



T-ES(2014)GEN-FI

LANZAROTE CONVENTION

Council of Europe Convention on the protection of children
against sexual exploitation and sexual abuse

Replies to the general overview questionnaire

FINLAND

Replies registered by the Secretariat on 10 March 2014

Replies to questions 4.a), 6.c), 11.b), 16.b), c) and d) registered by the Secretariat on 15 April 2014

The following State bodies and agencies contributed to responding to the questionnaire:

Ministry of Justice (compiled the answers)

Ministry for Foreign Affairs

Ministry of the Interior

Ministry of Education and Culture

Ministry of Social Affairs and Health

Ombudsman for Children

The Office of the Prosecutor General

National Institute of Health and Welfare

The following NGO's also contributed to the response:

The Family Federation of Finland (Väestöliitto)

Central Union for Child Welfare (Lastensuojelun keskusliitto)

Safe the Children Finland (Pelastakaa Lapset ry)

Exit- pois prostituutiosta ry

Question 1

- a) In general a child in Finland is considered a person under 18 years of age (Child Welfare Act). However there are some differences in age limits in different legislation (sexual consent, criminal proceedings).
- b) There is no general legislation about this but the Child Welfare Act applies to certain extent to young people aged 18-20 as well. This ensures that the authorities can pay attention also to the wellbeing of young people that might be over the age of 18.
- c) The age for sexual activities is 16 and in some cases 18 (Criminal Code, Chapter 20, Sections 5-7 a, 8 a-8c).

Question 2

According to the Constitution of Finland (731/1999) 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 (Section 6). The Finnish Constitution applies in all activities of the authorities. As mentioned in question 1 a) there are some differences in legislation regarding the age limits (such as age of sexual consent) that makes a difference between the younger and the older children. This however is justified due to the developmental differences between children in different ages.

Question 3

a) There were several legislative amendments made when Finland ratified the Convention. The Criminal Code provisions relating to sexual abuse and exploitation were amended to meet the requirements of the Convention. The Child Welfare Act was amended at the same time so that there is now a requirement for certain professionals working with children to report directly to the police if it is suspected that a child has been a victim of sexual abuse or exploitation.

b) There is no national action plan adopted in Finland. However the National Institute of Health and Welfare (Terveyden ja hyvinvoinnin laitos) is coordinating the measures to prevent family violence and this includes also the sexual abuse that children are experiencing in the home environment or close relations.

The National Institute of Health and Welfare is also coordinating a pilot project to adopt the "Children's House/Barnahus"- model in Finland (see more details, question 22).

c) The National Institute of Health and Welfare has guidelines for the health and social sector on how to deal with situations where it is suspected that that a child has been a victim of sexual abuse or exploitation (Lastensuojelun käsikirja, lapsen pahoinpitelyn ja seksuaalisen hyväksikäytön epäilyn selvittäminen,

<http://www.sosiaaliportti.fi/fi-FI/lastensuojelunkasikirja/tyoprosessi/pahoinpitelyjahyvakskaytto/>).

The police have also guidelines on how to handle cases where a child has been a victim of sexual or other physical violence (Poliisihallituksen ohje LAPSEN KOHTAAMINEN POLIISITOIMINNASSA JA ESITUTKINNASSA 2020/2011/1610).

Question 4

a) According to the Constitution of Finland section 14(4) the public authorities shall promote the opportunities for the individual to participate in societal activity and to influence the decisions that concern him or her. The provision also applies to children. Ministry of Education and Culture has published an evaluation on children's participation rights (only available in Finnish, Opetus- ja kulttuuriministeriön julkaisuja 2011:27). See also answer 5a on Ombudsman for Children.

b) When drafting legislation or planning new measures the different ministries are normally in some way in contact with NGO's dealing with children's rights. Opinion of the Ombudsman of Children is generally inquired when planning new legislation or measures concerning children. Research studies are also a commonly used tool when amending legislation.

Question 5

a) The Ombudsman for Children is an independent authority within the administrative framework of the Ministry of Social Affairs and Health. The duty of the Ombudsman for Children is to promote the interests of children and the implementation of their rights on a general societal level together with other actors in the field (Law on the Ombudsman for Children 1221/2004).

The Ombudsman raises the awareness of decision-makers and influences societal policy by speaking out on behalf of children. The Ombudsman acts as a soundboard for the voice of children and a bridge builder for child policy. The basis of the work of the Ombudsman is the UN Convention on the Rights of the Child, the implementation of which the Ombudsman assesses and promotes at general societal policy and legislative levels.

b) There are no specialized focal points or mechanisms for collecting data on child sexual abuse and exploitation. However some data have been collected by different bodies. There is for example a welfare questionnaire sent to certain school grades regularly where questions about sexual abuse and violence are included. Police and judicial statistics on the offences are naturally collected as well.

c) The Legal Register Centre keeps records of the identity of the convicted persons (Criminal Records Act (770/1993). On the basis of notices by courts of law, data is 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). Data on fines imposed on the basis of the provisions governing corporate criminal liability is also entered in the criminal records. Furthermore, entries are made in the criminal records 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 above.

The data on genetic profile (DNA) of the persons convicted of the offences established in accordance with the Convention can be collected and stored in the national database kept by the National Bureau of Investigation (see Act on the Processing of Personal Data by the Police (761/2003) section 2 paragraph 3 subparagraph 9).

Question 6

a) See question 3 (b) for information about the role of the National Institute of Health and Welfare as a coordinator of the measures to prevent family violence (includes also the sexual abuse that children are experiencing in the home environment or close relations).

The police have regular meetings with authorities representing health and welfare as well as social branch. Meetings with prosecutors are held in early stage in order to decide for example on schedules of pre-trial investigations. The police have actively cooperated with different actors in order to improve the services provided to victims of crime. For instance, the police, among other authorities, are involved as an expert member in the specialist working group established by the National Institute for Health and Welfare to issue guidelines for, monitor and develop the quality of investigations into physical and sexual abuse of children nationally. This working group has started its activities in March 2010.

The National Institute of Health and Welfare is coordinating a pilot project to adopt the “Children’s House/Barnahus”- model in Finland. The idea is to standardize and strengthen the cooperation between the health and social sector, the police and the prosecutor in cases of suspected sexual or other physical violence where the victim is a child.

b) There is lot of cooperation between the authorities (e.g. social and health sector and the police) and NGO’s. Many of the projects or campaigns have been organized in cooperation with different authorities and civil society. As an example the Family Federation of Finland (Väestöliitto) and Safe the Children federation have done cooperation with police and social services and produced material about sexual abuse in digital media, called “Save me from everything”. The material is for professionals who work with young people.

Save the Children in Finland maintains a Hotline (Nettivihje) for the public to report internet illegal content. Specific focus is on child sexual abuse material, mostly manifesting sexual abuse of a child in the circle of trust. As the consumption of child abusive content is fuel to the sexual abuse taking place on domestic circles, fighting against the distribution of it has a firm role in prevention, as well as defending the victims appearing in the images from further violations to their rights. The Hotline is part of the global network coordinated by INHOPE (International Association of Internet Hotlines) comprising of 49 Hotlines in 43 countries. The Hotline activities in Finland are funded by the European Commission through the Safer Internet Program, Finland’s Slot Machine Association (RAY) and The Finnish Ministry of Transport and Communications.

If the nature of the crime indicates that it is needed the police is required to inquire from the victim if they are allowed to hand over the contact details of the victim to the victim support services (Criminal Investigations Act (805/2011), translation is not yet available). The police marks on the interrogation for that the victim has been informed about the Victim Support Finland services. The Victim Support makes sure that the victims will get help, for example psychological help, if needed.

c) In its reply to question 10 Finland already describes briefly the Act on supervised probationary freedom (629/2013), which took effect on 1 January 2014, and especially the medical treatment of sexual offenders provided for in the Act. The arrangement of the medical treatment requires cooperation between the prison administration and health care authorities, which is addressed in question 6c. Because the Act took effect as late as in January this year, Finland has still very little experience of applying it. So far, the Psychiatric Hospital for Prisoners has written only one referral to medical treatment under the Act.

According to section 4 of the Act, the supervised probationary freedom of a prisoner convicted of a sexual offence may be made conditional upon both medical treatment and psychosocial treatment and rehabilitation, as mentioned in Finland's reply to question 10. The prisoner's consent is always required for medical treatment. According to the Act, the treatment must also be continued after the period of supervised probationary freedom, when the prisoner is on parole. Thus, the prisoner's risk of recidivism remains low for a long time after his release. In this respect the provision on medical treatment differs from the other conditions of supervised probationary freedom. Naturally, the goal is that the prisoner would continue to use the medication voluntarily after the period of parole, too.

The most common medication to be used will reduce the level of the offender's male sex hormones and thus reduce both his sexual capacity and sexual desire. Because such antihormonal medication may have side effects, the medical treatment of convicts of sexual offences always includes regular health checks. A prisoner who has committed himself to such treatment must give urine or blood samples, which are indispensable for supervising the use of the medication and for ensuring the safety of the treatment. Section 20 of the Act stipulates that, for giving the samples, a prisoner in supervised probationary freedom is obliged to visit the Health Care Unit of the Criminal Sanctions Agency or a separately designated university hospital or special health care unit. The Agency agrees with the hospital or health care unit in question about the arrangement of the medical treatment and the taking of the related urine or blood samples. The treating doctor is, notwithstanding the secrecy obligation, obliged to provide information to the Agency for assessing whether the person in probationary freedom has complied with the orders related to the medical treatment and any other treatment and support (section 35 of the Act).

Intervention programmes are dealt with in the reply to question 10 as well.

Question 7

Finland's Development Policy Programme from February 2012 adheres to a human rights based approach as defined by the UN Common Understanding on Human Rights Based Approach for Development. Gender equality is raised as a spearhead theme in all of these documents and the elimination of violence against women, including prevention and elimination of sexual violence against girls is specifically outlined as one of our priorities when mainstreaming human rights into our foreign policy.

Cooperation carried out by NGOs plays an important role in the domain of Finland's development cooperation and in 2012 the support for NGOs totalled EUR 103 million. Through its NGO-cooperation program the Ministry of Foreign Affairs of Finland supports the work of its partner organizations in the area of child protection, including prevention of sexual exploitation and abuse of children. Furthermore, Ministry of Foreign Affairs supports specific human rights issues through projects managed by the Finnish NGO Foundation for Human Rights, KIOS. KIOS has for a number of years supported projects for the prevention of sexual exploitation and abuse of children in countries such as Cambodia, Kenya, Congo, Burundi, Bangladesh and Uganda.

Question 8

a) As part of the health education children are taught issues related to sexual health. In different subjects the themes of sexual violence, relationships, legislation concerning the rights and responsibilities of children and also risks of the communication and information technologies are discussed.

The National Institute for Health and Welfare has as a part of the national action plan on preventing violence against women organized in 2013 an internet campaign “Mun kroppa. Mä päätän”, which aimed at improving the knowledge of the youth of their sexual rights (www.munkroppa.fi, still open). The campaign was done in cooperation with The Ombudsman for Children, the Police, Finnish national board of education and several NGO’s.

The National Institute for Health and Welfare has also published a guidebook “Turvataitoja nuorille”, which is designed for secondary school teachers and nurses. It includes information on topics such as sexual violence, sexual harassment and dating violence. Finnish national board of education has been involved in the designing and distributing of the guidebook.

The National Police Board has issued guidelines on hearing a child in pre-trial investigations, which is complied with in the investigation of crimes against children. Additionally, the police comply with the manual "Lapsen seksuaalisen hyväksikäytön ja pahoinpitelyn selvittäminen" (Investigating sexual and physical abuse of a child) by the National Institute for Health and Welfare. In the Police College of Finland, a two-week course on "Sexual crimes and the child in policing" is given annually, which is designed to give basic information on investigating crimes against a child. In addition, the National Police Board initiated special training for police officers and health care professionals conducting interviews with children as a pilot project in November 2009. This training has now been carried out fourth time in a row. Training lasts for one year, and its aims at building up the professional skills of those conducting interviews with children by means of training days and work counselling. In addition to these types of training, police officers take part in individual training events organized by the authorities and cooperation partners as much as possible.

The Office of the Prosecutor General organizes training for prosecutors that deal with cases of sexual abuse of children. A training course is organized every other year. These courses are also open for police officers and judges.

Several NGO’s have been active in producing material and providing guidance and training for children, parents and professionals on the topic of sexual abuse. For instance Save the Children in Finland has had an active role in advocating as well as producing and distributing informative materials and tools aimed for the professionals working with or for children with a specific focus on increasing the understanding of the role of the digital media in child sexual abuse. A comprehensive informative booklet “Suojele minua kaikelta” (“Save me from everything”) (2011) produced in cooperation with Save the Children, Helsinki Police, Prison Service, Family Federation and City of Helsinki Social Services Department is aimed for professionals working with or for children in various fields and has been widely used and also distributed to each of the municipalities and police stations in the country. A booklet produced by Save the Children in 2013 “Ota puheeksi – internet ja lasten seksuaalinen hyväksikäyttö” is a practical tool for the educators with the aim of enhancing capacity to empower children to protect themselves from online and offline sexual abuse, as well as providing concrete advice on how to bring up the concerns and also deal with the occurring problems. The booklet was posted to each comprehensive schools and municipal child protection and youth work departments in 2013, and will be further distributed widely. All informative materials as well as illustrative videos and published surveys are also available online and widely referred to by several actors including NGOs and public sector.

The Family Federation of Finland (Väestöliitto) has also produced material about sexual abuse and how to prevent it. Work has included education for professionals who work with children and young people. Federation has produced a webpage about sexual abuse including the view about “circle of trust”, maltreatment, and how to prevent and recognize phenomenon. The webpage is for young people and professionals.

b) The internet campaign “Mun kroppa. Mä päätän” mentioned in point a) has had already over 40 000 visits on the pages after the campaign was launched in April 2013. The campaign was widely promoted by several public persons (such as artists, actor) and it was advertised on Facebook and several other web pages.

The Association of Finnish Travel Agents (AFTA) has published in cooperation with a child protection organization Lasten perusoikeudet- Children’s Fundamental Rights a brochure on child sex tourism that has been handed out at least at a big travel expo organized in Helsinki in 2013.

c) The distribution of inappropriate advertising material is banned according to the Consumer Protection Act (38/1978). Advertising that is considered to be against “good manners” is forbidden. The Finnish Competition and Consumer Authority and the Market Court has ruled that marketing that encourages to unlawful activities can always be considered to be against “good manners”.

It is possible that dissemination of materials advertising the offences established in accordance with the Convention may be considered also a criminal offence. According to the Criminal Code, Chapter 17, Section 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.

Also Section 20 from Chapter 17 may apply. According to the provision 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.

Question 9

a-b) In 2003 an Act on checking the criminal background of persons working with children (504/2002) became into force. According to the act all employers have a duty to ask a person to produce an extract from the criminal record when the person is employed to a position which includes work relating to raising, teaching or caring for or looking after a minor or other work performed in personal contact with a minor. The act applies to all professions (public or private) where the worker is in close contact with children (see section 2 of the Act).

In 2013 the Parliament accepted legislation that extends this measure to cover also volunteer workers (148/2014, translation not available). However in voluntary activities the checking of criminal background is not compulsory for the organizers of the voluntary work as it is for employers.

How long the criminal record of the person is kept in Finland depends on the type and level of the penalty given. This time vary from 5 years to 20 years if the penalty given is less than 5 years of imprisonment. A penalty that is more severe than this will stay in the records until the person has died or reached the age of 90 years (see Criminal Records Act 770/1993, section 10).

Question 10

a) Currently it is possible for the persons who fear that they might commit any of the offences established in accordance to the Convention to seek help through the general public health care. There is also a private organization Sexpo ry, which is organizing therapy for persons who might have such fears. Sexpo ry and Åbo Akademi have recently planned a preventive program for people who have such fears and are currently applying for funding from Finland's Slot Machine Association (RAY), that annually distributes funds to various health and social welfare organisations based on applications.

b) Persons that have received a prison sentence may attend a STOP-program (Sex Offender Treatment Program: Core Program, SOTP) in Riihimäki prison. The program lasts for 8 months and is targeted to prisoners that are estimated to have a medium or high risk for reoffending. The risk for reoffending will be assessed before the start of the program. Due to the length of the program it is required that the remaining length of the prison sentence is at least 8 months. Prisoners may apply to the program from all prisons in Finland. The program includes group therapy sessions and aims at changing the understanding and the attitudes of the participants regarding their previous offensive behaviour. Currently a new individual program is being developed that could be used also outside the prison.

An Act on supervised parole (629/2013) includes provisions on medical treatment for sex offenders (translation not available). It is possible to require that the person convicted agrees to commit to medical treatment (and possibly psychological treatment) as part of the requirements for the parole. The effects of the treatment need to be explained to the prisoner before he/she commits to the treatment. The prisoner may withdraw from the treatment at any point of the parole. This may be a reason for cancelling the supervised parole.

All the measures and treatment programs are voluntary.

Within the health and social sector there is a unit in Tampere that is specialized in treating children that have sexually offended or expressed harmful sexual behaviour towards others. The unit is open for children from around the country.

Question 11

a) One example of the private sector being involved in the prevention of sexual abuse and exploitation is the practise of removing and blocking of web pages containing child pornography. The act on preventive measures against child pornography (1068/2006, translation not available) allows for the police to keep list on pages containing child pornography. The list is given to the internet operators so they can use it to block access to these pages from their users.

The internet service providers are required to remove any child pornography material that is found in web pages hosted by them (Act on provision of information society services (458/2002), Section 15). One example of the involvement of the private sector is the travel agencies that have committed to prevent child sex tourism in their business operations. The biggest travel agencies in Finland have signed the ECPAT declaration (more information can be found from the web pages of the Association of Finnish Travel Agents (AFTA) in Finnish <http://www.smal.fi/index.php?462>).

b) Court proceedings and trial documents are as a main rule public. The court may order that the decision be kept secret to the necessary extent if the decision contains for example sensitive information regarding matters relating to the private life of the victim. However, also in such a case the conclusions of the decision and the legal provisions applied are public. If the case has social significance or

it has caused considerable interest in public, a public report shall be prepared regarding the decision. The public report contains a general account of the case and of the reasons for the decision. (Act on the Publicity of Court Proceedings in General Courts, 370/2007, sections 9, 24 and 25.)

c) Finland's Slot Machine Association (RAY) is giving funding to different health and welfare projects yearly. The main purpose of Finland's Slot Machine Association (RAY) is to raise funds through gaming operations to promote Finnish health and welfare. Nearly 900 organisations receive funding each year. The final decision on the funding is made by the Ministry of Social Affairs and Health. Most of the organisations or projects mentioned in the questionnaire answers have been receiving at least some funding from RAY. Also different ministries fund directly projects that aim (for example) preventing child sexual abuse and exploitation.

Question 12

a) There are no regular assessments done on the effectiveness of the mentioned measures.

b) According to the new act on checking the backgrounds of volunteers working with children it is required that organizers of the voluntary work have created guidelines or measures to protect the safety of the children participating in their activities. This is one of the requirements for getting the extracts from the criminal records. In drafting the new legislation it was assessed that these kinds of measures are often more effective in protecting children than just merely checking the backgrounds of the volunteers. These guidelines or measures may include for example that the organizer arranges the activities in a way that there will always be more than one adult present in the activities. Encouraged by the new legislation the biggest central organizations in Finland which have activities for children (including e.g. the main national sport organization, child protection organizations, Finnish Scout) are currently drawing up common guidelines on how to protect children in their activities. These guidelines will be distributed to local clubs and organizations.

The police work closely together with several actors representing for example NGOs like Victim Support Finland, Rape Crisis Centre Tukinainen, crisis services for young people, Girls' Houses or the so-called Netari project. Netari engages in on-line youth work coordinated by the City of Helsinki Youth Department, in which 24 municipalities around Finland take part. The police are also involved in the activities of Netari, providing young people a possibility of chatting with the police through this network every Friday. In Helsinki metropolitan area, the Family Federation's Nuska project is being implemented, which aims to develop a meeting and networking model for professionals to enable them to encounter and support sexually abused young people in the 12-17 age group.

Since 2008 police have had police officers trained as virtual community policing officers. The aim of their work is to lower the level to contact police and to inform about police related issues and answer to questions but also to intervene to criminal acts (e.g. sexual crimes) if necessary. In 2011 about 15-20% of internet related child sexual abuse cases in whole Finland were reported through Helsinki Police Departments Virtual Community Policing Group.

Since 2010 a multi-agency working model has been implemented in the Satakunta area in western Finland. The model is called "Lasta lyömätön Satakunta -hanke" which aims to develop and reinforce cooperation between different authorities while preventing and investigating crimes against children. In addition of different measures taken in the area between authorities, a web-based model has been developed during the project. The web page offers information for citizens and in addition of that it has secured web pages for authorities containing information and operations models while facing a suspected crime against children.

Question 13

a) General rules on confidentiality (e.g. in health and social sector) apply to professionals working in contact with children. However according to the Child Welfare Act (471/2007) persons employed by, or in positions of trust for social and health-care services and child day care, education services, youth services, the police service, the Criminal Sanctions Agency, fire and rescue services, social welfare and health care service providers, education or training provider, a parish or other religious community, a reception centre and organisation centre referred to in section 3 of the Act on Reception of People Seeking International Protection, a unit engaged in emergency response centre activities, or 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 (Section 25 paragraph 1). One of the reasons for notifying the municipal body responsible for social services (child welfare agency) is a suspicion that the child has been a victim of a sexual offence.

According to the Child Welfare Act persons referred to above have also 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 (sexual offences) that has been committed against a child (Section 25, paragraph 3).

In short this means that certain professionals are obliged to report a sexual crime committed against a child directly to the police and in addition of that they must submit a child protection notification.

b) According to the Child Welfare Act all persons may submit a notification to the child welfare agency, notwithstanding any confidentiality regulations that may apply 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 (Section 25, paragraph 2).

The police are also using a so called net tip on the internet that enables people to submit non-emergency information to the Police for any suspicious material they find on the Internet. This can be done anonymously. Since 2008 police have had police officers trained as virtual community policing officers. One of the aims of their work is to lower the level to contact police and to inform about police related issues.

Question 14

The Victim Support Finland has two different chat services through which young people can ask questions anonymously. There is also helpline for everyone as well as legal advice helpline. Questions can also be left anonymously through internet service. The Victim Support Finland also has a poster that courage's friends to support they friend to seek help if they are victims.

Mannerheimin lastensuojeluliitto (Mannerheim League for Child Welfare) also has a telephone line for children and young people and an internet chat line. In 2012 they received over 30 000 calls or online references. These helplines can be used anonymously.

Question 15

a) The main responsibility for the physical and psychological recovery of the victims has been given to the municipalities. According to the Child Welfare Act health centres and hospital districts must provide expert assistance in child-specific and family-specific child welfare and, where necessary, arrange an examination of the child and health-care and therapy services for the child. Services needed by children in connection with the investigation of suspected sexual abuse or assault must be arranged such that they can be provided urgently (Section 15).

The Victim Support Finland gives support to the victim and to the victim's family. It is possible to have different support person for the victim and to the family. It is vital to support the parents so that they can support the child. The support person will assist with all things related to the criminal process. Victim Support also makes sure that the victim has all needed juridical help and repetition. The young victim will also be directed when needed to other kind of support, for example therapy. The support person can also come to the police hearings and to the court when the best support does not necessary come from the family.

b) Act on Restraining Orders (898/1998) allows for the alleged perpetrator to be removed from the family home. 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 (Section 2, paragraph 2). 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 (Section 3, paragraph 2).

According to the Child Welfare Act children must be taken into care and substitute care must be provided for them by the municipal body responsible for social services if for example their health or development is seriously endangered by lack of care or other circumstances in which they are being brought up (Section 40). This naturally may include cases where the child has been sexually abused in their family environment.

c) An inside-the family restraining order may be imposed for at most three months. A restraining order may be renewed. When an inside-the-family restraining order is renewed, it may be imposed for at most three months.

When a child is taken into care the duration of this measure lasts for as long it is necessary for the wellbeing of the child. When making a decision on the care the child's own views must be ascertained and an opportunity must be reserved for the child to be heard (Child Welfare Act Section 42 and 47).

d) According to the Criminal Investigations Act (805/2011 (translation not available)) the police may investigate an offence that has happened in another country in cases where the provisions on jurisdiction laid down in the Criminal Code Chapter 1 apply. Therefore there is no obstacle for a victim to make a complaint before the authorities in Finland if the offence has occurred in another country as long as the act is considered an offence in Finland.

Question 16

a) All the offences listed in the questionnaire are criminalized in Finland (see the Criminal Code provisions attached). The applicability of each offence depends on the specific case. In some cases several provisions may apply at the same time. For example in cases where a child under the age of sexual consent has been coerced into sexual activities the provisions on sexual abuse of a child and the provision on rape/aggravated rape apply. The provisions on rape crimes are currently being amended. The government has proposed to the Parliament among other changes that one of the aggravated circumstances in a rape would be that the victim is under 18-years of age (Government Bill in Finnish and Swedish: HE 216/2013 vp).

Convention

Article 18, Sexual abuse

Article 19, Child prostitution

Article 20, Child Pornography

Article 21,
Participation of a Child in Pornographic performances

Finnish Criminal Code

1. Chapter 20, Section 6 (Sexual abuse of a child), Section 7 (Aggravated sexual abuse of a child),

2. Section 1 (Rape), Section 2 (Aggravated rape), Section 4 (Coercion into a sexual act) Section 5 (Sexual abuse)

1. Chapter 20, Section 8b.2 (Solicitation of a child for sexual purposes), Section 9 (Pandering) Section 9a (Aggravated pandering)

1.-2. Chapter 25, Section 3 (Trafficking in human beings), Section 3a (Aggravated trafficking in human beings)

3. Chapter 20, Section 6 (Sexual abuse of a child), Section 7 (Aggravated sexual abuse of a child), Section 8(a) (Purchase of sexual services from a young person)

1.-3. Chapter 17, Section 18 (Distribution of a sexually offensive picture), Section 18a (Aggravated distribution of a sexually offensive picture depicting a child)

4.-6. Chapter 17, Section 19 (Possession of a sexually offensive picture depicting a child)

1. Chapter 20, Section 8b.2 (Solicitation of a child for sexual purposes), Section 9 (Pandering) Section 9a (Aggravated pandering)

1.-2. Chapter 25, Section 3 (Trafficking in human beings), Section 3a (Aggravated trafficking in human beings)

3. Chapter 20, Section 8c (Following of a sexually offensive performance of a child)

Article 22, Corruption of Children	Chapter 20, Section 6 (Sexual abuse of a child), Section 7 (Aggravated sexual abuse of a child)
Article 23, “Grooming”	Chapter 20, Section 8b.1 (Solicitation of a child for sexual purposes)
Article 24, Aiding and abetting and attempt	1. Chapter 5, Section 6 (Abetting) 2. Chapter 5, Section 1 (Attempt), see also all the sections listed above

b) and c) All the offences listed in the questionnaire are criminalized in Finland.

d) According to Finnish Criminal Code chapter 6 section 4 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. The age of the child can be taken into account when applying this provision.

The age of the child also contributes to the selection of offence. Sexual abuse of a child can be considered aggravated if 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 (Criminal Code chapter 20 section 7 subparagraph a).

Question 17

The basic principles for liability of legal persons are laid down in Chapter 9 of the Criminal Code. As it is stated in Section 1 the liability of legal persons can be applied only to offences for which corporate fine has been provided. At the end of each Chapter of the Criminal Code there is a provision on corporate criminal liability. These provisions define which of the offences in that Chapter may give rise to a corporate fine. The liability of legal persons has been attached to those offences established in accordance with the Convention where it has been considered that it is possible that the crime has been committed in the framework of a legal person (See Criminal Code Chapter 17, Section 24; Chapter 20, Section 13; Chapter 25, Section 10).

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. A corporate fine may be imposed even if the offender cannot be identified or otherwise is not punished (Chapter 9, Section 2).

In cases where criminal liability is not possible it is still possible to order a legal person to pay damages for the harm.

Question 18

a) For natural persons the criminal sanctions for different offences are:

Chapter 17 Section 18 - Distribution of a sexually offensive picture: **Fine to 2 years of imprisonment**

Chapter 17 Section 18a - Aggravated distribution of a sexually offensive picture depicting a child: **4 months to 6 years of imprisonment**

Chapter 17 Section 19 - Possession of a sexually offensive picture depicting a child: **Fine to 1 year of imprisonment**

Chapter 20 Section 1 – Rape: **1 to 6 years of imprisonment**

Chapter 20 Section 2 - Aggravated rape: **2 to 10 years of imprisonment**

Chapter 20 Section 4 - Coercion into a sexual act: **Fine to 3 years of imprisonment**

Chapter 20 Section 5 - Sexual abuse: **Fine to 4 years of imprisonment**

Chapter 20, Section 6 - Sexual abuse of a child: **4 months to 4 years of imprisonment**

Chapter 20 Section 7 - Aggravated sexual abuse of a child: **1 to 10 years of imprisonment**

Chapter 20 Section 8a - Purchase of sexual services from a young person: **Fine to 2 years of imprisonment**

Chapter 20, Section 8b.2 - Solicitation of a child for sexual purposes: **Fine to 1 year of imprisonment**

Chapter 20, Section 8c - Following of a sexually offensive performance of a child: **Fine to 2 years of imprisonment**

Chapter 20 Section 9 – Pandering: **Fine to 3 years of imprisonment**

Chapter 20 Section 9a - Aggravated pandering: **4 months to 6 years of imprisonment**

Chapter 25, Section 3 -Trafficking in human beings: **4 months to 6 years of imprisonment**

Chapter 25 Section 3a - Aggravated trafficking in human beings: **2 to 10 years of imprisonment**

Abetting: **Maximum penalty $\frac{3}{4}$ of the normal penalty.**

Attempt: **Maximum penalty $\frac{3}{4}$ of the normal penalty.**

For legal person the corporate fine is **at least 850 euros and at most 850,000 euros** (Criminal Code, Chapter 9, Section 5).

b) According to Criminal Code Chapter 6, Section 5 one of the reasons for imposing a higher penalty is the previous criminal history of the offender. If the court has the information about previous convictions in another country it can take this into consideration when determining the sentence.

Question 19

The jurisdiction rules are laid down in Chapter 1 of the Criminal Code. The main principle is that Finnish law applies to an offence committed in Finland (Section 1). If an offence is committed overseas against a Finnish person or a person permanently residing in Finland the Finnish law applies if the penalty for the offence can be over 6 months of imprisonment (Section 5). The Finnish law also applies to offences that a Finnish person or a person permanently residing in Finland has committed overseas (Section 6). In both of these cases (offence committed overseas against a Finn/committed by Finn) it is normally required that the offence is also criminalized in the country where it was committed (Section 11, paragraph 1). However, this requirement of dual criminality has been removed in regards to certain offences (Section 11, paragraph 2). These offences include child pornography offences (point 5), all sexual offences against a child (points 6 and 7). Human trafficking offences are considered international crimes, which means that Finnish law is applicable in all cases (Section 7).

Question 20

According to the Criminal Code Chapter 6, Section 3 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. This allows for the judges to take into consideration all relevant factors when determining the sentence. The aggravated circumstances listed in Article 28 are all factors that would in most cases be considered to lead into a more severe penalty.

Besides due to the general provisions on determining the sentence the existence of the listed aggravated circumstances may lead into a higher penalty in other ways. If the offence was preceded or accompanied by acts of torture or serious violence (Article 28 point b) the Criminal Code provisions on bodily harm may also apply in addition to the sexual offence in question. This means that the penalty may rise above the maximum penalty provided for the individual (sexual) offence.

Some of the offences have a separate aggravated offence included in the Criminal Code (e.g. aggravated rape and aggravated sexual abuse of a child). In these provisions it is listed which are the elements that may lead into a higher penalty. For example one of these elements in the provision on aggravated sexual abuse of a child is that 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. This means that the offence has been committed against a particularly vulnerable victim (Article 28 point c).

The Criminal Code also includes a general provision on grounds that increase the punishment (Chapter 6, Section 5). Among these are that the offence was committed by a member of a group organised for serious offences (Article 28 point f) and that 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 (Article 28 point g).

Question 21

a) According to the Criminal Investigations Act (805/2011 (translation not available)) Chapter 4, Section 15 an interested party is entitled to be informed of what has emerged in the pre-trial investigation, insofar as this cannot impede the investigation of the crime. The victim is a party in the process and therefore is informed of the progress and outcome of the proceedings in general.

It is stated in the Criminal Investigations Act that a person under the age of 18 has to be treated according to their age and development. Investigations targeting children should as far as possible be assigned to police officers with training or experience in this task (Chapter 4, Section 7). Larger police departments (in major cities, such as Helsinki) have units or police officers specializing in investigating crimes against children. As a rule, investigation of crimes against children is in all police departments channelled to investigators who have professional skill and particular competence in investigating this type of crimes. In their activities, the police make an effort to take into consideration the interest of the child, and when proceeding to pre-trial investigations, to ensure that their interest is realized as well as possible. The investigations of crimes against children are channelled to investigation teams specializing in these crimes or police officers with special training, and an effort is made to conduct the investigation without delay.

The police have to inform the victim about their right to seek compensation and when needed, instruct them on how they can claim compensation (Criminal Investigations Act, Chapter 11, section 9).

The police give information not only on services provided by the authorities but also on services provided by existing organizations, and refer people in need of help to these services. The police have actively cooperated with different actors in order to improve the services provided to victims of crime.

Ministry of Justice in cooperation with Ministry of Interior and Social and Health Ministry has published a leaflet for the parents of child victims of sexual and other violence. The leaflet includes information on the criminal proceedings and on how to best support the child during the process. It also includes information on where to seek more help if needed.

b) The child victim is a party in the criminal proceedings and therefore has a right to have their views, needs and concerns considered during the proceedings.

c) When a child is suspected to be a victim of a sexual offence, he or she is entitled to have legal aid provided free of charge (see point h) below). Also a support person may be appointed to the victim by court for the duration of the criminal proceedings (Criminal Procedure Act 689/1997, Chapter 2, Section 3).

d) It is possible to protect the privacy of the victim in many ways. During the criminal investigations The Act on the Openness of Government Activities (621/1999) applies. According to the act 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, is to be kept secret unless the granting of access is necessary for the performance of an official task (Section 24, paragraph 1, point 26).

During the court proceedings the Act on the Publicity of Court Proceedings in General Courts (370/2007) applies. According to the act the court may order that the identity of the injured party in a criminal case that concerns a particularly sensitive aspect of his or her private life is to be kept secret (Section 6). A trial document is to be kept secret to the extent that it contains sensitive information regarding matters relating to the private life, health, disability or social welfare of a person (Section 9, paragraph 1, point 2).

It is also possible to have a closed hearing in court if the case concerns sensitive information on the private life of a party, e.g. sexual offences (see question 23, point c)).

e) The safety of the victim and his/her family can be protected in many ways. The Criminal Code includes a provision on threatening a person to be heard in the administration of justice (Chapter 15, Section 9). According to the provision it is criminalized to, by violence or threats, prevent or attempt 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 influence or attempt to influence the contents of the statement.

The court may restrict the presence of the public during open proceedings if this is necessary to protect a witness, another person to be heard or a party or a person related to such person, against a threat to his or her life or health (Act on the Publicity of Court Proceedings in General Courts (370/2007) Section 15, paragraph 1)). A witness, another person heard 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 in order to protect the person being heard or a person related to said person from a threat directed at life or health (Code of Judicial Procedure (4/1734) Chapter 17, Section 34, paragraph 1). A party, his/her representative or counsel does not have the right of access to 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 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 (Act on the Openness of Government Activities (621/1999) Section 11, paragraph 2).

It is possible for the victim to change their name and even their social security number if they are facing an evident and permanent threat to their health or security.

f) The Act on Imprisonment ((767/2005) Chapter 19, Section 4, translation not available) allows for informing the victim of the release of the offender if there is a reason to believe that the offender would commit a crime against the victim's life, health or liberty or such a crime against a person close to the victim.

g) The main rule is that in the hearings during the investigations only the questioned party (and a possible legal advisor and/or support person) is present. According to the Criminal Investigations Act (Chapter 7, Section 13) the investigator may allow another party to be present if this does not jeopardize the investigations. When making the decision on allowing for another party to be present during the hearing it should be ensured that this does not cause suffering or other kind of harm to the victim.

As stated in point e) the victim may be heard in the main court hearing without the presence of a party or another person, if the court deems that this is appropriate and such hearing is necessary in order to protect the person being heard or a person related to said person from a threat directed at life or health (Code of Judicial Procedure (4/1734) Chapter 17, Section 34, paragraph 1). In addition to this it is also possible to hear the victim without the presence of another party (e.g. offender) if otherwise the person that is being heard would not express what they know about the case.

If the victim is under 15 years of age he/she can 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 (Code of Judicial Procedure (4/1734) Chapter 17, Section 34a, paragraph 1).

h) In general legal assistance may be provided free of charge if the victim does not have sufficient resources to pay for the legal aid for themselves (Legal Aid Act (257/2002) Chapter 1, Section 1). In most cases child victims of sexual offences would be entitled to have free legal assistance already based on this legislation. However, the Criminal Procedure Act includes a provision on appointing a legal adviser to a victim of certain types of crimes (Chapter 2, Section 1 a). If a person becomes a victim of domestic violence, a sexual offence or some other offence of violence (or human trafficking), the court may appoint an attorney and a support person for the victim for the pre-trial investigation and the trial. The attorney helps the victim during the judicial treatment of the case and the support person provides mental support. The attorney and the support person are appointed regardless of the income of the victim. Their fees and expenses are paid by the state.

Question 22

a) All police departments have a facility in which the child can be heard and the hearing recorded on a video. In connection with the University Hospitals of major cities, there are dedicated centres of expertise that specialize in hearing minor victims of a crime. The facilities of these centres have been designed to be child friendly, and interviews are conducted by experts with special training. The police work in a close-knit cooperation with these centres.

The National Institute of Health and Welfare is also coordinating a pilot project to adopt the “Children’s House/Barnahus”- model in Finland. The pilot is planned to start during 2014. The idea is to enhance the cooperation of different authorities (police, prosecutor, health sector and social sector). In this way it can be better guaranteed that the child will get the help that they need during and after the proceedings.

In question 21 there have been several possible measures mentioned available during the proceedings that can prevent aggravated trauma experienced by the child e.g. hearing the child without the public and the offender being present in court or using a video link or a video recording to get the child’s testimony.

b) The investigation related to all of the offences established according to the Convention is initiated by the police. The prosecutor decides on the pressing of charges. The criminal proceedings may be initiated and/or continued even if the victim withdraws his or her statement (see the limitations of prosecution in sexual offences, Criminal Code, Chapter 20, Section 11).

c) The general rule is that 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 (Criminal Code, Chapter 8, Section 1, paragraph 2).

However 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 (Criminal Code, Chapter 8, Section 1, paragraph 5).

d) According to the Criminal Investigations Act the court has to assign a legal guardian to the child victim for the duration of the criminal proceedings if there is a reason to believe that the holder of the parental responsibility is not able to supervise the best interests of the child (Chapter 4, Section 8, translation not available). The costs of the legal guardian are paid by the state. The role of the legal guardian is to see that the best interests of the child are taken into consideration during the proceedings.

e) NGO's and other groups can for example provide a support person to the victim that can be supporting him or her during the proceedings. According to the Criminal Investigations Act a support person assigned by the court can be present during the hearings of the victim (Chapter 7, Section 12, translation not available). The police investigator may also allow for another person supporting the victim to be present.

f) It is possible for the police to use undercover actions in cases of sexual abuse of a child, aggravated sexual abuse of a child, production or dissemination of a sexually offensive picture (depicting a child), pandering and human trafficking offences (Coercive Measures Act 806/2011, Chapter 10, Section 27, translation not available). Undercover actions are possible on the information networks in all the cases where the maximum penalty for the offence being investigated is at least 2 years (almost all sexual offences) or in cases of possession of a sexually offensive picture depicting a child.

g) Investigators are using different kinds of applications in searching child abuse images from the Internet. Those applications are available and also in use in many other European law enforcement agencies. The forensic officers/investigators have a few common applications in use to investigate the computers and memory devices. The details of the tools are confidential.

Question 23

a) As already mentioned in question 21 investigations targeting children are as far as possible assigned to police officers with training or experience in this task (Criminal Investigations Act, Chapter 4, Section 7). Larger police departments (in major cities, such as Helsinki) have units or police officers specializing in investigating crimes against children. As a rule, investigation of crimes against children is in all police departments channelled to investigators who have professional skill and particular competence in investigating this type of crimes. In their activities, the police make an effort to take into consideration the interest of the child, and when proceeding to pre-trial investigations, to ensure that their interest is realized as well as possible. The investigations of crimes against children are channelled to investigation teams specializing in these crimes or police officers with special training, and an effort is made to conduct the investigation without delay. The police have also guidelines on how to handle cases where a child has been a victim of sexual or other physical violence (Poliisihallituksen ohje LAPSEN KOHTAAMINEN POLIISITOIMINNASSA JA ESITUTKINNASSA 2020/2011/1610). See also answer in question 22 a).

Interviews with children are mainly conducted by the police. In case of an interview with a very young child (or a child whose development is delayed), the police can discuss the matter with an expert as necessary, and agree that the child will be interviewed through an expert. However, a police officer must always be present when a child is being interviewed, although not necessarily in the same room with the child. The decision to use a specialist as the interviewer will always be at the discretion of the leader of the investigation.

b) The interviews need to be recorded on a video or some other sound and image recording media, if the interview is intended to be used in a trial and it is likely that it is not possible to question the person in court hearing due to the young age or the psychological state of the person (Criminal Investigations Act, Chapter 11, Section 4). The interviews may be recorded in other cases as well. The leader of the investigation may also make a decision to record the interview by other means.

According to the Code of Judicial Procedure this recording can be used in court as evidence if the defendant has been provided with an opportunity to present questions to the person being heard (Chapter 17, Section 11).

c) See question 21 g).