



COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

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LANZAROTE CONVENTION

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

Replies to the thematic questionnaire

FINLAND

1st thematic monitoring round

“Sexual abuse of children in the circle of trust”

Replies registered by the Secretariat on 10 March 2014

Replies to questions 3 and 11 registered by the Secretariat on 21 May 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

There are no separate data collected on information regarding sexual abuse and exploitation of children in the circle of trust.

Question 2

One example of this type of education to children and adults that are working in contact with children is the work that is being done in sports clubs and other organisations. The national central organisation for sports (VALO) has outlined in its decision making that one of the ethical aspects that need to be taken into consideration in the field of sport is that sexual relationships between adults and children under the age of 16 are fully prohibited. VALO has also produced material for the adults in sport clubs and organisations with information on sexual offences, how to prevent sexual abuse and harassment and how to deal with situations where abuse or harassment might occur.

Question 3

See general questionnaire, question 9.

Question 4

No specific policies or strategies have been implemented.

Question 5

No special training in the cases where perpetrator is suspected to be a member of the family etc. has been organised but these cases are taken into consideration in all training concerning suspected child abuse.

Question 6

No specific measures have been taken.

Question 7

No specific measures have been taken regarding this group of persons.

Question 8

Authorities are obliged to report a sexual offence directly to the police and in addition of that they must submit a child protection notification. All sexual offences must be reported regardless relationship of perpetrator and victim.

Under the Criminal Investigations Act, when a crime is reported to the police, the police have the duty to initiate a pre-trial investigation in the matter. Notwithstanding provisions on professional secrecy, the police have under the Child Welfare Act a duty to notify without delay the social welfare board of the municipality, if they in the course of their activities get to know about a child whose need for care and treatment, circumstances that endanger his development or his own behaviour make it necessary to establish the need for child welfare measures. This of course refers also to cases where it is suspected that the child has been sexually abused at home or by someone close to them.

Question 9

a) See general questionnaire, question 15 b).

b) See general questionnaire, question 9 for information on the legislation on checking the backgrounds of persons working with children. The measure is however not considered to be a sanction as such.

Question 10

a) According to the Criminal Code the 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 3, Section 6).

b) The Criminal Code includes definitions on sexual intercourse and sexual act. Sexual intercourse refers to the sexual penetration, by a sex organ or directed at a sex organ, of the body of another. 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 (Chapter 20, Section 10).

The term "sexual activities" is understood broadly to cover both, sexual intercourse and other sexual acts.

Question 11

See general questionnaire, question 17.

Question 12

The close relationship between the child and the offender can be taken into consideration in several ways depending on the case. The provision on Sexual abuse (Chapter 20, Section 5) applies to all children under the age of 18 and provides special protection to children against sexual abuse by people in close relationships with them (such as teachers, other personnel in an institution, someone the child is dependent on). In cases where this provision applies and

the child is under the age of 16 the provision(s) on child sexual abuse also apply (Chapter 20, Sections 6 and 7). In this way the penalty may be higher than what it would normally be.

Even though the age of sexual consent is 16 the provision on Sexual abuse of a child (Chapter 20, Section 6, paragraph 2) provides protection also to children between the ages of 16 and 18. This provision applies also to cases where a child who has reached the age of sixteen but is younger than eighteen years of age has been sexually abused, 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.

One of the circumstances that make the offence considered to be an aggravated sexual abuse of a child is that 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 (Chapter 20, Section 7, paragraph 2, point c).

Question 13

a) The general rules on investigations and criminal proceedings apply to all cases regardless of the relationship between the child and the alleged offender.

b) –

c) The child can be taken into care but it is not possible to permanently withdraw parental rights. The monitoring or supervision of the offender is done by the general ruler on supervision of convicted persons. If the child has been taken into care and the offender has been given a right to meet the child a supervised meeting can be organised where a social worker is present.

Question 14

a) The general rules on investigations and criminal proceedings apply to all cases regardless of the relationship between the child and the alleged offender. As mentioned in the general questionnaire (22.g) a legal guardian may be assigned for the child in these kinds of cases.

b) See general questionnaire question 22.b. All the offences established according to the Convention can be investigated and prosecuted regardless of whether the victim has made a report or withdrawn their statement. This applies regardless of the relationship between the child and the alleged offender.

c) See general questionnaire question 23.c. General rules apply to all cases regardless of the relationship between the child and the alleged offender.