chapter 3 - The general prerequisite of criminal liability

Section 6 – Intent

A perpetrator has intentionally caused the consequence described in the statutory definition if the causing of the consequence was the perpetrator's purpose or he or she had considered the consequence as a certain or quite probable result of his or her actions. A consequence has also been intentionally caused if the perpetrator has considered it as certainly connected with the consequence that he or she has aimed for.

Chapter 5 – On attempt and complicity

Section 1 – Attempt

(1) An attempt of an offence is punishable only if the attempt has been denoted as punishable in a provision on an intentional offence.

(2) An act has reached the stage of an attempt at an offence when the perpetrator has begun the commission of an offence and brought about the danger that the offence will be completed. An attempt at an offence is involved also when such a danger is not caused, but the fact that the danger is not brought about is due only to coincidental reasons.

(3) In sentencing for an attempt at an offence, the provisions of chapter 6, section 8, subsection 1(2), subsection 2 and subsection 4 apply, unless, pursuant to the criminal provision applicable to the case, the attempt is comparable to a completed act.

Section 6 – *Abetting*

(1) A person who, before or during the commission of an offence, intentionally furthers the commission by another of an intentional act or of its punishable attempt, through advice, action or otherwise, shall be sentenced for abetting on the basis of the same legal provision as the perpetrator. The provisions of chapter 6, section 8, subsection 1(3), subsection 2 and subsection 4 apply nonetheless to the sentence.

(2) Incitement to punishable aiding and abetting is punishable as aiding and abetting.

Chapter 6 – Sentencing

Determining the sentence

Section 4 – *The general principle*

The sentence shall be determined so that it is in just proportion to the harmfulness and dangerousness of the offence, the motives for the act and the other culpability of the perpetrator manifest in the offence.

Section 5 – *Grounds increasing the punishment*

(1) The following are grounds for increasing the punishment:

- (1) the methodical nature of the criminal activity,
- (2) commission of the offence as a member of a group organised for serious offences,
- (3) commission of the offence for remuneration,
- (4) commission of the offence for a motive based on race, skin colour, birth status, national or ethnic origin, religion or belief, sexual orientation or disability or another corresponding grounds, and (511/2011)
- (5) the criminal history of the perpetrator, if the relation between it and the new offence, due to the similarity between the offences or otherwise, shows that the perpetrator is apparently heedless of the prohibitions and commands of the law.

Chapter 8 - Statute of limitations

Section 1 – *Time-barring of the right to bring charges* (297/2003)

(1) The right to bring charges for an offence for which the most severe sentence is life imprisonment does not become time-barred. (212/2008)

(2) The right to bring charges is time-barred if charges have not been brought

- (1) within twenty years, if the most severe penalty provided for the offence is fixed-term imprisonment for over eight years,
- (2) within ten years, if the most severe penalty is imprisonment for more than two years and at most eight years,
- (3) within five years, if the most severe penalty is imprisonment for over a year and at most two years, and
- (4) within two years, if the most severe penalty is imprisonment for at most a year, or a fine or a summary penal fee. (755/2010)

[paragraph 4 has been amended by the Act of 755/2010, which shall enter into force on a date to be set by an Act. The earlier wording is as follows:]

- (4) within two years, if the most severe penalty is imprisonment for at most a year, or a fine.
- (3) The most severe penalty refers to the maximum penalty provided for the offence in the applicable provision.
- (4) The minimum period during which the right to bring charges for offences in office becomes time-barred, however, is five years. The minimum period during which the right to bring charges for impairment of the environment, an environmental offence and a building protection offence becomes time-barred is ten years. The right to bring charges for impairment of the environment, aggravated impairment of the environment, an environmental infraction and negligent impairment of the environment by a foreign vessel in the Finnish economic zone referred to in chapter 13, section 3 of the Maritime Environmental Protection Act, becomes time-barred in three years. The minimum period during which the right to bring charges for a fishing offence committed from a foreign vessel in the Finnish economic zone becomes time-barred is three years. (1680/2009).
- (5) The right to bring charges for sexual abuse of a child and aggravated sexual abuse of a child becomes time-barred at the earliest when the complainant reaches the age of twenty-eight years. The same applies to rape, aggravated rape, coercion into sexual intercourse, coercion into a sexual act, sexual abuse, pandering, aggravated pandering, trafficking in persons and aggravated trafficking person, directed at a person under the age of eighteen years. In the case of enticement of a child for sexual purposes referred to in chapter 20, section 8(b), the right to bring charges becomes time-barred when the person who was the object of the offence reaches the age of twenty-three years (540/2011)

Chapter 9 - Corporate criminal liability (743/1995)

Section 1 - Scope of application (61/2003)

(1) A corporation, foundation or other legal entity¹ in the operations of which an offence has been committed shall on the request of the public prosecutor be sentenced to a corporate fine if such a sanction has been provided in this Code for the offence. (441/2011)

¹ In the following, "corporation".

(2) The provisions in this chapter do not apply to offences committed in the exercise of public authority.

Section 2 - Prerequisites for liability (61/2003)

(1) A corporation may be sentenced to a corporate fine if a person who is part of its statutory organ or other management or who exercises actual decision-making authority therein has been an accomplice in an offence or allowed the commission of the offence or if the care and diligence necessary for the prevention of the offence have not been observed in the operations of the corporation.

(2) A corporate fine may be imposed even if the offender cannot be identified or otherwise is not punished. However, no corporate fine shall be imposed for a complainant offence which is not reported by the injured party so as to have charges brought, unless there is a very important public interest for the bringing of charges.

Section 3 - *Connection between offender and corporation* (743/1995)

(1) The offence is deemed to have been committed in the operations of a corporation if the perpetrator has acted on the behalf or for the benefit of the corporation, and belongs to its management or is in a service or employment relationship with it or has acted on assignment by a representative of the corporation.

(2) The corporation does not have the right to compensation from the offender for a corporate fine that it has paid, unless such liability is based on statutes on corporations and foundations.

Section 5 - *Corporate fine* (971/2001)

A corporate fine is imposed as a lump sum. The corporate fine is at least 850 euros and at most 850,000 euros.

Chapter 15 - Offences against the administration of justice

Section 9 - *Threatening a person to be heard in the administration of justice* (563/1998)

A person who unlawfully

- (1) by violence or threats prevents or attempts to prevent another person from making a statement as a witness, expert witness, other person to be heard or a party in a trial, criminal investigation, police inquiry or other comparable official proceedings, or influences or attempts to influence the contents of the statement, or
- (2) employs violence or threats violence against another person or a person related to him or her in the manner referred to in section 10, subsection 2 because of a statement made by him or her in the hearing referred to above,

shall be sentenced, unless a more severe penalty for the act has been provided elsewhere in the law, for *threatening a person to be heard in the administration of justice* to a fine or to imprisonment for at most three years.

Chapter 17 - Offences against public order (563/1998)

Section 1 - *Public incitement to an offence* (563/1998)

(1) A person who through the mass media or publicly in a crowd or in a generally published writing or other presentation exhorts or incites anyone into the commission of an offence, so that the exhortation or incitement

- (1) causes a danger of the offence or a punishable attempt being committed, or
- (2) otherwise clearly endangers public order or security,

shall be sentenced for *public incitement to an offence* to a fine or to imprisonment for at most two years.

(2) If the exhortation or incitement causes the commission of an offence or a punishable attempt, the provisions in chapter 5 on participation apply.

Section 18 - *Distribution of a sexually offensive picture* (650/2004)

(1) A person who manufactures, offers for sale or for rent or otherwise offers or makes available, keeps available, exports, imports to or transports through Finland to another country, or otherwise distributes pictures or visual recordings that factually or realistically depict

- (1) a child,
- (2) violence or
- (3) bestiality

shall be sentenced for *distribution of a sexually offensive picture* to a fine or imprisonment for at most two years. (540/2011)

(2) An attempt is punishable.

(3) The provisions in section 17, subsection 2 apply also to the pictures and visual recordings referred to in this section.

(4) A child is defined as a person below the age of eighteen years and a person whose age cannot be determined but whom there is justifiable reason to assume is below the age of eighteen years. The picture or visual recording is deemed factual in the manner referred to in subsection 1, paragraph 1, if it has been produced in a situation in which a child has actually been the object of sexually offensive conduct and realistic, if it resembles in a misleading manner a picture or a visual recording produced through photography or in another corresponding manner of a situation in which a child is the object of sexually offensive conduct. The definitions of the terms factual and realistic apply correspondingly in the cases referred to in subsection 1, paragraphs 2 and 3. (540/2011).

Section 18(a) - *Aggravated distribution of a sexually offensive picture depicting a child* (650/2004)

(1) If, in the distribution of a sexually offensive picture depicting a child

- (1) the child is particularly young,
- (2) the picture also depicts severe violence or particularly humiliating treatment of the child,
- (3) the offence is committed in a particularly methodical manner or (4) the offence has been committed within the framework of a criminal organisation referred to in section 1a, subsection 4

and the offence is aggravated also when assessed as whole, the offender shall be sentenced for *aggravated distribution of a sexually offensive picture depicting a child* to imprisonment for at least four months and at most six years.

(2) An attempt is

Section 19 - *Possession of a sexually offensive picture depicting a child* (540/2011)

(1) A person who unlawfully has in his or her possession a picture or visual recording which depicts a child in the sexually offensive manner referred to in section 18, shall be sentenced for *possession of a sexually offensive picture depicting a child* to a fine or to imprisonment for at most one year.

(2) A person who in return for payment or otherwise by agreement has obtained access to a picture or visual recording referred to in subsection 1 so that it is available to him or her on a computer or another technical device without being recorded on the device shall also be sentenced for possession of a sexually offensive picture depicting a child.

Section 20 - *Unlawful marketing of obscene material* (563/1998)

(1) A person who, for gain, markets an obscene picture, visual recording or object which is conducive to causing public offence, by

- (1) giving it to a person under 15 years of age,
- (2) putting it on public display,
- (3) delivering it unsolicited to another, or
- (4) openly offering it for sale or presenting it by advertisement, brochure or poster or by other means causing public offence,

shall be sentenced for *unlawful marketing of obscene material* to a fine or to imprisonment for at most six months.

(2) Also a person who, in the manner referred to in subsection 1, subsection 4, offers for sale or presents an obscene text or sound recording which is conducive to causing public offence shall be sentenced for unlawful marketing of obscene material.

Section 24 – *Corporate criminal liability* (511/2011)

(1) The provisions on corporate criminal liability apply to participation in the activity of a criminal organisation, the arrangement of illegal immigration, the aggravated arrangement of illegal immigration, an animal welfare offence, an aggravated animal welfare offence, organised gambling, a lottery offence, a money collection offence, the distribution of depictions of violence, **the distribution of sexually offensive pictures, the aggravated distribution of sexually offensive pictures depicting children, the possession of sexually offensive pictures depicting children and the unlawful marketing of obscene material.**

Chapter 20 - Sex offences (563/1998)

Section 1 - *Rape* (563/1998)

(1) A person who forces another into sexual intercourse by the use or threat of violence shall be sentenced for *rape* to imprisonment for at least one year and at most six years.

(2) Also a person who, by taking advantage of the fact that another person, due to unconsciousness, illness, disability, state of fear or other state of helplessness, is unable to defend himself or herself or to formulate or express his or her will, has sexual intercourse with him or her, shall be sentenced for rape. (495/2011)

(3) An attempt is punishable.

Section 2 - *Aggravated rape* (563/1998)

(1) If, in the rape,

- (1) grievous bodily injury, serious illness or a state of mortal danger is intentionally inflicted on another,

- (2) the offence is committed by several people, or especially hard mental or physical suffering is caused,
- (3) the offence is committed in a particularly brutal, cruel or humiliating manner, or
- (4) a firearm, edged weapon or other lethal instrument is used or a threat of other serious violence is made, and the rape is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated rape* to imprisonment for at least two years and at most ten years.

(2) An attempt is punishable.

Section 3 - Coercion into sexual intercourse (563/1998)

(1) If the rape, in view of the slight degree of the violence or threat and the other particulars of the offence, is deemed to have been committed under mitigating circumstances when assessed as a whole, the offender shall be sentenced for *coercion into sexual intercourse* to imprisonment for at most three years.

(2) Also a person who coerces another into sexual intercourse by a threat other than that referred to in section 1, subsection 1 shall be sentenced for coercion into sexual intercourse.

(3) An attempt is punishable.

Section 4 - Coercion into a sexual act (563/1998)

(1) A person who by violence or threat coerces another into a sexual act other than that referred to in section 1 or into submission to such an act, thus essentially violating his or her right of sexual self-determination, shall be sentenced for *coercion into a sexual act* to a fine or to imprisonment for at most three years.

(2) Also a person who, by taking advantage of the fact that another person, due to unconsciousness, illness, disability, state of fear or other state of helplessness, is unable to defend himself or herself or to formulate or express his or her will, causes him or her to engage in or submit to the sexual act referred to in subsection 1, essentially violating his or her right of sexual self-determination, shall be sentenced for coercion into a sexual act. (495/2011)

(3) An attempt is punishable.

Section 5 - Sexual abuse (563/1998)

(1) A person who abuses his or her position and entices one of the following into sexual intercourse, into another sexual act essentially violating his or her right of sexual self-determination, or into submission to such an act,

- (1) a person younger than eighteen years of age, who in a school or other institution is subject to the authority or supervision of the offender or in another comparable manner subordinate to the offender,
- (2) a person younger than eighteen years of age, whose capacity of independent sexual self-determination, owing to his or her immaturity and the age difference of the persons involved, is essentially inferior to that of the offender, where the offender blatantly takes advantage of this immaturity,

- (3) a patient in a hospital or other institution, whose capacity to defend himself or herself is essentially impaired owing to illness, handicap or other infirmity, or
- (4) a person who is especially dependent on the offender, where the offender blatantly takes advantage of this dependence,

shall be sentenced for *sexual abuse* to a fine or to imprisonment for at most four years.

Subsection 2 has been repealed by the Act of 495/2011

(3) An attempt is punishable.

Section 6 - Sexual abuse of a child (540/2011)

(1) A person who by touching or otherwise performs a sexual act on a child younger than sixteen years of age, said act being conducive to impairing his or her development, or induces him or her to perform such an act, shall be sentenced for *sexual abuse of a child* to imprisonment for at least four months and at most four years.

(2) Also a person who has sexual intercourse with a child younger than sixteen years of age, if the offence when assessed as a whole is not aggravated in the manner referred to in section 7, subsection 1, shall be sentenced for sexual abuse of a child. In addition, a person who acts in the manner referred to in subsection 1 or above in the present subsection with a child who has reached the age of sixteen but is younger than eighteen years of age, if the offender is the parent of the child or is in a position comparable to that of a parent and lives in the same household with the child, shall be sentenced for sexual abuse of a child.

(3) An attempt is punishable.

Section 7 - Aggravated sexual abuse of a child (540/2011)

(1) If

- (1) a person has sexual intercourse with a child below the age of sixteen or in the cases referred to in section 6, subsection 2 with a child who has reached the age of sixteen but is younger than eighteen years of age, or
- (2) in sexual abuse of a child
 - (a) the victim is a child whose age or stage of development is such that the offence is conducive to causing special injury to him or her,
 - (b) the offence is committed in an especially humiliating manner, or
- (3) the offence is conducive to causing special injury to the child due to the special trust he or she has placed in the offender or the special dependence of the child on the offender, and the offence is aggravated also when assessed as a whole, the offender shall be sentenced for aggravated sexual abuse of a child to imprisonment for at least one year and at most ten years.

(2) An attempt is punishable.

Section 7(a) – Restrictive provision (540/2011)

An act that does not violate the sexual autonomy of the subject and where there is no great difference in the mental and physical maturity of the parties shall not be deemed sexual abuse of a child, or the aggravated sexual abuse of a child referred to in section 7, subsection 1, paragraph 1.

Section 8 – *Abuse of a victim of prostitution* (743/2006)

(1) A person who, by promising or giving remuneration involving direct economic benefit induces a person referred to as victim in section 9 or 9a or in chapter 25, section 3 or 3a to engage in sexual intercourse or in a comparable sexual act shall be sentenced, unless the act is punishable pursuant to section 8a, for *abuse of a victim of prostitution* to a fine or imprisonment for at most six months.

(2) Also a person who takes advantage of the remuneration referred to in subsection 1 promised or given by a third person, by engaging in sexual intercourse or a comparable sexual act with the victim referred to in said subsection, shall be sentenced for abuse of a victim of prostitution.

(3) An attempt is punishable.

Section 8(a) – *Purchase of sexual services from a young person* (743/2006)

(1) A person who, by promising or giving remuneration, induces a person younger than 18 years of age to engage in sexual intercourse or to perform another sexual act shall be sentenced for *purchase of sexual services from a young person* to a fine or imprisonment for at most two years. (540/2011)

(2) Also a person who uses the sexual services referred to in subsection 1 for which another person has promised or given remuneration shall be sentenced for purchase of sexual services from a young person.

(3) An attempt is punishable.

Section 8(b) – *Solicitation of a child for sexual purposes* (540/2011)

(1) A person who suggests a meeting or other contact with a child so that it is apparent from the contents of the suggestion or otherwise from the circumstances that the intent of the person is to prepare sexually offensive pictures or visual recordings of the child in the manner referred to in chapter 17, section 18, subsection 1, or to subject the child to the offence referred to in section 6 or 7 of this chapter, shall be sentenced for *solicitation of a child for sexual purposes* to a fine or to imprisonment for at most one year.

(2) Unless a more severe sentence is provided in law for the act, also a person who solicits a person under the age of eighteen years to engage in sexual intercourse or in another sexual act in the manner referred to in section 8(a) or to perform in a sexually offensive organized performance shall be sentenced for solicitation of a child for sexual purposes.

(3) Attempt of the offence referred to above in subsection 2 is punishable.

Section 8(c) – *Following of a sexually offensive performance of a child* (540/2011)

(1) A person who follows a performance, in which a person under the age of eighteen years performs in a sexually offensive manner, shall be sentenced for *following a sexually offensive performance of a child* to a fine or to imprisonment for at most two years.

(2) An attempt is punishable.

Section 9 - *Pandering* (563/1998)

- (1) A person who, in order to seek financial benefit for himself or herself or for another person,
- (1) provides a room or other facilities where sexual intercourse or a comparable sexual act or a manifestly sexually offensive act performed by a child younger than 18 years of age are offered for remuneration,
 - (2) as an established part of his or her business harbours a person engaging in such an act and thereby substantially promotes such an act,
 - (3) provides contact information of or otherwise markets another person engaging in such an act knowing that his or her actions substantially promote the performance of such an act,
 - (4) otherwise takes advantage of the fact that another person engages in such an act or
 - (5) tempts or pressures another person to engage in such an act,
- shall be sentenced for *pandering* to a fine or imprisonment for at most three years. (650/2004).

- (2) An attempt is punishable.

Section 9(a) - *Aggravated pandering* (650/2004)

- (1) If, in pandering,
- (1) considerable financial benefit is sought,
 - (2) the offence is committed in a particularly methodical manner,
 - (3) grievous bodily harm, a serious illness or a state of mortal danger or comparable particularly grave suffering is inflicted intentionally or through gross negligence on another person or
 - (4) the object is a child younger than 18 years of age
- and the offence is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated pandering* to imprisonment for at least four months and at most six years.

- (2) An attempt is punishable.

Section 10 - *Definitions* (563/1998)

- (1) For the purposes of this chapter, *sexual intercourse* refers to the sexual penetration, by a sex organ or directed at a sex organ, of the body of another.
- (2) For the purposes of this chapter, a *sexual act* refers to an act which, with consideration to the offender, the person at whom the act was directed and the circumstances of commission, is sexually significant. (540/2011)

Section 11 - *Right to bring charges* (540/2011)

The public prosecutor may not bring charges for the offences referred to in sections 3 or 4 or section 5(1)(4), that have been directed at a person over the age of eighteen years, unless the injured party reports the offence for the bringing of charges or unless a very important public interest requires that charges be brought.

Section 12 - Waiver of measures (540/2011)

Where the injured party in an offence referred to in section 1 who has reached the age of eighteen years, on his or her own considered free will requests that charges not be brought, the public prosecutor may waive the bringing of charges, unless an important private or public interest requires that charges be brought.

Section 13 – Corporate criminal liability (540/2011)

The provisions on corporate criminal liability apply to pandering and aggravated pandering. The same applies to the offence referred to in section 8(b), subsection 1, in which a meeting or other contact is proposed with a child with the intent to prepare pictures or visual recordings that present a child in an obscene manner.

Chapter 25 - Offences against personal liberty

Section 3 - Trafficking in human beings (650/2004)

(1) A person who

- (1) by abusing the dependent status or vulnerable state of another person,
- (2) by deceiving another person or by abusing a mistake made by that person,
- (3) by paying remuneration to a person who has control over another person, or
- (4) by accepting such remuneration

takes control over another person, recruits, transfers, transports, receives or harbours another person for purposes of sexual abuse referred to in chapter 20, section 9, subsection 1(1) or comparable sexual abuse, forced labour or other demeaning circumstances or removal of bodily organs or tissues for financial benefit shall be sentenced for *trafficking in human beings* to imprisonment for at least four months and at most six years.

(2) Also a person who takes control over another person under 18 years of age or recruits, transfers, transports, receives or harbours that person for the purposes mentioned in subsection 1 shall be sentenced for trafficking in human beings even if none of the means referred to in subsection 1(1) –

(4) have been used.

(3) An attempt is punishable.

Section 3(a) - Aggravated trafficking in human beings (650/2004)

(1) If, in trafficking in human beings,

- (1) violence, threats or deceitfulness is used instead of or in addition to the means referred to in section 3,
- (2) grievous bodily harm, a serious illness or a state of mortal danger or comparable particularly grave suffering is intentionally or through gross negligence inflicted on another person,
- (3) the offence has been committed against a child younger than 18 years of age or against a person whose capacity to defend himself or herself has been substantially diminished, or
- (4) the offence has been committed within the framework of a criminal organisation referred to in chapter 17, section 1a, subsection 4

and the offence is aggravated also when considered as whole, the offender shall be sentenced for *aggravated trafficking in human beings* to imprisonment for at least two years and at most ten years.

(2) Also a person who enslaves or keeps another person in servitude, transports or trades in slaves shall be sentenced for aggravated trafficking in human beings if the act is aggravated when assessed as whole.

(3) An attempt is punishable.

Act on checking the criminal background of persons working with children (504/2002)
(Amendments done after the entry into force are not included in the translation)

Section 1
Purpose of the Act

The purpose of this Act is to protect the personal integrity of minors and promote their personal security. The Act contains provisions on the procedure for obtaining the criminal record of persons appointed to work with minors.

Section 2
Scope of application

(1) This Act applies to work performed in employment and civil service relationships which involves, on a permanent basis and to a material degree and in the guardian's absence, raising, teaching or caring for or looking after a minor or other work performed in personal contact with a minor.

(2) Under the preconditions provided by subsection 1, the Act also applies to:

- 1) work service carried out by a person in non-military service as referred to in section 1, of the Civilian Service Act (1723/1991);
- 2) work performed at a workplace by a person being coached for working life as referred to in the Employment Act (275/1987);
- 3) work performed by a trainee or a person being coached for working life as referred to in the Act on Labour Market Support (1542/1993);
- 4) work performed by a person during a work tryout at a workplace as referred to in the Employment Services Act (1005/1993);
- 5) family care provided by a family carer as referred to in section 1, of the Family Carers Act (312/1992);
- 6) a service provider as referred to in the Act on the supervision of private social services (603/1996); and
- 7) a service provider as referred to in the Act on private health care (152/1990).

(3) However, this Act does not apply to work referred to in subsections 1 or 2 which lasts for a maximum of three months within one year. Furthermore, a civilian service centre may not order a person to carry out work covered by this Act, nor may an employment authority enter into a contract on a trial period at a workplace, coaching for working life, or practical training related to work referred to in this Act, if the person concerned does not want to accept them.

Section 3
Duty of the employer to ask to see an extract from the criminal record

(1) An employer must ask a person to produce an extract from the criminal record as referred to in section 6 (2) of the Criminal Records Act (770/1993) when the person is employed or appointed for the first time to a position which includes work as referred to in section 2, or when such work is assigned to that person for the first time. For the purposes of this Act, 'employer' also refers to a civilian service centre as referred to in section 8 of the Civilian Service Act and to an employment authority entering into a contract on training, coaching for working life or a work try-out at a workplace.

(2) If no extract from the criminal record has been produced by the time a municipality or joint municipal board has filled a position, the decision concerning a person's appointment to the position must be conditional and remain unconfirmed until the extract has been produced. A person who has been appointed to a position conditionally must produce an extract from the criminal record within 30 days of being notified of the decision on the appointment or within a longer period granted for particular reasons by the authority filling the position; otherwise the appointment is considered cancelled. The competent authority which made the conditional appointment must decide whether the appointment should be confirmed or cancelled or, in the case of confirmation, a competent subordinate executive authority.

(3) In cases referred to in section 2, the precondition for appointment to a position governed by the State Civil Servants Act (750/1994) is that the person has provided the authority with an extract from his/her criminal record.

Section 4

Extract from the criminal record of a provider of private social services or private health care services

(1) If the business of a provider of private social services or private health care services includes provision of services for minors, the State Provincial Office must, prior to granting a permit, require any person who is not in an employment relationship and is required to do work as referred to in section 2 to produce the extract from the criminal record referred to in section 6 (2) of the Criminal Records Act.

(2) The provisions of subsection 1 also apply to municipalities, which, after receiving the notification prescribed in section 6, of the Act on supervision of private social services, or section 28, subsection 1, of the Children's Daycare Act (36/1973), must ask the person concerned to produce an extract from his/her criminal record without delay.

(3) The extract referred to in this section must also be requested before a person other than is indicated in the permit application or notification is employed for work as referred to in section 2. The service provider must inform the relevant Provincial State Office or municipality of the matter.

Section 5

Extract from the criminal record of a family carer

If the commission agreement referred to in section 1 of the Family Carers Act includes the provision of family care to minors, the municipality or joint municipal board must ask the person in question to produce the extract from the criminal record referred to in section 6 (2) of the Criminal Records Act.

Section 6

Validity of an extract from the criminal record

For the purpose of establishing a person's criminal record, an extract from the criminal record produced under this Act may not be more than six months old.

Section 7

Note on obtaining an extract from a criminal record and returning the extract

The only notes concerning a criminal record that may be made in a person's personal data file are those indicating that the extract from the criminal record has been provided and indicating the identification codes of the extract. No copies may be made by the employer or any other person provided with the extract under this Act. The extract from the criminal record must be promptly returned to the person presenting it.

Section 8

Confidentiality

Information in the extract from the criminal record may not be disclosed to persons other than those who need to have it in order to make a decision on whether the person in question is assigned to perform work falling within the scope of this Act. Information subject to confidentiality must not be disclosed to a third party even if the person disclosing the information no longer performs the work that he/she was performing on receiving the information.

Section 9

Advertisements for vacancies

Whenever a position involving work as referred to in this Act is advertised as open for application, the advertisement must also state that any person accepted for the position must produce the extract from the criminal record referred to in section 6 (2) of the Criminal Records Act.

Section 10

Penal provisions

(1) Anyone who wilfully or through gross negligence

- 1) fails in his duty as prescribed in sections 3, 4 and 5 to ask to see the extract from the criminal record referred to in section 6 (2) of the Criminal Records Act,
- 2) fails in his duty as prescribed in section 4, subsection 3, to notify the Provincial State Office or municipality of the employment of a person other than indicated in the permit application or notification for work referred to in the Act, or
- 3) fails to comply with the duty prescribed in section 7, to return the extract promptly to the person in question,

shall be sentenced to pay a fine, unless more severe punishment is prescribed elsewhere in the law, for the offence of failing to obtain a person's criminal record. The responsibility of an employer or an employer's representative is determined on the grounds laid down in chapter 47, section 7, of the Penal Code (39/1889).

(2) The punishment for violating confidentiality as prescribed in section 8 shall be imposed under chapter 38, section 1 or 2, of the Penal Code, unless the violation requires punishment under chapter 40, section 5, of the Penal Code, or unless more severe punishment is required under other provisions of the law.

(3) The punishment for a personal data file offence is prescribed in chapter 38, section 9, of the Penal Code.

Child Welfare Act

(No. 417/2007; amendments up to 976/2013 included)

Section 25 (88/2010) – *Duty to notify*

Persons employed by, or in positions of trust for,

- 1) social and health-care services and child day care,
- 2) education services;
- 3) youth services;
- 4) the police service;
- 5) the Criminal Sanctions Agency;
- 6) fire and rescue services;
- 7) social welfare and health care service providers;
- 8) education or training provider;
- 9) a parish or other religious community;
- 10) a reception centre and organisation centre referred to in section 3 of the Act on Reception of People Seeking International Protection (746/2011);
- 11) a unit engaged in emergency response centre activities; or
- 12) a unit engaged in morning and afternoon activities for schoolchildren

as well as persons working in a principal/contractor relationship or as independent professionals, and all health care professionals have a duty to notify the municipal body responsible for social services without delay and notwithstanding confidentiality provisions if, in the course of their work, they discover that there is a child for whom it is necessary to investigate the need for child welfare on account of the child's need for care, circumstances endangering the child's development, or the child's behaviour.

(911/2012)

(2) Persons other than those referred to in subsection 1 may also submit such a notification, notwithstanding any confidentiality regulations that may apply.

(3) Persons referred to in subsection 1 have a duty, notwithstanding confidentiality provisions, to notify the police when they have cause to suspect on the basis of circumstances that have come to their knowledge an act punishable under Chapter 20 of the Penal Code (39/1889). (542/2011)

(4) Notwithstanding the provisions of subsections 1 and 3, any separate provisions or regulations concerning Christian Confirmation or other form of pastoral care will apply.

(...)

Section 40 – *Duty to take a child into care and provide substitute care*

(1) Children must be taken into care and substitute care must be provided for them by the municipal body responsible for social services if

- 1) their health or development is seriously endangered by lack of care or other circumstances in which they are being brought up; or
- 2) they seriously endanger their health or development by abuse of intoxicants, by committing an illegal act other than a minor offence or by any other comparable behaviour.

- (2) Taking a child into care and provision of substitute care may, however, only be resorted to if
- 1) the measures referred to in Chapter 7 would not be suitable or possible for providing care in the interests of the child concerned or if the measures have proved to be insufficient
 - 2) substitute care is estimated to be in the child's interests in accordance with section 4.

Section 42 (88/2010) – *Hearing of parties concerned*

(1) Before making a decision on taking a child into care and substitute care referred to in section 43(1)–(3) and a decision on termination of care referred to in section 47(1), the child's own views must be ascertained and an opportunity must be reserved for the child to be heard in accordance with section 20.

(2) A child's parent, custodian and persons in charge of the care and upbringing of the child during or immediately before the preparation of the case must be reserved an opportunity to be heard in matters referred to in subsection 1 as provided in section 34(1) of the Administrative Procedure Act.

(3) The hearing may be omitted if

- 1) it can be considered justified on the basis of lack of contact between the child and the person to be heard and the hearing cannot be presumed to be necessary for clarifying the matter;
- 2) the place of residence or whereabouts of the person to be heard cannot be determined by reasonable means; or
- 3) if the hearing may cause serious harm to the child's development or security and omitting the hearing can be considered necessary in view of the best interests of the child.

(4) Persons who have not been heard for reasons referred to in subsection 3 must, however, be notified of decisions on taking a child into care, substitute care or termination of care as provided on verifiable service in the Administrative Procedure Act. The reasons for not the hearing the persons concerned must be recorded in the documents regarding the child.

Section 47 (1380/2010) – *Duration and termination of care*

(1) Taking into care is valid indefinitely. When the need for care and substitute care under section 40 no longer exists, the municipal officeholder determined under section 13(1) and 13(2) must make a decision on terminating the care after the social worker responsible for the child's affairs has prepared the case. Care must not be terminated even if the conditions for taking a child into care no longer exist if termination is manifestly not in the interests of the child in the manner referred to in subsection 3.

(2) The social worker responsible for the child's affairs must assess the conditions for continuing care when the client plan is reviewed, when a child or custodian applies for termination of care or when it otherwise proves necessary.

(3) When a child's interests are being considered in a case concerning termination or care, in addition to what is said in section 4(2), the following must be taken into account: the duration of substitute care, the quality of the affection between the child and the party providing substitute care, interaction between the child and the parents and the child's views.

(4) Care is terminated when the child concerned becomes 18 years of age.

Act on Restraining Orders
(898/1998; amendments up to 384/2010 included)

(...)

Section 2 – Prerequisites for the imposition of a restraining order

(1) A restraining order may be imposed, if there are reasonable grounds to assume that the person against whom the order is applied for is likely to commit an offence against the life, health, liberty or privacy of the person who feels threatened or in some other way severely harass this person.

(2) An inside-the-family restraining order may be imposed, if the person against whom the restraining order is applied for, judged by the threats he or she has made, his or her previous offences or other behaviour is likely to commit an offence against the life, health or liberty of the person who feels threatened, and the imposition of a restraining order is not unreasonable with regard to the severity of the impending offence, the circumstances of the persons living in the same household and other facts presented in the case. (30.7.2004/711)

Section 3 (30.7.2004/711) – Contents of a restraining order

(1) In accordance with what is ordered in the decision in the matter, the person on whom a restraining order has been imposed, may not meet the person being protected or otherwise contact or try to contact this person (basic restraining order), unless otherwise provided in subsection 4. It is also forbidden to follow and observe the person being protected.

(2) In addition to what is provided in subsection 1, a person on whom an inside-the family restraining order has been imposed must leave the residence where he or she and the person protected permanently live together, and he or she may not return there.

(3) If there is reason to believe that a restraining order in accordance with subsection 1 is not sufficient to prevent the threat of an offence or other harassment, or a restraining order in accordance with subsection 2 is not sufficient to prevent the threat of an offence, the restraining order may be imposed as an extended order, in which case it also applies to being in the vicinity of the permanent residence, holiday residence or workplace of the person being protected or of another comparable place specified separately (extended restraining order).

(4) The restraining order does not apply to contacts for which there is an appropriate reason and that are manifestly necessary.

Section 7 (30.7.2004/711) – Duration of a restraining order

(1) A restraining order may be imposed for at most one year. However, an inside-the family restraining order may be imposed for at most three months. A restraining order enters into force as soon as the district court has issued a decision to impose the restraining order. The decision must be complied with notwithstanding an appeal, unless otherwise ordered by an appellate court considering the matter.

(2) A restraining order may be renewed. In this case, the restraining order may be imposed for at most two years. When an inside-the-family restraining order is renewed, it may, however, be imposed for at most three months. Renewal of a restraining order may be applied for before the previous restraining order expires.

Act on the Openness of Government Activities
(621/1999; AMENDMENTS UP TO 1060/2002 INCLUDED)

Section 11 - *Parties' right of access*

(1) A petitioner, an appellant and any other person whose right, interest or obligation in a matter is concerned (*a party*) shall also have the right of access, to be granted by the authority which is considering or has considered the matter, to the contents of a document which is not in the public domain, if they may influence or may have influenced the consideration of his/her matter.

(2) A party, his/her representative or counsel shall not have the right of access referred to in paragraph (1) above to:

(...)

(7) the address, telephone number or other comparable contact information of a witness, an injured party, another party to the matter or a person who has reported an offence, made a report referred to in section 40 of the Child Welfare Act (683/1983) or another report giving rise to official action, if access would compromise the safety, interest or right of the witness, injured party, other party or the person making the report.

Section 24 - *Secret official documents*

(1) Unless specifically otherwise provided, the following official documents shall be secret:

(...)

(26) documents containing sensitive information on the private life of the suspect of an offence, an injured party or another person involved in a criminal matter, as well as documents containing information on the victim of an offence, if access would violate the rights or the memory of the victim or cause distress to those close to him/her, unless the granting of access is necessary for the performance of an official task;

(...)

Act on the Publicity of Court Proceedings in General Courts (370/2007)

Section 6 – *Ordering that identity be kept secret*

(1) The court may order that the following be kept secret:

- (1) the identity of the injured party in a criminal case that concerns a particularly sensitive aspect of his or her private life; or
- (2) the identity of an asylum seeker in a case concerning taking into custody, unless it is apparent that releasing the information would not endanger the safety of the asylum seeker or of a person close to him or her.

(2) However, on the request of the party in question the information referred to in section 1 concerning his or her identity is public.

Section 9 – Trial document that is to be kept secret

(1) A trial document shall be kept secret to the extent that it contains

(...)

(2) sensitive information regarding matters relating to the private life, health, disability or social welfare of a person;

Code of Judicial Procedure

(4/1734; amendments up to 718/2011 included)

Chapter 17 — Evidence

Section 11 (690/1997)

(1) The following may not be admitted as evidence in a court, unless otherwise provided in an Act:

- (1) a private written statement drawn up for the purpose of a pending or imminent trial, unless the court admits it for a special reason; and
- (2) an oral statement entered or otherwise stored in the record of a criminal investigation or another document.

(2) If the statement given in a pre-trial criminal investigation by a person who has not reached the age of 15 years or a person who is mentally incapacitated has been recorded on a video recording device or on a comparable video and audio recording, the statement may nonetheless be admitted as evidence in court if the defendant is provided with an opportunity to present questions to the person being heard. Section 21 contains provisions on the hearing of such a person as a witness or for a probative purpose. (360/2003)

(3) If a witness cannot be questioned in the main hearing or outside of the main hearing, the court may admit as evidence the document or statement referred to in subsection 1(2).

Section 34 (360/2003)

(1) A witness, another person heard for probative purposes and an injured party may be heard in the main hearing without the presence of a party or another person, if the court deems that this is appropriate and such hearing is necessary

- (1) in order to protect the person being heard or a person related to said person in the manner referred to in chapter 15, section 10, subsection 2 of the Criminal Code, from a threat directed at life or health;

Section 34a (360/2003)

(1) A witness, another person to be heard for probative purposes or a party may be heard in the main hearing without his or her appearance in person with the use of a video conference or other appropriate technical means of communication, where the persons participating in the hearing have an audio and video link with one another, if the court deems that this is suitable and

(...)

- (4) the person to be heard has not reached the age of 15 years or he or she is mentally incapacitated.

Legal Aid Act

(257/2002; amendments up to 720/2011 included)

Chapter 1

Coverage of legal aid

Section 1 – General prerequisites for and coverage of legal aid

(1) Legal aid is provided at the expense of the state to persons who need expert assistance in a legal matter and who are unable to meet the costs of proceedings as a result of their economic situation.

(2) Legal aid covers the provision of legal advice, the necessary measures and representation before a court of law and another authority, and the waiver of certain expenses related to the consideration of the matter, as provided in this Act.

Criminal Procedure Act

(689/1997; AMENDMENTS UP TO 260/2002 INCLUDED)

Chapter 2 - Counsel

Section 1a (107/1998)

A court may appoint a counsel for the injured party for criminal investigations and, where the injured party has a claim in a case prosecuted by the public prosecutor, for the trial:

(1) in a case relating to a sexual offence referred to in chapter 20 of the Penal Code, unless this is for a special reason deemed unnecessary; and

(2) in a criminal case referred to in chapter 21, section 1-6 of the Penal Code, if this is to be deemed necessary in view of the relationship between the injured party and the suspect of the offence.

Section 3 (107/1998)

On the conditions referred to in section 1a, an adequately qualified support person may be appointed for an injured party in an offence referred to in section 1a who does not make a claim in the trial and who is being heard in person in order to resolve the case, if it is deemed that he/she needs assistance in the criminal investigation or the trial.

The Constitution of Finland
11 June 1999
(731/1999, amendments up to 1112 / 2011 included)

Chapter 2 - Basic rights and liberties

Section 6 - Equality

Everyone is equal before the law.

No one shall, without an acceptable reason, be treated differently from other persons on the ground of sex, age, origin, language, religion, conviction, opinion, health, disability or other reason that concerns his or her person.

Children shall be treated equally and as individuals and they shall be allowed to influence matters pertaining to themselves to a degree corresponding to their level of development.

Equality of the sexes is promoted in societal activity and working life, especially in the determination of pay and the other terms of employment, as provided in more detail by an Act.

Act on provision of information society services
(458/2002)

Section 15

Exemption from liability in hosting services

When an information society service is provided that consists of the storage of information provided by a recipient (*content producer*) of the service, the service provider is not liable for the information stored or transmitted at the request of a recipient of the service if he/she acts expeditiously to disable access to the information stored:

- 1) upon obtaining knowledge of the order concerning it by a court or if it concerns violation of copyright or neighbouring right upon obtaining the notification referred to in Section 22;
- 2) upon otherwise obtaining actual knowledge of the fact that the stored information is clearly contrary to Section 8 of Chapter 11 or Section 18 of Chapter 17 of the Penal Code (39/1889).

The provisions in paragraph 1 shall not apply if the content