

OPTIONAL PROTOCOL
TO THE CONVENTION ON THE RIGHTS OF THE CHILD
ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND
CHILD PORNOGRAPHY

THE INITIAL REPORT OF THE GOVERNMENT OF FINLAND

JUNE 2020

I. INTRODUCTION

Report

1. This is the initial report of the Government of Finland on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography¹. The report covers the period between July 2012 and June 2020.
2. The report was prepared at the Ministry for Foreign Affairs in cooperation with different ministries and authorities, including the Government of Åland. Civil society actors were also invited to provide contributions for drafting the report.
3. The contributions highlighted three themes: the need for coordination and cooperation between the authorities and the responsible ministries; the need for a coherent policy on child sexual abuse material; and the need for academic research on the rights enshrined by the Protocol.

Signature and ratification

4. Finland signed the Optional Protocol on 7 September 2000.
5. The ratification of the Optional Protocol was prepared by a working group appointed by the Ministry for Foreign Affairs. The working group drafted a report on ratification, including a Government Proposal. The report was submitted to the Minister for Foreign Affairs on 11 March 2011, after which it was submitted to a broad consultation process. Contributions were received from over 60 parties. The contributors considered that the Protocol strengthens the status of the child and supported an expedient ratification of the Optional Protocol. The contributions also brought forward the need for coordinating cooperation between the authorities and other actors and for adequate guidance and training. The Government Proposal was submitted to Parliament on 7 February 2012. Parliament approved the Optional Protocol on 13 March 2012.
6. The President of the Republic of Finland ratified the Optional Protocol on 11 May 2012, and the instrument of ratification was deposited with the Secretary General of the United Nations on 1 June 2012. The Optional Protocol entered into force in Finland on 1 July 2012.

Protocol's status in the Finnish legal system

7. In Finland human rights treaties are brought into force by an act. Thus, the Optional Protocol has also been brought into force by an act and is equivalent to an act enacted by Parliament. This means, for example, that the Optional Protocol is applied as an ordinary act and it is similarly binding. Courts and other authorities must apply the Optional Protocol in the same way as an ordinary act.
8. Even though human rights treaties do not actually have a general priority over other equivalent legal norms, Parliament's Constitutional Law Committee has stressed the significance

¹ This document uses the expressions 'child pornography' and 'child prostitution' only when a reference is made to the title or text of the Protocol. In other contexts, 'child pornography' is referred to as 'child sexual abuse material' and 'child prostitution' as 'commercial sexual exploitation of children'.

of human rights-friendly interpretation of law (Constitutional Law Committee 2/1990). An interpretation promoting the implementation of human rights provisions should be adopted in the application and interpretation of legislation. The Constitutional Law Committee oversees the constitutionality of legislative proposals. According to section 74 of the Constitution of Finland, its duty is to give its statement during a parliamentary hearing on the constitutionality of legislative proposals submitted for its consideration and on their bearing on international human rights instruments.

9. The principle of human rights-friendly interpretation of law has later also been established on the constitutional level. According to Section 22 of the Constitution of Finland (731/1999), the public authorities shall guarantee the observance of basic rights and liberties and human rights.

10. The Constitution of Finland guarantees the same fundamental rights to each and every one. The Optional Protocol strengthens the realisation of these fundamental rights referred to in Chapter 2 of the Constitution, such as the right to equal treatment as individuals (section 6) and the right to personal liberty and integrity (section 7). Parliament's Constitutional Law Committee has, in fact, stated that the instrumental use of a human being as a merchandise in a manner characteristic of human trafficking clearly violates human dignity (statements 17/2006 and 32/2002 of the Constitutional Law Committee).

11. The enforcement of the Optional Protocol in Finland strengthens the status and rights of the child as well as the realisation of the above-mentioned fundamental rights. The Protocol seeks to support the recognition of the rights of particularly vulnerable groups and increase their possibilities through, for example, raising awareness of the issues recognised in the Protocol and protecting children. In addition, the Protocol strengthens the prohibition and social control of already criminalised acts by, for example, increasing awareness of the acts prohibited under the Protocol and enhancing their reprehensibility in society. Consequently, this also increases the risk of being caught.

12. The human rights treaties ratified by Finland, including this Optional Protocol, and the rights guaranteed by them and their provisions are an integral part of the Finnish legal system.

Åland

13. The Government of Åland adopted this Optional Protocol for the parts falling within its competence. The Government of Åland creates and coordinates official structures for ensuring multidisciplinary cooperation in activities concerning children and young persons, particularly prioritising the physical and mental health of children and young persons.

14. The Government of Åland gives financial support to a Children's Internet project (*Barnens Internet*), which has been running since 2007 at the initiative of the local association of Save the Children in Åland. The project aims at increasing awareness of healthy and safe Internet and media usage and encourages a dialogue on the topic between children and adults. In addition to preventive work, special support is provided for children and their families in, for example, problems related to the exposure of children to insults, threats, bullying and sexual abuse on the Internet.

15. The Government of Åland has reserved appropriations for a five-year project (2018–2022) intended to continue, in words and action, the combat against gender stereotypes and sexual

violence in comprehensive and general upper secondary schools and in leisure activities. The project includes awareness-raising, guidance and assistance in structuring the gender equality work in the beneficiary schools and associations.

State of emergency in force for three months

16. In March 2020, Finland faced an exceptional situation due to the COVID-19 infectious disease pandemic. After preparatory consideration of the situation and grounds for declaring a state of emergency by the President of the Republic and the Government, the Government plenary session announced on 16 March 2020 that the COVID-19 pandemic in Finland constituted a state of emergency. The Government was entitled to exercise powers under the Emergency Powers Act (1552/2011). The purpose of the Act is to protect the population, to secure its livelihood and the national economy, to maintain legal order and fundamental and human rights, and to safeguard the territorial integrity and independence of the state in emergency conditions.

17. The use of powers laid down in the Emergency Powers Act during the COVID-19 pandemic has been based on the assessment that these powers are necessary to protect the population from the consequences of a highly widespread infectious disease and to safeguard fundamental rights and human rights under exceptional circumstances. In particular, the aim has been to ensure the adequacy of healthcare and social welfare services and to safeguard the carrying capacity of intensive care during the crisis.

18. The coronavirus pandemic has been managed largely through the Communicable Diseases Act (1227/2016), by means of restrictive recommendations issued by the Government and by amending a number of laws, regulations and decisions. However, it has also been necessary to resort to the powers provided for in the Emergency Powers Act.

19. The Government has issued 14 decrees on the use and continuation of powers under the Emergency Powers Act. The use of powers under the Emergency Powers Act has concerned early childhood education and care, primary and lower secondary education, upper secondary education, vocational education institutions, higher education institutions and liberal education, the administrative branch of healthcare and social welfare, working life and restrictions on movement to and from the densely populated Uusimaa County.

20. Since 17 March 2020, the Government has also made decisions under the Border Guard Act (578/2005) on the temporary reintroduction of border controls at internal borders and, at the same time, on the restriction of external border traffic due to the serious threat to Finland's internal security caused by the COVID-19 pandemic. The most recent decisions were made by the Government on 12 June 2020 and will remain in force until 14 July 2020.

21. Various recommendations and guidelines have been issued concerning older people and other risk groups, restrictions on gatherings, public events, youth and club facilities, recreational facilities, sports competitions and series, borrowing items from libraries, public premises, remote work, activities of food and beverage service businesses, commuting, visits to care institutions and hospitals, and leisure travel in Finland and abroad.

22. Based on the situational assessment received on 15 June 2020, the Government has determined that the COVID-19 pandemic can be managed using the regular powers of the

authorities. In its plenary session on 15 June 2020, the Government issued decrees repealing the use of powers under the Emergency Powers Act and announced that the current situation in the country no longer constitutes a state of emergency as referred to in section 3 of the Emergency Powers Act. The decrees repealing the use of powers under the Act and the end of the state of emergency entered into force on 16 June 2020.

COVID-19 and sexual abuse and exploitation of children online

23. When the COVID-19 lockdown measures were enforced in Finland, the National Bureau of Investigation, other authorities and non-governmental organisations highlighted the risk of children becoming victims of sexual abuse and exploitation online if children were allowed greater unsupervised internet access. Children and their parents were given safety instructions and contact information and they were encouraged to report online bullying, harassment and suspicious material by using the Net Tip to alert the police (<https://www.poliisi.fi/nettip>) or, for example, Save the Children's Nettivihje (<https://www.pelastakaalapset.fi/en/our-work-in-finland/child-protection-and-finnish-hotline/>). Reports can be made anonymously. Also persons experiencing sexual interest in children were encouraged to seek help through various services.

II. STATISTICS

24. Information on sexual abuse experienced by children is relatively well available in Finland. Finland has carried out a study known as Child Victim Survey in 1988, 2008 and 2013. The survey has explored sexual abuse, harassment and violence against children through their own experiences. The Child Victim Survey was carried out in cooperation between the Police University College and the Finnish Youth Research Society.

25. According to the Child Victim Survey of 2013, violence against children is still more commonplace and acceptable than violence against adults. However, several survey observations indicate that the positive progress in reducing violence has continued during the beginning of the 21st century. According to the study, changes in the prevalence of sexual abuse against children are also positive. On the whole, instances of sexual intercourse between young persons and adults have clearly decreased as compared to the 1980s, and thus fewer and fewer young persons have experiences satisfying the elements of sexual abuse. In the case of 9th grade girls (approximately 15-year-old), the prevalence of sexual abuse decreased from seven to four per cents between 2008 and 2013, whereas the proportion of boys who had experienced sexual abuse remained at around one per cent.

26. According to the 2019 School Health Survey conducted by the Finnish Institute for Health and Welfare (THL), 9.7% of girls in grades 8 and 9 of basic education, 10.2% of girls in years 1 and 2 of upper secondary education and 13.1% of girls in vocational education and training had experienced sexual violence during the year. The figures for boys were around 3% to 4%.

27. Of pupils in grades 4 and 5 of basic education, 4% had encountered sexual comments, propositions or images; there was no difference here between girls and boys. By contrast, girls in grades 8 and 9 of basic education, in years 1 and 2 of upper secondary education and in vocational education and training had had clearly more such experiences than boys.

28. Of pupils in grades 4 and 5 of basic education, 12% reported having experienced a physical threat at least once in the past year. The incidence of physical threats was the highest among pupils in grades 8 and 9 of basic education (17%) and among vocational education and training students (16%). Boys had a slightly higher incidence of experiences of physical threat than girls in grades 8 and 9 of basic education and in upper secondary education.

29. Physical violence on the part of parents or other caregiver adults had been experienced by 13% of pupils in grades 4 and 5 (15% of boys and 11% of girls), 12% of pupils in grades 8 and 9, and 7% of students in years 1 and 2 of both upper secondary education and vocational education and training. The figures were higher for girls than for boys.

30. Statistics Finland compiles statistics on persons living in Finland according to nationality, language, state at birth and origin. In Finland, the the Personal Data Act (1050/2018) specifies and supplements Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), and its national application. Statistical data are described in more detail under individual articles.

31. The National Police Board of Finland maintains an information system of police affairs, including information on criminal reports and sanctions.

32. Criminal statistics of Statistic Finland allow for examining children and young persons as perpetrators and victims of crime. The most important offences (e.g. violence and sexual offences) reported to the police are recorded according to the victim’s age and gender, for example. Since 2015, intimate partner and domestic violence have also been included in the statistics, in so far as data on family relations are available in the registers, and since 2017 data on restraining orders and persons protected by them, including children.

33. The statistics on offences known to the police and on coercive measures have been combined into the new statistics on offences and coercive measures by Statistics Finland.

Table 1: Development of selected offences

Development of selected offences: sexual exploitation of a child			
Year 2010	Year 2017	Year 2018	Year 2019
1102	1168	1373	1709

Source: Statistics Finland, Statistics on offences and coercive measures
https://www.tilastokeskus.fi/tup/suoluk/suoluk_oikeusolot_en.html

34. In addition, Finland has a statutory Assistance System for Victims of Human Trafficking, where information is collected on persons referred to assistance and on persons assisted within the system. Considering the confidentiality obligations, the assistance system cannot provide highly specified information on these persons using several parameters. In 2019, the assistance system received a record-high number of new clients. The assistance system helped 16 children who were estimated to have been victims of human trafficking. In addition, 155 children of a total of 521 clients were within the scope of the services. Many persons admitted as clients had been exposed to human trafficking as minors but had not told anybody about this until they reached majority. In

other words, the clientele includes more persons abused as children than can be inferred from the statistics.

35. For further information please see the Overview of 1 January - 31 December 2019 by the National Assistance System for Victims of Human Trafficking at http://www.ihmiskauppa.fi/files/503/Annual_overview_of_the_NAS_1.1.-_31.12.2019.pdf

III. GENERAL MEASURES OF IMPLEMENTATION

Legislation, case law and competent authorities as well as strategy

36. The Optional Protocol's provisions fall within the administrative branch of several ministries.

37. In connection with the enforcement of the Optional Protocol in 2012, it was stated that the Criminal Code of Finland (39/1889) had been amended over the past more than ten years such that it already corresponded to the criminalisation obligations under the Protocol.

38. To begin with, the Act on Amending the Criminal Code (650/2004) that entered into force on 1 August 2004 was mentioned in this context. This Act aligned national criminal legislation with the Framework Decision of 2002 on combating trafficking in human beings (2002/629/JHA, OJ L 203, 1 August 2002) and the Framework Decision of 2004 on combating the sexual exploitation of children and child pornography (2004/68/JHA, OJ L 013, 20 January 2004).

39. On the other hand, the Act on Amending the Criminal Code (540/2011) that entered into force at the beginning of June 2011 amended the Criminal Code so as to fulfil the criminalisation obligations laid down in the Council of Europe Convention of 2007 on the Protection of Children against Sexual Exploitation and Abuse (Lanzarote Convention CETS No. 201; Finnish Treaty Series 87 and 88/2011). The criminalisation obligations included in this Optional Protocol were also considered in the preparation of these amendments.

40. The definition of rape in the Criminal Code will be amended so as to be based on lack of consent, with a view to legal protection of the victim. On 11 April 2019, the Ministry of Justice launched an overall reform of Chapter 20 of the Criminal Code, which deals with sexual offences. One of the purposes of this is to frame the definition of rape so that is based principally on lack of consent, without a requirement of a threat of or actual violence; the reform will also increase the punishments for offences against children and adolescents.

41. A new provision on aggravated rape of a child has been added to the Criminal Code and the maximum penalty for sexual abuse of a child has been increased. The amendments entered into force on 15 April 2019.

42. The application of penal provisions concerning rape does not require the existence of violence, threat or, for example, physical defence by the victim. The provisions have been formulated to adequately cover situations where there is no consent to sexual intercourse by the victim. The legislation also functions this way in practice: approximately half of the cases in case law did not involve any violence. The provisions also apply to residents in closed institutions.

43. Support centre operations will be extended to children and adolescents in the form of a child-friendly Children's House following the Nordic 'Barnahus' model. The project to achieve a nationwide network was granted central government funding for the years 2019 to 2023. The project was launched as a regional cooperation project with the five university hospitals, coordinated by the Finnish Institute for Health and Welfare.

44. In addition, the enforcement of the Optional Protocol in Finland involved a proposal submitted to Parliament by the Government in 2011 to amend adoption legislation and adopt the European Convention on the Adoption of Children (CETS No. 202, Finnish Treaty Series 39/2012). The Government Proposal proposed that new section 3b be introduced into Chapter 25 of the Criminal Code to penalise unlawful obtaining of consent to adoption. The objective was to harmonise Finnish legislation also with the criminalisation obligation laid down in Article 3(1)(a)(ii) of this Optional Protocol. Parliament adopted the proposal in December 2011 and the act entered into force in July 2012.

45. Reference may also be made to the Act on Checking the Criminal Background of Persons Working with Children (504/2002), which entered into force at the beginning of 2003. According to the Act, an employer shall ask a person to produce an extract from the criminal records when the person is employed or appointed for the first time to a contractual employment relationship or public-service employment relationship which includes work which involves, on a permanent basis and to a material degree, and in the absence of any person who has custody of the child, raising, teaching, caring for or looking after a minor, or other work performed in personal contact with a minor. The Act is applicable to all kind of work where an employee is in a close contact with children, both in the private and in the public sector.

46. In 2013, Parliament adopted the Act on Checking the Criminal Background of Volunteers Working with Children (148/2014), which extended the above-mentioned to cover also voluntary work.

47. The autonomous Province of Åland has its own provincial legislation on checking the criminal background of persons working with children (LL2004:3). The legislation has been supplemented with an Act of Åland (2019:101) on applying in the Province of Åland the Finnish Act on checking the criminal background of volunteers working with children. This Act of Åland entered into force on 1 January 2020.

48. The Act on Measures to Prevent the Distribution of Child Sexual Abuse Material (1068/2006) entered into force on 1 January 2007. The purpose of the Act is to promote measures to prevent access to child sexual abuse material sites maintained abroad in order to protect children and their fundamental rights. According to the Act, telecommunications operators have the right to offer their services so that they do not enable access to child sexual abuse material sites. The police may draft, maintain and update a list of child sexual abuse material sites. For this purpose, the police may request information from, for example, telecommunications operators. As the Act includes no reporting obligation, there is no exact information on the use of the possibility allowed by law.

49. In its case law, the Supreme Administrative Court has taken a stand on the scope of application of the Act and on the possibility of filing an appeal against a decision by the police to include a site in the above-mentioned list.

50. As regards the advertisement material referred to in Article 9(5) of the Protocol, the Government notes that according to Chapter 2, section 1 of the Consumer Protection Act (38/1978), marketing may not be contrary to the accepted principles of morality or use a method inappropriate from the point of view of consumers. According to section 2 of the same Chapter, marketing is considered to be contrary to the accepted principles of morality if it is clearly in conflict with generally accepted social values. Subsection 1 of the provision lists cases where marketing shall typically be considered contrary to the accepted principles of morality, such as marketing comprising gender-based discrimination or violating human dignity. Distribution of such material can thus be prohibited afterwards under the existing marketing provisions of the Consumer Protection Act.

51. The Child Welfare Act (417/2007) lays down provisions on the promotion of the wellbeing of children and young persons as well as on preventive child welfare, which provides assistance and support early enough, thus preventing the emergence or deterioration of problems. Maternity and child health clinics, day care centres and schools have an important role in carrying out preventive work. Child- and family-specific child welfare ensures the child's right to special protection. If parents cannot, for some reason, take care of their upbringing responsibilities, it is the obligation of public authorities to intervene in the family's situation.

52. The Aliens Act (301/2004) has since 2006 included provisions on a special residence permit for a victim of trafficking in human beings and on a reflection period granted to a victim of trafficking in human beings. The legislation governing residence permits to be issued to victims of trafficking in human beings and the reflection period granted to them as well as assistance to victims of trafficking in human beings falls within the responsibility of the Ministry of the Interior. The provisions also apply to minors. A victim of trafficking in human beings may also be issued a residence permit on other grounds.

53. The Act on the Reception of Persons Applying for International Protection (746/2011) and the Act on the Integration of Immigrants and Reception of Asylum Seekers (1493/1999) adopted earlier have since 2007 included provisions on the identification of and assistance for victims of trafficking in human beings. In the application of the Acts, the individual's potentially vulnerable situation and the associated special needs are also taken into account.

54. Residence permits are issued to victims of trafficking in human beings by the Finnish Immigration Service, which belongs to the administrative branch of the Ministry of the Interior. A decision to grant a reflection period is made under the Aliens Act by the police or the border control authority, which also belong to the administrative branch of the Ministry of the Interior. In practice, victims of trafficking in human beings are assisted by the Joutseno Reception Centre operating under the direction of the Finnish Immigration Service or by the municipalities where the victims reside. In addition to the counselling and support provided to municipalities, the assistance system cooperates, for example, with non-governmental organisations which have a central role in assisting victims, with the occupational safety and health authorities, as well as with the police and the Finnish Border Guard.

55. Although the Border Guard basically does not investigate offences such as sexual abuse or exploitation of children, it also plays an important role in the chain formed by the authorities to protect children. One of the basic principles in the border checks conducted by the Border Guard is taking children's interests into account and protecting children at the border. Under the Schengen Border Code (Regulation (EU) 2016/399 of the European Parliament and of the Council on a Union

Code on the rules governing the movement of persons across borders (Schengen Borders Code)), the Border Guard pays special attention to minors in border checks irrespective of whether they are travelling with an adult or alone. The Border Guard particularly considers in such contexts the possibility of a minor being the victim of human trafficking. Combating human trafficking for the purposes of illegal entry forms part of the core crime prevention activities of the Border Guard. The Border Guard maintains an awareness of children who cross the external border of the EU, with or without a guardian. This awareness improves the ability of the Border Guard to identify children belonging to at-risk groups at border checks. The measures taken to identify children belonging to at-risk groups are particularly suited for entry, transit and exit controls. They also help ensure that the rights of the child are respected and any threats against them are prevented.

56. The Government's coordination structure of action against human trafficking consists of several actors. The two actors responsible for the steering of the action are the Ministerial Working Group on Internal Security and the Administration of Justice and the Meeting of Permanent Secretaries. In addition to them, the coordination structure involves the following actors: the Secretariat Coordinating Government Action against Human Trafficking and the Government anti-trafficking network.

57. The Secretariat Coordinating Government Action against Human Trafficking consists of representatives from all key ministries that are engaged in anti-trafficking efforts. The Secretariat is chaired by the Government Anti-Trafficking Coordinator. One of the key duties is to draft the Government's new action plan against trafficking in human beings in the course of 2020. When necessary, the Secretariat consults experts such as the National Rapporteur on Trafficking in Human Beings. The Government anti-trafficking network has a wide range of members from various authorities and civil society and labour market organisations.

Information provision and training as well as data collection

58. The objective of Finland's second National Action Plan on Fundamental and Human Rights 2017-2019 was to promote the constitutional obligation of the public authority to guarantee the observance of fundamental and human rights. In the preparation of the Action Plan, particular attention was paid to the recommendations given to Finland by international treaty monitoring bodies, the policy lines included in the Government Programme and the Human Rights Report, the opinions of the supreme overseers of legality and special ombudsmen as well as to the concerns expressed by non-governmental organisations. The Action Plan defined fundamental and human rights education and training, equality, the right to self-determination and fundamental rights and digitalisation as priorities. The concrete projects of the Action Plan focused, for example, on violence against women, hate speech and services for victims of sexual offences.

59. The Finnish Immigration Service and the Joutseno Reception Centre provide training on trafficking in human beings both to the personnel of the Immigration Service and reception centres and to external parties, such as the social welfare and health care personnel. Special training concerning underage persons is provided for instance for personnel at units housing underage persons and personnel processing asylum applications. In addition, the police annually provide special in-service training on offences against children.

60. The National Police Board has issued instructions to its administrative units for addressing trafficking in human beings and similar offences and for assisting victims of trafficking in human

beings in order to ensure that human trafficking offences are identified and investigated and the victims are protected. The Border Patrol follows the police instructions as applicable. The police and the Border Guard refer victims to the Assistance System for Victims of Human Trafficking and the Victim Support Service and are engaged in close cooperation with them. Together with the Assistance System for Victims of Human Trafficking, the police have developed a training package and online training to be implemented at all police departments. In 2019, the Border Guard arranged a training session specifically on human trafficking in children and adolescents in Finland. The purpose of this training was to improve the competence of Border Guard personnel performing border checks and crime prevention duties in noticing potential victims of child trafficking and in engaging with them. The special status of children and the safeguarding of their rights is considered in other training provided by the Border Guard as well. Also, the Border Guard always has the option of requesting a police investigator specially trained for interviewing children to assist them in interviewing a child.

61. The school legislation imposes an obligation on education providers to draft, in connection with the curriculum, a plan for protecting pupils from violence, bullying and harassment and to implement the plan and monitor its observance and implementation. According to the core curricula, a curriculum must describe measures and responsibilities for preventing, observing and dealing with various problem and crisis situations. This applies to harassment, for example, which conceptually also includes sexual harassment and broader aspects of sexual exploitation and abuse. Instructions for preventing sexual exploitation and abuse and for taking the necessary measures are also included in school crisis management plans in local curricula. Nowadays the employer and the personnel themselves have the primary responsibility for the in-service training and competence development in the education sector. In state-funded personnel training in the education sector, some short-term training courses pay attention to competence related to the protection and rights of children.

62. The Action Plan on the Promotion of Sexual and Reproductive Health 2014-2020 states that its objective is to improve the recognition of symptoms related to experiences of sexual violence in social welfare and health care services and to improve the capabilities of persons working at schools and of persons engaged in social work to recognise sexual violence. The Action Plan further states that information on sexual violence should be included in the obligatory study units of the basic training of various professional groups, such as in the fields of health care, social welfare, education and teaching. Further target groups include researchers of sexual and reproductive health, universities, research institutes, universities of applied sciences and research funding agencies, teachers and students in the field of social welfare and health care as well as health education teachers at comprehensive schools, upper secondary schools and vocational institutions and institutes providing education for them.

63. The Action Plan aims at promoting sexual and reproductive health by increasing awareness, developing services and strengthening sexual education so that it equally reaches people of all ages and is included in education, instruction and training and in the promotion of health and wellbeing. The first priority of the Action Plan is children and young persons. The objectives of the Action Plan are that sexual education reaches all children and young persons equally in early childhood education and care, basic education and upper secondary education and teaches to respect the children's and young persons' physical integrity, privacy and self-determination. A further objective is that sexual education at schools also covers the identification and prevention of violence offending sexuality. Schools and educational institutions will be turned into safe environments where nobody will be exposed to harassment and violence. Services for young

persons will reach young people at the risk of exclusion and particularly those who do not continue their studies after comprehensive school.

64. The Action Plan also includes objectives related to violence that generally offends sexuality. According to them, persons who have experienced violence offending sexuality must have access to appropriate examination and care regardless of their place of residence, economic situation, age, ethnic origin, disability, sexual orientation, gender identity or gender expression. Comprehensive and instant examination and treatment of persons who have experienced violence offending sexuality as well as crisis support provided for them will be improved in the acute phase and their long-term treatment and psycho-social support will be developed. Another objective is to better identify violence offending sexuality and mistreatment and to obtain more systematic information on their prevalence. This can be achieved, for example, such that professionals systematically address violence in connection with social welfare and health care services using questions drafted for this purpose, particularly at child and maternity health clinics, in pupil and student health care services and in services for persons with disabilities and elderly persons. In addition, the competence and networking of social welfare, health care and education professionals will be improved on the municipal level and local models for identifying and preventing violence will be created. The legal protection of victims of violence offending sexuality or mistreatment will also be improved.

65. In 2019, Finland extensively financed international non-governmental organisations and projects which improve the rights and status of girls and women and focus particularly on sexual and reproductive health and rights, such as the promotion of legal and safe abortion.

66. The National Action Plan for Safety Promotion among Children and Youth under 25 years (previously Action Plan for Injury Prevention), coordinated by the National Institute for Health and Welfare, aims to systematically and persistently reduce and prevent unintentional injuries and suicides among people under the age of 25, as well as violence against children under the age of 18. The purpose of the National Action Plan is to improve national coordination of preventive work and reduce health losses due to unintentional injuries, self-harming and violence against children through multidisciplinary cooperation of various actors. The targets and actions of the National Action Plan for 2018–2025 also takes into account different social phenomena such as safety risk factors due to different cultural, ethnic and socio-economic backgrounds or disabilities. These targets and actions has been prepared in multidisciplinary cooperation with professionals and experts in 2017-2018.

67. Since 2017 The National Action Plan for Safety Promotion among Children and Youth has included the prevention and reduction of disciplinary and mental violence against children as a continuation to the 2010-2015 ‘Don’t hit the child!’ - program of the Ministry of Social Affairs and Health. In March 2018, THL and the Ministry made a joint decision to include violence against children and its prevention into the one part of the National Action Plan for Safety Promotion among Children and Youth.

68. The first part of the National Action Plan for 2018–2025, published in April 2018, set out the objectives and 48 measures for preventing and reducing unintentional injuries and suicides as well as disciplinary violence (incl. physical and mental violence) against children.

69. The second part of the targets and actions of the National Action Plan for 2018–2025, published in November 2019, includes measures to prevent other forms of violence against children, such as sexual assault. The objective of the action plan on Non-Violent Childhoods 2020–

2025 is to prevent violence against children aged 0–17 in different growth and operating environments. The action plan deals with the rights of the child, inclusion, factors that protect against violence as well as risk factors and their consequences. The aim is to improve the position of the child victim in the current service, care and crime systems, also taking into account those children who are at risk of ending up using or have already used violence. The action plan consists of fourteen chapters dealing with the prevention of mental and physical violence and sexual violence from three different perspectives: prevention, minimising harmful impact and providing treatment, with the main focus on prevention. The plan seeks to take into account issues related to children in particularly vulnerable situations with regard to violence, as well as some topical specific issues. The plan emphasises the importance of multidisciplinary cooperation. A broad group of experts from various organisations, ministries and NGOs wrote the action plan. A steering group nominated by the Finnish Institute for Health and Welfare is responsible for monitoring and directing the objectives and measures. In 2022, a mid-term review will be carried out concerning the implementation of the action plan's objectives and measures.

70. Data collection is described in chapter II.

IV. PREVENTION

Rights of the child in the new Government Programme

71. The Programme of Prime Minister Sanna Marin's Government (since 10 December 2019) pays extensive attention to the children's rights. According to the Government Programme, special attention will be devoted to physical integrity and to reducing offences against life or health, in particular offences against children and intimate partner violence. Low-threshold channels for reporting crime will be improved and the related practices of public authorities will be strengthened to help particularly vulnerable victims. The Government will promote an expansion of the Child Advocacy Centre model to help children subjected to sexual abuse and violence.

72. According to the Programme, the status of victims of human trafficking will also be improved, regardless of the progress of criminal proceedings in the human trafficking case.

73. According to the Government Programme, a comprehensive reform of legislation governing sexual offences will be carried out based on the principle of physical integrity and the right to sexual self-determination. The definition of rape in the Criminal Code will be amended so that it will be based on the absence of consent while simultaneously ensuring appropriate legal safeguards. The range of services offered at support centres for victims of sexual offences will be extended and their availability across Finland will be improved.

74. The Programme states that the Government will assess the punishments for the most aggravated violent and sexual offences in order to ensure that they are proportional both to the degree of harmfulness of the offence and to the punishments imposed for other offences. The minimum punishments for aggravated sexual offences against children, in particular, will be increased. The prerequisites for releasing the most dangerous offenders sentenced for violent crime will be thoroughly assessed.

75. According to the Programme, to prevent sexual violence against children, the Government will draw up an action plan for the national implementation of the Convention on the Protection of

Children against Sexual Exploitation and Abuse in Finland in cooperation with relevant organisations and ensure all necessary services for victims of sexual violence. Every child and young person has the right to physical integrity. According to the Government Programme, sex education will be strengthened.

76. Finland is preparing a National Child Strategy. The goal is a society that respects the rights of children. The preparation of the National Child Strategy is based on the Convention on the Rights of the Child (Finnish Treaty Series 59 and 60/1991).

77. According to the Government Programme, the task is to formulate a vision for a child and family-friendly Finland that spans government terms and crosses administrative boundaries. The Child Strategy will be based on information and research evidence, and it will promote the implementation of the Convention on the Rights of the Child. The National Child Strategy will record the current state of the wellbeing and rights of children and young people as well as the key objectives and measures to promote them. The Government will pledge to assess the child impacts of its decisions, improve child budgeting, strengthen knowledge about child wellbeing and foster the inclusion of children and young people.

78. According to the Government Programme, the Government will pay particular attention to physical integrity and to reducing offences against life or health, in particular offences against children and intimate partner violence. Low-threshold channels for reporting crime will be improved and the related practices of public authorities will be strengthened to help particularly vulnerable victims. We will promote an expansion of the Child Advocacy Centre model to help children subjected to sexual abuse and violence. Support helping children to avoid and manage online problems will be strengthened.

Educational work

79. Since the 1990s, children's safety skills education has been developed in the context of early childhood education and care in Finland. Safety skills education aims, for example, to prevent sexual abuse, strengthen children's self-respect and self-confidence, improve children's capabilities of protecting themselves in safety-threatening situations and to guide children to tell about their concerns to reliable adults.

80. The school legislation imposes an obligation on education providers to draft, in connection with the curriculum, a plan for protecting pupils from violence, bullying and harassment and to implement the plan and monitor its observance and implementation.

81. According to the core curricula, a curriculum must describe measures and responsibilities for preventing, observing and dealing with various problem and crisis situations. This applies to harassment, for example, which conceptually also includes sexual harassment and broader aspects of sexual exploitation and abuse. Instructions for preventing sexual exploitation and abuse and for taking the necessary measures are also included in school crisis management plans in local curricula.

82. Abuse of children is also prevented in accordance with the core curricula drafted by the Finnish National Agency for Education for different school levels in health education teaching, in different thematic entities as well as in pupil and student welfare. According to the core curricula,

the promotion of sexual health is part of health education at all school levels. The Finnish National Agency for Education updated the national core curricula for pre-primary education, basic education and general upper secondary education between 2014 and 2016. Human rights education is integrated into all areas of the new curriculum. Education related to emotional and safety skills and sexual identity has also been strengthened at schools.

83. Preventive instruction on sexual exploitation of children and young persons is included in the entity of sexual health, which covers human relations, sexuality and values and norms associated with sexual behaviour. The statutory rights and responsibilities of children and young persons are also discussed. Themes concerning physical and mental integrity are approached from various perspectives in cross-subject thematic entities.

84. Furthermore, according to the national core curricula for basic education, biology instruction should teach to respect and protect one's own body and about factors supporting and impeding healthy growth and development, as well as about individual variations in sexual development.

85. In upper secondary education, the objectives and content related to sexual health deal, for example, with issues related to relationships and sexual exploitation. In vocational education, maintaining ability to work as well as wellbeing is included in the study units common to all vocational upper secondary qualifications, which includes taking care of the student's health, actions and surroundings.

86. The Finnish National Agency for Education and the Institute for Health and Welfare have produced a handbook on pupil and student welfare. The online handbook pays attention to the fact that harassment also occurs within families, such as sexual abuse of children and domestic violence. The handbook gives instructions to schools how to consider these aspects in a programme against bullying, violence and harassment.

Awareness-raising

87. Assistance System for Victims of Human Trafficking maintains a national anti-human trafficking site, which provides information on trafficking in human beings and gives victims and other persons instructions for seeking assistance. The Joutseno Reception Centre also has a 24/7 helpline which receives information on victims in need of assistance. A project called Hapke3 was implemented at the Joutseno Reception Centre in 2016 and 2017 with the aim of responding better to the special needs of unaccompanied asylum-seeking women and their children who had experienced violence. The project focused on developing the capacities of reception centre staff to identify risk factors and support the wellbeing, health and capabilities of women who had experienced violence and abuse.

88. A project called IHME, coordinated by the Assistance system for victims of human trafficking, was implemented from 2017 to 2019. The aim of the project was to strengthen efforts to prevent human trafficking, and enhance expertise in identifying and helping victims and in the pre-trial investigation of human trafficking in Finland, while promoting the equal treatment of victims by public authorities. The training of pre-trial investigation authorities, the police and the border guard, was established and started during the IHME project. It aimed at promoting cooperation between public authorities, and between NGOs and public authorities, in the fight against human trafficking, while increasing the ability of pre-trial investigation authorities to guide

human trafficking victims to the services intended for them. The training modules for pre-trial investigation authorities were built in cooperation with the Police University College of Finland and the Border and Coast Guard Academy. The IHME project was completed in 2019 but the training modules are still in use.

89. As part of the IHME project, the European Institute for Crime Prevention and Control (HEUNI), affiliated with the United Nations, and the Assistance system for victims of human trafficking analysed whether trafficking of children occurs in Finland and what forms of human trafficking may exist in Finland. Between 2006 and 2018, the Assistance System for Victims of Human Trafficking assisted 55 children under 18 years of age and 141 young persons (aged 18 to 21). These figures show how many children and young persons have been guided into the assistance system, but they do not describe the extent of the phenomenon in Finland, as many cases remain unidentified as human trafficking. Based on this report, it appears that the exploitation of children and young people is not always seen through the framework of trafficking in human beings: rather, it is understood as some other form of exploitation.

90. According to the assessment by experts, as obtained from interviews and the survey results, exploitation that took place in Finland was most commonly sexual exploitation, such as forced prostitution, commercial sexual exploitation of a child or sexual exploitation that occurs or begins via the Internet. The report also reveals cases of forced marriage and forced criminal activity in Finland. Sexual exploitation and forced marriages are the most common forms of exploitation experienced by children and young people in their home country or country of origin.

91. The report Trafficking in Children and Young Persons in Finland is available also in English: https://www.heuni.fi/material/attachments/heuni/reports/WIGtlojiB/Trafficking_in_Children_and_Young_Persons_in_Finland_WEB_17102019.pdf

92. Prevention and the fact that a child knows how to search for help when encountering discomforting situations on the Internet have the priority in media education. Preventive work has been carried out in Finland in connection with the Finnish Safer Internet Centre project (FISIC), for example. The project is coordinated by the National Audiovisual Institute under the Ministry of Education and Culture, and the project partners include the Mannerheim League for Child Welfare and Save the Children Finland. The FISIC project has trained persons on duty at the helpline of the Mannerheim League for Child Welfare to support children who have been exposed to sexual mistreatment the Internet. Save the Children operate Nettivihje hotline which offers the public a way to anonymously report child sexual abuse material (CSAM), grooming of children for sexual purposes, and child trafficking related to sexual abuse online.

93. In 2015, the Institute for Health and Welfare published teaching material for safety skills education called Safety Skills for Children for use at day care centres, schools and children's clubs. The material can be used for teaching children skills to prevent, for example, sexual abuse. It contains instructions for identifying and avoiding threatening situations as well as practical tips about safety and imaging exercises related to sexual harassment, for example. Children are guided to turn to safe adults if they are worried. The material was produced in cooperation with the Finnish National Agency for Education. The Safety Skills for Children material is suitable for use by persons working with children and families at, for example, schools, day care centres and social welfare and health care units.

94. In 2012, the Institute for Health and Welfare also published a handbook called Safety Skills for Young Persons - Handbook for the Prevention of Sexual Harassment and Sexual Violence. The

handbook aims at preventing violence experienced by young persons in dating relationships as well as sexual violence and sexual harassment. The material dispels myths associated with these phenomena and perceptions, which incriminate the victim and often prevent identification, intervention and access to assistance. The handbook gives information on the special characteristics of violence and harassment. The texts in the handbook are intended for teachers, school nurses, school social workers and other adults working with young persons. The party responsible for producing the safety skills material is the Institute for Health and Welfare. The Finnish National Agency for Education is in charge of distributing the material to institutions of basic and secondary education.

95. The Institute for Health and Welfare has also carried out a campaign called My Body. My Decision together with the Ministry of Social Affairs and Health, the Ministry of the Interior, the police and several non-governmental organisations and associations working with young persons.

96. Within the prosecution service, there is a group of prosecutors specialised in offences against women and children as well as also other prosecutors familiar with these offences. The group of specialised prosecutors provides, for example, training, advice and guidance to other prosecutors in issues related to criminal investigation, consideration of charges and prosecution of charges. The group has acquired high-quality competence in investigating and prosecuting offences against children and women. The number of prosecutors specialised in this field was increased considerably in connection with the organisation reform of the prosecution service.

97. The Province of Åland applies the Finnish Child Welfare Act, which contains essential provisions on preventive child welfare and rehabilitation of victims. The rehabilitation is provided in cooperation with the Åland Health and Medical Care Organisation (ÅHS) and the municipalities in Åland.

98. The Government of Åland have an agreement with Bris – Children’s Rights in Society, an independent organisation based in Sweden, according to which children under 18 may call their helpline on local call charge and use their chat services.

99. On 16 October 2019, the Government of Åland published its strategy for zero tolerance against violence in close relations 2020-2030.

Civil society’s role in awareness-raising

100. In 2018, Finland’s Save the Children published an extensive report on sexual harassment experienced by children and adolescents and on related bullying in digital media. The report is based on a survey according to which 3,210 children aged 12 to 17 responded. More than 30% of the respondents reported having encountered sexual harassment in some form and related bullying in digital media. Save the Children also conducted a study in 2019 on commercial sexual exploitation of and sexual violence against children in Finland which showed that commercial sexual exploitation of and sexual violence against children are in the realm of hidden crime in Finland, and therefore it is difficult to estimate how widespread a phenomenon this is.

101. The Youth Exit project coordinated by the Exit Prostitution Association prevents sexual harassment and abuse against children and young persons as well as compensational sex of adolescents. The project seeks to develop preventive and corrective work on the Internet and

includes visits to schools and participation in events. Its operations are financed by Finland's Slot Machine Association.

102. A guideline entitled Practices to increase child safety and criminal background checks for volunteers was published jointly by SOSTE Finnish Federation for Social Affairs and Health (the umbrella organisation for NGOs in the social welfare and health care sectors), the Finnish National Youth Council Allianssi, the Finnish Sports Federation VALO (now the Olympic Committee) and Arts Promotion Centre Finland TAIKE.

103. The Church Board of the Finnish Evangelic-Lutheran Church has, in cooperation with various organisations, maintained a Game Panel project where computer games are assessed. The objective is to give parents information, ratings and an opportunity to discuss about the content of games. The Finnish Boys' and Girls' Centre - PTK Association is the responsible organisation for the panel. The Game Panel pays attention to the content conveyed by games. This makes it easier for parents to find a suitable game for their children. Game content rating symbols are used to monitor, for example, violence, discrimination, child sexual abuse material, nudity, sexual material or references to sex. The purpose is to decrease child sexual abuse material encountered on the Internet. This may increase awareness of the consequences of the sale of children, commercial sexual exploitation of children and child sexual abuse material.

V. PROHIBITION AND RELATED ISSUES

Article 3

104. Article 3(1) of the Protocol imposes an obligation on States Parties to criminalise offences related to the sale of children, commercial sexual exploitation of children and child sexual abuse material. Criminalisation must not depend on whether the offences are committed domestically or transnationally or on an individual or organized basis.

105. Offences under the Protocol are punishable in Finland irrespective of the number of perpetrators or the organised nature of crime. The territorial application of the provisions is related to Chapter 1 of the Criminal Code of Finland, which provides on the scope of application of the criminal law of Finland and is related to Article 4 of the Protocol.

106. Item (i) of subparagraph (a) imposes an obligation to criminalise acts where in the context of sale of children a child is offered, delivered or received, by whatever means, for the purpose of sexual exploitation of the child, transfer of organs of the child for profit or engagement of the child in forced labour.

107. The Criminal Code of Finland was revised in 2014 to make the penal provision on human trafficking better correspond to the obligations to criminalise human trafficking as laid down in international instruments binding on Finland and to make a clearer distinction between pandering offences and human trafficking offences. The amendments also apply to human trafficking offences against children.

108. Legislative amendments that entered into force in 2015 formalised the cooperation between the Assistance System for Victims of Human Trafficking and child welfare authorities and improved the status of a child by enacting that the parent of a child exposed to human trafficking should be traced.

109. The amendments to the elements of pandering and human trafficking that entered into force in 2015 have clarified their application. The legislative amendments clarified the distinction between pandering offences and human trafficking offences. Along with the revision, acts involving pressure are regarded as human trafficking and not pandering, and pandering of a person under 18 years of age must, in principle, be considered as a human trafficking offence. The legislation on human trafficking was also amended in a way that the possibility of the victim to act as he or she wishes is taken into account in the assessment of the seriousness of the act.

110. The legislative amendments improved the status of a person subjected to pandering in criminal proceedings. A legal counsel can be appointed to such a person for a criminal investigation regardless of whether he or she is considered as the injured party. A support person may also be appointed for a person subjected to pandering for a criminal investigation and legal proceedings. The fee and compensation for the counsel and support person are paid from State funds.

111. According to Chapter 25, section 3, subsection 2 of the Criminal Code, a person who takes control over a person under eighteen years of age or recruits, transfers, transports, receives or provides accommodation for this person for purposes of sexual abuse, forced labour or other demeaning circumstances or removal of bodily organs or tissues for economic profit shall be sentenced for trafficking in human beings. According to Chapter 25, section 3a, the offence is aggravated if it has been committed against a child below the age of eighteen years or against a person whose capacity to defend himself or herself has been substantially diminished. Sentencing for trafficking in human beings directed against a person of this age group does not require committing the act against a fee or other benefit. In other words, a human trafficking offence against a child is punishable in Finland more broadly than required by the Protocol.

112. According to item (ii) of subparagraph (a), a State Party shall, in the context of sale of children, penalise improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption. Chapter 25, section 3b of the Criminal Code relates to item (ii) of subparagraph (a). According to subsection 1 of the said section, a person who by (1) promising or providing compensation or (2) misleading or utilisation of an error gets another to give the consent to adoption commits unlawful obtaining of consent to adoption. The person shall be sentenced to a fine or to imprisonment for at most two years. An attempt is also punishable (subsection 2).

113. According to subparagraph (b) of the paragraph, each State Party shall criminalise offering, obtaining, procuring or providing a child for child prostitution. In principle, such cases also involve a human trafficking offence. Attention must also be paid to the provisions on pandering and aggravated pandering laid down in Chapter 20, sections 9 and 9a of the Criminal Code. The moduli of pandering offences and human trafficking offences overlap to some extent. The penal provisions on human trafficking have priority over pandering provisions. According to Chapter 20, section 9a, subsection 1, paragraph 4 of the Criminal Code, the fact that the object of pandering is below the age of eighteen years may make pandering aggravated.

114. Even though subparagraph (b) actually concerns benefiting from prostitution by a child, it should be noted here that Chapter 20, section 8a of the Criminal Code penalises purchase of sexual services from a young person. According to subsection 1, it is punishable to promise or give remuneration and thereby induce a person below the age of eighteen years to engage in sexual intercourse or to perform another sexual act. The sentence shall be a fine or imprisonment for at most two years. This provision applies to all cases where sexual services are purchased from a

person under 18 years of age. The remuneration does not need to have an economic value but may be, for example, an approval of a credit for learning outcomes. If the perpetrator purchases sexual services from a person under 16 years of age (in certain cases from a 16- or 17-year-old person), he or she also commits sexual abuse of a child (Chapter 20, sections 6 and 7 of the Criminal Code).

115. According to subparagraph (c) of the paragraph, States Parties shall also penalise producing, distributing, disseminating, importing, exporting, offering, selling or possessing for the above purposes child pornography as defined in Article 2.

116. Penal provisions on child sexual abuse material offences are laid down in Chapter 17, sections 18, 18a and 19 of the Criminal Code.

117. According to Chapter 17, section 18, subsection 1 of the Criminal Code, 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 a child in a sexually offensive manner, shall be sentenced for distribution of a sexually offensive picture. According to subsection 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 latter subsection also states that 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.

118. According to Chapter 17, section 18a of the Criminal Code, the act is aggravated distribution of a sexually offensive picture depicting a child 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 an organised criminal group referred to in section 1a, subsection 4 and the offence is aggravated also when assessed as whole.

119. According to Chapter 17, section 19, subsection 1 of the Criminal Code, 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. Subsection 2 states that 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.

120. As a result of the Convention on the Protection of Children against Sexual Exploitation and Abuse, child sexual abuse material offences are criminalised in Finland more extensively than required by the Protocol as the latter does not obligate States Parties to penalise obtaining access to child sexual abuse material using information and communications technology.

121. According to paragraph 2 of the Article, subject to the provisions of a State Party's national law, the same shall apply to an attempt to commit any of these acts and to complicity or

participation in any of these acts. The Article allows States Parties to determine the punishability of attempt, aiding and abetting and complicity in their national law.

122. Considering, in addition to the penal provisions, the provisions of Chapter 5 of the Criminal Code, aiding and abetting and complicity to human trafficking offences, pandering offences and child sexual abuse material offences are punishable under the Finnish legislation. The same applies to unlawful obtaining of consent to adoption. The attempt is also punishable in respect of all offences mentioned in the Protocol.

123. According to paragraph 3 of the Article, each State Party shall make these offences punishable by appropriate penalties that take into account their grave nature. This provision gives States Parties relative freedom in respect of the sentences to be imposed for these offences. In criminal law, the level of penalties for offences is influenced by their assessed seriousness and harmfulness, general preventive effect of punishment as well as by international obligations. In addition, attention must be paid to general severity level and consistency in the sanction system so that the penal scales imposed for different offences are reasonably proportionate to one another.

124. The maximum penalty for trafficking in human beings is six years of imprisonment, ten years of imprisonment for aggravated trafficking in human beings, three years of imprisonment for pandering, six years of imprisonment for aggravated pandering, two years of imprisonment for distribution of a sexually offensive picture depicting a child, six years of imprisonment for aggravated distribution of a sexually offensive picture depicting a child, one year of imprisonment for possession of a sexually offensive picture depicting a child, and two years of imprisonment for unlawful obtaining of consent to adoption.

125. The time barring of sexual offences depends on the seriousness of the offence. For example, the right to bring charges for aggravated sexual abuse of a child becomes time-barred in twenty years. The right to bring charges for most serious sexual offences against children becomes time-barred at the earliest when the victim 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, trafficking in human beings and aggravated trafficking in human beings directed at a person below the age of eighteen years (Chapter 8, section 1 of the Criminal Code).

126. According to paragraph 4 of the Article, subject to the provisions of its national law, each State Party shall take measures where appropriate, to establish the liability of legal persons for offences established in paragraph 1 of the present Article. Subject to the legal principles of the State Party, this liability of legal persons may be criminal, civil or administrative.

127. In Finland, corporate criminal liability has been extended to child sexual abuse material offences, pandering offences and human trafficking offences (Chapter 17, section 24, Chapter 20, section 13 and Chapter 25, section 10 of the Criminal Code). Further provisions on corporate criminal liability are laid down in Chapter 9 of the Criminal Code. A corporate fine is imposed as a sanction, and is at least 850 euros and at most 850,000 euros (Chapter 9, section 5 of the Criminal Code).

128. Coercion does not fall within corporate criminal liability in those few cases where Chapter 25, section 8 of the Criminal Code might be applicable to situations referred to in item (ii) of subparagraph (a) of the Article or where, in the context of the said item, Chapter 25, section 3b of the Criminal Code concerning unlawful obtaining of consent to adoption would become applicable. However, also in these situations, like in the other above-mentioned offences, civil liability or

administrative liability could be considered in addition to corporate criminal liability. An offence committed in the operations of a legal person may result in the imposition of a ban on business operations on the person who has engaged in a criminal act. When the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Abuse was brought into force in Finland, section 3 of the Business Prohibition Act (1059/1985) was amended by adding subsection 3 to it. According to this subsection, a ban on business operations may be imposed on a person who has committed a child sexual abuse material offence or a pandering or human trafficking offence directed to a person under 18 years of age.

Article 4

129. Article 4 of the Protocol regulates the territorial jurisdiction of the States Parties. Paragraph 1 of the Article sets an obligation on each State Party to establish its jurisdiction over the offences referred to in paragraph 1 of Article 3, when the offences are committed in its jurisdiction or on board a ship or aircraft registered in that State.

130. In respect of Article 4 of the Protocol, Chapter 1, sections 1 and 2 of the Criminal Code must be considered. According to Chapter 1, section 1, subsection 1 of the Criminal Code, Finnish law applies to an offence committed in Finland. According to Chapter 1, section 2, subsection 1, paragraph 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.

131. According to Chapter 1, section 2, subsection 2 of the Criminal Code, 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.

132. The scope of application of the Criminal Code slightly narrower than required by Article 4(1) of the Protocol. The Criminal Code cannot be applied to an offence committed on board a Finnish vessel or aircraft when the vessel is in the territory of a foreign State or the aircraft is over the territory of a foreign State if the offence is committed by a person other than the one referred to in Chapter 1, section 2, subsection 1(2) of the Criminal Code. The derogation from the Protocol's obligation can, however, be deemed very minor. For example, persons visiting a vessel at a port, persons working inside an aircraft at an airport and not belonging to its crew or pilots staying at a moving vessel fall outside the scope of application of Chapter 1, section 2, subsection 1(2) of the Criminal Code. In addition, it should be taken into account that, according to Chapter 1, section 7, subsection 3 of the Criminal code, human trafficking offences are considered as international crimes to which Finnish law applies notwithstanding the law of the place of commission. In practice, the limitations are of a very limited importance.

133. According to Article 4(2) of the Protocol, each State Party may take such measures as may be necessary to establish its jurisdiction over the offences referred to in Article 3, paragraph 1 when the alleged offender is a national of that State or a person who has his habitual residence in its territory or when the victim is a national of that State.

134. Article 4(2) of the Protocol concerns discretionary grounds for jurisdiction. According to Chapter 1, section 6, subsection 1 of the Criminal Code, 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. According to Chapter 1, section 6, subsection 3, paragraph 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 is deemed equivalent to a Finnish citizen. According to Chapter 1, section 5 of the Criminal Code, Finnish law applies to an offence committed outside of Finland that has been directed at a Finnish citizen if, under Finnish law, the act may be punishable by imprisonment for more than six months. The offences referred to in Article 3(1) of the Protocol are offences for which the law imposes an imprisonment for more than six months.

135. The Article does not take a stand on the requirement of dual criminality, which, according to Chapter 1, section 11 of the Criminal Code, limits the application of Finnish law in discretionary cases under paragraph 2, *i.e.*, when a Finnish citizen or a foreign citizen permanently residing in Finland has committed an offence abroad or when an offence has been committed against a Finnish citizen in the territory of a foreign State. According to subsection 2, Finnish law can be applied in these cases 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. Pursuant to the same subsection, this requirement does not apply to child sexual abuse material offences or pandering offences directed at a person under eighteen years of age. Human trafficking offences are international offences under Chapter 1, section 7, subsection 3 of the Criminal Code to which Finnish law applies regardless of the law of the place of commission.

136. According to Article 4(3) of the Protocol, each State Party shall also take such measures as may be necessary to establish its jurisdiction over the above-mentioned offences when the alleged offender is present in its territory and it does not extradite him or her to another State Party on the ground that the offence has been committed by one of its nationals.

137. Under chapter 1, section 11(2) of the Criminal Code, Finnish law applies to the aforementioned offences referred to in chapters 17 and 20 of the Criminal Code if committed by a Finnish citizen even if the offence is not punishable under the law of the place of commission. In addition, under chapter 1, section 7(3) of the Criminal Code trafficking in persons is defined as an international offence to which Finnish law applies regardless of the law of the place of commission. Furthermore, 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. Therefore, Finland's legislation complies with the requirements of Article 4(3) of the Protocol.

138. The Finnish legislation extensively allows for extradition due to offences, including Finnish citizens, for the offences in question. In principle, extradition is possible when the most severe punishment provided for the offence exceeds imprisonment for one year. This requirement is fulfilled in the case of human trafficking, pandering and child sexual abuse material offences. The same applies to unlawful obtaining of consent to adoption. More detailed provisions on the preconditions and terms for extradition are laid down in sections 2 to 7 of the Act on Extradition between Finland and Other Nordic Countries (1383/2007), in sections 2 to 10 of the Act on Extradition on the Basis of an Offence between Finland and Other Member States of the European

Union (1286/2003), and in sections 2 to 12 of the Extradition Act (456/1970). In addition to the international obligations underlying these acts, Finland has concluded bilateral agreements on the extradition of offenders between, for example, the United States of America, Canada and Australia.

Article 5

139. Article 5 of the Protocol concerns extradition due to offences. According to paragraph 1 of the Article, the offences referred to in Article 3, paragraph 1, shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties and shall be included as extraditable offences in every extradition treaty subsequently concluded between them, in accordance with the conditions set forth in those treaties. Paragraph 3 of the Article states that States Parties that do not make extradition conditional on the existence of a treaty shall recognise such offences as extraditable offences between themselves subject to the conditions provided by the law of the requested State.

140. Paragraphs 1 and 3 of the Article do not extend the obligation of a State Party to consent to requested extradition as compared to the obligations imposed on it in an extradition treaty or national legislation. Extradition is carried out in accordance with the conditions of extradition treaties or the conditions provided by the law of the requested State. These conditions may concern, for example, the requirement for a minimum penalty set for an offence or the grounds for refusal. As already stated in connection with Article 4(3) above, the Finnish legislation extensively allows for extradition from Finland on grounds of offences set forth in the Protocol.

141. According to the clarifying provision in paragraph 4 of the Article, such offences shall be treated, for the purpose of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territories of the States required to establish their jurisdiction in accordance with Article 4. Paragraph 5 of the Article, on the other hand, imposes an obligation on a State Party to take suitable measures to bring charges against the offender if the State Party does not extradite the offender on the basis of his or her nationality. Similarly to Article 4(3) of the Protocol, this paragraph reflects the principle of *aut dedere aut judicare*.

Article 6

142. Article 6 of the Protocol contains general provisions on the provision of legal assistance in connection with investigations or criminal or extradition proceedings brought in respect of the offences covered by the Protocol.

143. According to paragraph 1 of the Article, assistance shall be offered as extensively as possible.

144. According to paragraph 2 of the Article, States Parties shall carry out their obligations under paragraph 1 in conformity with any treaties or other arrangements on mutual legal assistance that may exist between them. In the absence of such treaties or arrangements, States Parties shall afford one another assistance in accordance with their domestic law. The obligation to effectively apply existing treaty provisions or existing legislation does not require legal measures in connection with accession to the Protocol. However, reference may here be made to a few most important acts and instruments related to international legal assistance.

145. International legal assistance in criminal matters is governed by the Act on International Legal Assistance in Criminal Matters (4/1994). According to section 1 of the Act, international legal assistance includes, for example, service of notice of documents related to the proceedings of a criminal matter, hearing of witnesses and experts, use of coercive measures to obtain evidence or secure the implementation of forfeiture, initiation of prosecution measures and disclosure of information on criminal records. For Member States of the EU, the essential provisions on legal assistance in criminal matters are contained in the Act on the Implementation of the Directive Regarding the European Investigation Order in Criminal Matters (430/2017), which implements Directive 2014/41/EU in national legislation. The following, too, relate to the implementation of the obligations stemming from the European Union: the Act on Enforcement of the Provisions of a Legislative Nature Contained in the Convention on Mutual Assistance in Criminal Matters Between the Member States of the European Union and on the Application of the Convention (148/2004), the Act on the Execution in the European Union of Orders Freezing Property or Evidence (540/2005) and the Act on the national implementation of provisions within the legislative domain of the Framework Decision on the application of the principle of mutual recognition to confiscation orders and on applying the Framework Decision (222/2008). With regard to the freezing and confiscation of assets, the new Regulation (EU) 2018/1805 on the mutual recognition of freezing orders and confiscation orders was adopted in November 2018 and will enter into force in December 2020.

146. A few Council of Europe Conventions may also be mentioned among international instruments, such as the European Convention on Extradition (CETS No. 024, Finnish Treaty Series 32/1971) and the European Convention on Mutual Assistance in Criminal Matters (CETS No. 30, Finnish Treaty Series 29 and 30/1981), including their additional protocols, as well as the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (CETS No. 141, Finnish Treaty Series 53/1994). These Conventions, to which Finland has also acceded, implement international cooperation also in respect of the offences under the Optional Protocol. In addition, Finland has concluded bilateral agreements on legal assistance between certain States.

147. Further provisions on the implementation of international obligations related to extradition are laid down in the Act on Extradition between Finland and Other Nordic Countries, the Act on Extradition on the Basis of an Offence between Finland and Other Member States of the European Union, and in the Extradition Act. Extradition of offenders is also governed by the Council Framework Decision on the European arrest warrant and the surrender procedures between Member States (2002/584/JHA, OV L 190, 18 July 2002).

148. The Ministry of Justice acts as the central authority as regards extradition. In respect of the police, the National Bureau of Investigation acts as the central authority.

Article 7

149. The Article contains discretionary provisions ('subject to the provisions of their national law') related to certain criminal sanctions which can be derogated by national legislation.

150. Subparagraphs (a) and (b) of the Article concern international legal assistance related to seizure and confiscation of goods and instrumentalities used to commit or facilitate offences and sentencing of seizure and confiscation. The Finnish legislation and international commitments binding on Finland can be deemed to fulfil satisfactorily the obligations set forth in these

subparagraphs. The key provisions concerning national measures are laid down in Chapters 6 to 8 of the Coercive Measures Act (806/2011) which lay down provisions on confiscation for security, confiscation and search. Chapter 10 of the Criminal Code governs the forfeiture of proceeds of crime. The most relevant acts and international instruments related to the legal assistance under this Article were already mentioned in connection with Article 6 above.

151. Subparagraph (c) of the Article sets a discretionary obligation to take measures aimed at closing, on a temporary or definitive basis, premises used to commit such offences. In recent Council of Europe Conventions, the obligation corresponding to the one laid down in the subparagraph includes an alternative to deny the perpetrator, temporarily or permanently, the exercise of the activity in the course of which the offence was committed (Article 23(4) of the Convention on Action against Trafficking in Human Beings and Article 27(3)(b) of the Convention on the Protection of Children against Sexual Exploitation and Abuse). The paragraph under discussion deviates from the obligations established in the Council of Europe Conventions also because it allows for national discretion. In the Council of Europe Conventions, the corresponding paragraph and subparagraph are strictly binding (*'shall adopt such legislative or other measures'* and *'shall take the necessary legislative or other measures'*). According to the explanatory reports to the Conventions, this provision specifically concerns business operations.

152. When the Convention on the Protection of Children against Sexual Exploitation and Abuse entered into force in Finland, the Business Prohibition Act was amended such that a ban on business operations can be imposed, *inter alia*, on a person who, in his or her business operations, has committed a child sexual abuse material offence under Chapter 17 of the Criminal Code or a human trafficking or pandering offence directed at a child under 18 years of age. In these cases, the ban on business operations may also be imposed temporarily.

153. In the preparation of the national implementation of the Conventions concerning sexual offences and human trafficking against children (Government Proposals 282/2010 and 122/2011), it was, for several reasons, considered appropriate to choose from these alternatives a ban directed against the perpetrator. A ban on professional or business activities can be regarded as having priority over the closure of premises because the activities are carried out by physical persons while the premises are only used as an instrument. Premises where sexual offences and human trafficking offences against children have been committed can, in the future after an ownership transfer, for example, be used for legal and otherwise acceptable business activities. In addition, the closure of premises may be considered problematic in respect of the protection of property laid down in section 15 of the Constitution. It should also be noted that the Finnish criminal justice system already contains a sanction related to prohibiting the exercise of the perpetrator's operations and preventing him or her from continuing criminal activities, i.e. a ban on business operations. Consequently, the sanction concerning the closure of premises and its applicability to the Finnish sanction system has recently been considered in connection with the enforcement of two Conventions.

VI. PROTECTING THE RIGHTS OF VICTIMS

Article 8

154. The Article provides for the rights of child victims and for the support and assistance to be given to them at different stages of the criminal justice process.

155. The Council of Europe guidelines on child-friendly justice are based on securing the position of the child in all administration of justice. According to the guidelines, the child's opinion and all other rights of the child, such as the right to dignity, liberty and non-discrimination, should be taken into account in the assessment of the best interests of the child. All authorities dealing with children should, in their actions, consider all factors influencing the matter, such as the mental and physical wellbeing of the child and the child's legal, social and economic rights. The guidelines have been translated into Finnish.

156. According to the guidelines, the child's rights during judicial proceedings include the access to justice, the right to a counsel at court and, if necessary, the right to free legal aid. Furthermore, the child must have the right to be heard and express his or her views. Undue delay is to be avoided in the administration of justice, and court proceedings must be arranged in a child-sensitive manner considering, for example, the physical and linguistic conditions. When a child acts as a witness, his or her position should be facilitated by all possible means, such as by using professionals trained in dealing with children as interviewers. The number of interviews should be limited, and when a child is a victim or witness, possibilities of audiovisual recording should be encouraged, in particular.

157. According to paragraph 1 of the Article, States Parties shall adopt appropriate measures to protect the rights and interests of child victims of the practices prohibited under the present Protocol at all stages of the criminal justice process, in particular by:

- a) recognizing the vulnerability of child victims and adapting procedures to recognize their special needs, including their special needs as witnesses;
- b) informing child victims of their rights, their role and the scope, timing and progress of the proceedings and of the disposition of their cases;
- c) allowing the views, needs and concerns of child victims to be presented and considered in proceedings where their personal interests are affected, in a manner consistent with the procedural rules of national laws;
- d) providing appropriate support services to child victims throughout the legal process;
- e) protecting, as appropriate, the privacy and identity of child victims and taking measures in accordance with national law to avoid the inappropriate dissemination of information that could lead to the identification of child victims;
- f) providing, in appropriate cases, for the safety of child victims, as well as that of their families and witnesses on their behalf, from intimidation and retaliation;
- g) avoiding unnecessary delay in the disposition of cases and the execution of orders or decrees granting compensation to child victims.

158. As regards subparagraph (a) of the paragraph, according to Chapter 4, section 7 of the Criminal Investigation Act (805/2011), in the criminal investigation, a child shall be treated in the manner required by his or her age and level of development. Particular care shall be taken so that criminal investigation measures do not cause him or her unnecessary inconvenience at school, at work or in other environments important to him or her. According to the section, to the extent possible, investigation measures directed at children shall be assigned to police officers particularly trained in this function. Furthermore, when necessary, the criminal investigation authority shall

consult with a physician or other expert on whether investigation measures may be directed at a child.

159. According to the instructions issued by the National Police Board for dealing with children in police operations and criminal investigation (2020/2011/1610; valid since 3 July 2011 until further notice), criminal investigation measures must be initiated immediately when the injured party is a child. In addition, the Ministry of the Interior has, on 27 December 2007 issued, an order on the cooperation between the police and child welfare authorities in respect of the duty to notify under the Child Welfare Act (SM-2007-03802/tu-41). For example, the order instructs the police to agree on practical child welfare measures with municipal child welfare authorities. The efficient investigation of an offence against a child may require a rapid technical investigation and a forensic examination performed by a physician or a forensic pathologist.

160. According to the instructions of the National Police Board, the police may negotiate, where necessary, with an expert on questioning of small children or of children with serious developmental delays or disorders and agree on conducting the interview with the child in the most appropriate manner considering the child's age. A police officer must always be present when a child is interviewed but does not necessarily need to be in the same space with the child. According to the instructions, a child should be questioned at only one place if the child's questioning or interview is carried out in cooperation between different authorities.

161. The instructions state that the questioning should be carried out as soon as possible after the suspected offence was reported. The investigator must be able to communicate with the child in a manner that supports obtaining as comprehensive, detailed and accurate a picture of the events or suspected offence as possible. Free narration should be practiced with the child at the beginning of the questioning by discussing matters not related to the suspected offence. According to the instructions, it is important to make it clear to the child that he or she may interrupt the investigator, pose questions or make corrections if the investigator misinterprets or misunderstands him or her. The instructions note that it is important for the child to feel safe. The first questioning session may be used for getting to know each other.

162. The legal counsel and support person of the injured party, who are discussed in more detail in connection with subparagraph d below, may support the injured party during criminal investigation and court proceedings. Furthermore, according to Chapter 7, section 14 of the Criminal Investigation Act, if the person being questioned is under the age of fifteen years, the person responsible for his or her care and custody, or his or her trustee or other legal representative has the right to be present in the questioning. If the injured party is a minor over the age of fifteen years, the person responsible for his or her care and custody, or his or her trustee or other legal representative has the right to be present in the questioning if they may, in accordance with Chapter 12, section 1 or 2 of the Code of Judicial Procedure, speak on behalf of or in addition to the minor in the trial concerning the offence being investigated. The investigator may prohibit the presence of the minor's representative in the questioning if this person is a suspect in the offence under investigation. According to Chapter 7, section 12 of the Criminal Investigation Act, the investigator may on request allow also another person supporting a party or witness to be present in the questioning, if this does not hamper the clarification of the offence or endanger the secrecy obligation.

163. Chapter 9, section 3 of the Criminal Investigation Act lays down provisions on audio and video recording of the questioning of the injured party. The questioning shall be recorded if the

statement to be given in the questioning is intended to be used as evidence in criminal proceedings. According to Chapter 9, section 4 of the Criminal Investigation Act, the questioning shall also be recorded if the person to be questioned, due to his or her young age or mental disturbance, probably cannot be heard in person without causing him or her detriment. In the questioning, consideration shall be taken of the special requirements that the level of development of the person being questioned places on the methods of questioning, the number of persons participating in the questioning and the other circumstances in the questioning.

164. Chapter 9, section 4 of the Criminal Investigation Act is related to Chapter 17, section 24, subsection 3 of the Code of Judicial Procedure, which provides that if the statement given in a pre-trial criminal investigation by a person who has not reached the age of fifteen years or a person who is mentally impaired 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.

165. The regulation on judicial procedure takes into account the position of children as injured parties in a criminal matter. According to Chapter 17, section 27, subsection 1 of the Code of Judicial Procedure, a person who has not reached the age of fifteen years or who is mentally impaired may be heard for probative purposes if the court deems this appropriate and if (1) hearing him or her personally is of central significance to the clarification of the matter; and (2) hearing the person would probably not cause said person suffering or other harm that can injure him or her or his or her development. Pursuant to subsection 2 of the said section, the court shall as necessary appoint a support person for the person to be heard and the provisions in Chapter 2 of the Criminal Procedure Act (689/1997) on a support person to be appointed for a party apply to such person. Further, according to Chapter 17, section 48, subsection 5, the person to be heard shall be questioned by the court unless the court deems there to be particular reason to allow the parties to question the person. The parties shall be reserved an opportunity to submit questions to the person to be heard. If necessary, the hearing may take place elsewhere than in the court room.

166. Pursuant to Chapter 17, sections 51 and 52 of the Code of Judicial Procedure, an injured party may be heard in the main hearing without the presence of the person charged with the offence and an injured party may be heard without being present in person. In the latter case, it is possible to use a video conference or other suitable technical means of communication by which the persons participating in the hearing have audio and video contact with one another, if the court deems this appropriate. In these situations, the parties shall be reserved an opportunity to put questions to the person being heard. The grounds mentioned in Chapter 17, sections 51 and 52 of the Code of Judicial Procedure are in many respects related to situations which cause additional suffering to the victim. According to Chapter 17, section 52, subsection 1 of the Code of Judicial Procedure, an injured party may be heard in the main hearing without being present in person if the person to be heard cannot, due to illness or another reason, appear in person in the main hearing (1), his or her personal appearance in comparison to the significance of the testimony would cause considerable costs or considerable inconvenience (2); the procedure is necessary in order to protect the person to be heard or a person related to him or her from a threat directed at life or health (3); or the person to be heard has not reached the age of fifteen years or he or she is mentally impaired (4) or the person is for another reason than mentioned in (4) in need of special protection considering their age and the quality of offence (6). The grounds referred to in the sections concerned of the Code of Judicial Procedure extensively allow for hearing the victim without the presence of the accused as well as hearing the victim without him or her being present in person.

167. Section 6 of the Aliens Act lays down provisions on the application of the Act to minors, requiring, for example, paying attention to the best interests of the child. In addition, section 1 of the Act requires that international agreements binding on Finland be considered, including the Convention on the Rights of the Child.

168. Provisions on the services and support measures provided also for minor victims by the Assistance System for Victims of Human Trafficking are laid down in the Act on the Promotion of Immigrant Integration (1386/2010; 'Integration Act') and in the Act on the Reception of Applicants for International Protection.

169. The Reception Act provides for the application of the Act to a child and to a person in a vulnerable situation. According to section 5 of the Act, in the application of the Act to a person under eighteen years of age, particular attention shall be paid to the best interests of the child and to issues associated with his or her development and health. In the assessment of the best interests of the child, the provisions on its assessment laid down in the Child Welfare Act (417/2007) shall be observed. According to subsection 2, the wishes and views of the child shall be established and taken into consideration in the manner required by his or her age and level of development. Establishing the child's views may be neglected only if the establishment would endanger the child's health or development or be otherwise manifestly unnecessary. A child who has reached twelve years of age shall be reserved an opportunity to be heard in a matter concerning himself or herself in accordance with section 34 of the Administrative Procedures Act. According to subsection 3 of the said section, matters concerning a child shall be handled urgently. Pursuant to section 6 of the Reception Act, the special needs resulting from the vulnerable position of a person applying for international protection, of a person provided with temporary protection and of a victim of human trafficking, such as age or physical or mental state, shall be taken into account. The special needs resulting from the aforementioned situations are taken into account during the whole process whilst the person's matter is pending.

170. In practice, when a suspected human trafficking case is investigated, the potential victim is treated primarily as a victim, not as a suspect even though his or her own actions might seem to fulfil the elements of a violation of the Aliens Act. The starting point is that victims need time to recover and support to overcome traumatic experiences. Furthermore, every person under 18 years of age is treated as a child. As a result, the first interview with a child must be conducted in view of the best interests of the child. In practice, a child is not required to cooperate with the authorities in the same way as adults.

171. Cooperation between the authorities and coordination of information exchange in connection with violence and sexual offences against children have been improved in the Children's Advocacy Centre project known as LASTA under the Institute for Health and Welfare. Even though the model has not, so far, been expanded into a nationwide model of action, the project has provided a lot of useful information for, for example, the key project related to the reform programme of child and family services (LAPE).

172. One of the most important objectives of the LASTA project is the cooperation between different authorities. The police, prosecutor, child welfare authorities and health care personnel work together as an expert group. At the same time, a forensic psychological interview, somatic study and child welfare survey will be carried out. After criminal investigation measures, a child will receive immediate short-term psychological assistance, which helps to determine whether he or she needs other examinations or assistance. These actions allow for ensuring that an offence

directed at a child is investigated rapidly and efficiently and respecting the legal safeguards of all parties. In addition, they allow for ensuring that the child and his or her family feel that they have been treated respectfully and that they can trust the authorities. They can also ensure that the child is questioned as few times as possible and that recorded questioning is admitted as evidence at court.

173. Subparagraph (b) of this paragraph is related to chapter 4, section 18 of the Criminal Investigation Act, which provides for the obligation of the criminal investigation authority to inform an injured party of their rights. The criminal investigation authority shall inform an injured party without undue delay for instance of support services available, the right to legal counsel or a support person, the right to receive State legal aid and to be assigned a public legal aid attorney, available means to protect the injured party against threats to their health or safety, the right to be informed of a decision to waive, suspend or discontinue the criminal investigation without referring the matter to a prosecutor for consideration of charges or a decision to waive prosecution, and the right to be informed of the processing of the matter, the time and place of the court session and the judgment issued in the matter. Subparagraph (b) of the paragraph is also related to Chapter 11, section 9 of the Criminal Investigation Act which concerns the obligation of the criminal investigation authority to notify, where possible, the injured party of what measures are to be undertaken on the basis of the offence reported to the police. According to the section, the injured party shall be notified of not conducting a criminal investigation if the injured party has reported the offence or, without requesting that the person who has committed the offence be punished, requested that criminal investigation of a complainant offence be conducted. The criminal investigation authority shall in addition notify the injured party of the right to compensation from State funds in cases where the injured party is entitled to such compensation. If necessary, the criminal investigation authority shall also advise the injured party in applying for compensation. In addition, section 9 contains provisions on complainant offences, which have no relevance to offences subject to public prosecution.

174. The National Police Board has, on 1 July 2010, issued instructions to all police units for drafting criminal investigation records (POHAD no/2010/2069) and for entering information in the police information system (POHAD no/2010/2070). According to the instructions, the fact that the injured party has been informed of assistance-providing bodies, such as the Victim Support Finland, is to be entered into the record of the questioning of the injured party. This means that the police shall, on their own initiative, inform the injured party of his or her rights and where to seek assistance if he or she so wishes. During questioning, the police must always give the persons to be questioned summarised instructions, including the rights of the injured party, such as the right to use a counsel, and information on assistance-providing bodies. The investigator goes through the instructions with the person to be questioned.

175. The Ministry of Justice and the police authorities have also drawn up various instructions for crime victims. For example, the Ministry of Justice has produced a brochure Rights of a Crime Victim. It contains extensive information on, for example, the available support services and the stages of criminal proceedings. The brochure is available, for example, on the website of the Ministry of Justice and the police. It has been translated into Finnish, easy Finnish, Finnish sign language, Swedish, easy Swedish, English, Estonian, Russian, Sámi, Somali and Arabic. The police have also produced a separate brochure for victims of violence. The police website contains a list of bodies that victims may contact.

176. The Government Proposal (282/2010) relating to sexual offences against children states (p. 79 in the Finnish text) that necessary information should be given to the victim as early as possible, *i.e.*, when he or she first comes into contact with authorities in a criminal matter. Often this is the stage at which a criminal report is filed. It may take a while until the questioning takes place. In this respect, there may be room for improvement in the present practices and related instructions.

177. Provisions on the participation of the injured party in criminal proceedings pursuant to subparagraph (c) of the paragraph are laid down in the Criminal Investigation Act and in the Criminal Procedure Act. As regards subparagraph (d), in practice the economic situation of the injured parties of the offences referred to in the Protocol is such that they are entitled to legal aid compensated from State funds. According to section 1 of the Legal Aid Act (257/2002), 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. 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 the Legal Aid Act.

178. According to section 4, subsection 1, paragraph 1 of the Legal Aid Act, the granting of legal aid exempts the recipient from liability for the fees and compensations for an attorney appointed or approved under the Legal Aid Act, in full or in part, and for the fees and compensations arising from the interpretation and translation services required in the consideration of the matter. It may be assumed that the economic situation of children who are injured parties in criminal matters is often such that they have the right to receive legal aid fully compensated from State funds. Further provisions on the preconditions for legal aid related to the applicant's economic situation are laid down in the Government Decree on Legal Aid (388/2002).

179. The nature and seriousness of the offences concerned are such that, in practice, the restrictions to the coverage (section 6) and provision (section 7) of legal aid laid down in the Legal Aid Act are not applicable, such as the fact that legal aid does not cover a simple criminal case and legal aid is not provided for a matter of minor importance to the applicant.

180. According to Chapter 2, section 1a, paragraph 3 of the Criminal Procedure Act, the court may appoint trial counsel for an injured party for the criminal investigation and, when the injured person has claims in a case in which the prosecutor has brought charges, for the criminal proceedings in a case concerning a sexual offence referred to in Chapter 20 of the Criminal Code, unless there is a special reason for deeming this unnecessary; and in a case concerning an offence against liberty, if this is to be deemed justified with consideration to the seriousness of the offence, the personal circumstances of the injured person and the other circumstances. A human trafficking offence belongs to offences against liberty.

181. According to Chapter 2, section 3 of the Criminal Procedure Act, if the injured party in the offence referred to in section 1a, who is to be heard in person in order to clarify the case, may be deemed to need support in the criminal investigation and the criminal proceedings, an adequately qualified support person may be appointed for him or her on the conditions referred to in section 1a.

182. As regards subparagraph (e) of the paragraph, the Finnish legislation protects the privacy and identity of the injured party in several ways in connection with criminal proceedings. The Act on the Openness of Government Activities (621/1999) is applied in the criminal investigation and prosecution proceedings. Section 24 of the said Act lays down provisions on documents that the

authorities shall keep secret. According to subsection 1, paragraph 26, these include 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 or her, unless the granting of access is necessary for the performance of an official task.

183. Pursuant to section 6, subsection 1, paragraph 1 of the Act on the Publicity of Court Proceedings in General Courts (370/2007), 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 be kept secret. However, on the request of the party in question the information referred to in section 1 concerning his or her identity is public.

184. Section 9 of the Act on the Publicity of Court Proceedings in General Courts lays down provisions on trial documents that are to be kept secret. According to its subsection 1, paragraph 2, a trial document shall 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. Pursuant to paragraph 3 of the subsection, the secrecy obligation also concerns information regarding the victim of an offence if providing the information would violate the victim's rights or offend his or her memory or persons close to him or her. According to subsection 2, on the basis of a weighty public or private interest connected with the case or on the request of the person whom the information concerns, the court may decide that trial documents which are to be kept secret in accordance with the provisions of subsection 1, paragraph 2 or 3 are public in part or in full. The information referred to above in subsection 1, paragraph 2 shall not, however, be kept secret in a criminal case to the extent that it is essentially connected with the act referred to in the charges or to its assessment under criminal law, unless on the basis of section 10 the court orders that this is to be kept secret (subsection 3). According to 10 of the Act the court may, on the request of a party or also for a special reason, decide that a trial document shall be kept secret to the extent necessary if it contains information which is to be kept secret on the basis of the provisions of another Act and revealing this information would probably cause significant detriment or harm to the interests that said secrecy obligation provisions are to protect.

185. Section 15 of the Act on the Publicity of Court Proceedings in General Courts lays down provisions on closed proceedings. According to paragraph 2, the court may, on the request of a participant in the case or also for a special reason, decide that oral proceedings shall be held in full or to the necessary extent without the presence of the public if sensitive information regarding matters relating to the private life, health, disability or social welfare of a person are presented in the case. Pursuant to paragraph 3, the court may also make such a decision when a trial document that the court has ordered to be kept secret is presented in the case. Closed proceedings are also possible if a person below the age of 15 years or a person whose legal capacity is limited is heard in the case.

186. The detailed justification of the Act on the Publicity of Court Proceedings in General Courts (Government Proposal 16/2006) mentions sexual offences as examples of offences involving particularly sensitive information relating to the private life of a person. Human trafficking offences in the cases referred to in the Protocol are related to sexual abuse. Considering the *modi operandi* of human trafficking offences and the means used in them, they can often be assumed to involve such humiliation and suffering caused by the offence that the legal provisions concerned may also be applied to victims of human trafficking offences.

187. Chapter 11, section 7 of the Criminal Investigation Act sets forth that information on a criminal investigation shall be provided in a manner so that no one is unduly subjected to suspicion and no one is unnecessarily subjected to harm or inconvenience.

188. Chapter 24, section 8 of the Criminal Code lays down provisions on the punishability of dissemination of information violating personal privacy. According to subsection 1, a person who unlawfully through the use of the mass media, or otherwise by making available to many persons disseminates information, an insinuation or an image of the private life of another person, so that the act is conducive to causing that person damage or suffering, or subjecting that person to contempt, shall be sentenced for the said offence. The spreading of information, an insinuation or an image of the private life of a person in politics, business, public office or public position, or in a comparable position, does not constitute dissemination of information violating personal privacy, if it may affect the evaluation of that person's activities in the position in question and if it is necessary for purposes of dealing with a matter of importance to society. This penal provision is also applicable to a child who is the injured party in a criminal matter.

189. The privacy and identity of victims are also protected by means of media self-regulation. According to paragraph 27 of the Guidelines for Journalists established by the Union of Journalists in Finland and the Support Association for the Council for Mass Media, which entered into force on 1 January 2011, highly delicate matters concerning people's personal lives may only be published with the consent of the person in question, or if such matters are of considerable public interest. Protection of privacy must also be considered when using photographic materials. Paragraph 28 of the guidelines states that discretion must always be exercised when reporting on occurrences of illnesses or deaths or on victims of accidents or crimes. Furthermore, according to paragraph 30, the right to privacy also applies when publishing public documents or other public sources. The public availability of information does not necessarily imply that it can be freely published. Particular discretion should be used when an issue concerns minors. Furthermore, paragraph 33 states that information about the convicted, charged or suspected individual should not be published if it may reveal the identity of the victim of a highly sensitive crime. Paragraph 34 of the guidelines sets forth that the identity of a victim of a highly sensitive crime must be protected, unless the matter is of considerable public interest.

190. First of all, Chapter 15, section 9 of the Criminal Code relates to subparagraph (f) of the paragraph, penalising threatening a person to be heard in the administration of justice. There are also several other procedural provisions governing criminal proceedings, aiming to create a situation where the person to be heard can give his or her account safely. According to section 20, subsection 1 of the Act on the Publicity of Court Proceedings in General Courts, 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 in the manner referred to in Chapter 15, section 10, subsection 2 of the Criminal Code, against a threat to his or her life or health.

191. According to Chapter 17, section 51, subsection 1, paragraph 1 of the Code of Judicial Procedure, a witness or 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 in the manner referred to in Chapter 17, section 1 of the Criminal Code, from a threat directed at life or health. To protect a witness and an injured party from such threat, they may, under Chapter 17, section 52 of the Code of Judicial Procedure, be heard in the main hearing without being present in person, through the

use of a video conference or other suitable technical means of communication by which the persons participating in the hearing have audio and video contact with one another, if the court deems this appropriate.

192. Chapter 5, section 3, subsection 2 of the Criminal Procedure Act and Chapter 25, section 16, subsection 1 of the Code of Judicial Procedure limit the information that need to be given on injured parties and witnesses to the opposing party in connection with an application for summons and an appeal. Pursuant to section 11, subsection 2, paragraph 7 of the Act on the Openness of Government Activities, a party is not entitled to receive secret contact information of a witness or an injured party, for example, if provision of the information would endanger the safety, interests or rights of the witness or injured party. According to section 24, subsection 1, paragraph 31 of the last-mentioned Act, contact information shall also be kept secret if the person has asked for the information to be kept secret and he or she has a justified reason to believe that his or her own health or safety or that of his or her family are in jeopardy.

193. According to section 9, subsection 1, paragraph 5 and section 24, subsection 1, paragraph 1 of the Act on the Publicity of Court Proceedings in General Courts, the trial document and part of the decision shall be kept secret in so far as they contain contact information referred to in section 11, subsection 2, paragraph 7 or section 24, subsection 1, paragraph 31 of the Act on the Openness of Government Activities. The security check measures under the Act on Security Checks at Courts (1121/1999) improve the safety of persons visiting courts. According to section 22, subsection 3 of the Police Act (493/1995), to secure the safety of persons present at a court proceeding, police officers have the right to search persons arriving at such event or persons in the immediate vicinity and their personal goods to ensure that they do not have any objects or substances that could endanger the safety of persons present at the event.

194. One of the purposes of the Act on Restraining Orders (898/1998) is to improve the legal protection of persons who feel threatened. Chapter 2, section 5 of the Police Act (872/2011) provides that a person violating domestic premises may be removed. According to Chapter 2, section 10 of the Police Act, police officers have the right to remove a person from a place if there are reasonable grounds to believe based on the person's threats or other behaviour that he or she would commit an offence against life, health, liberty, domestic premises or property. Pursuant to Chapter 7, section 3, subsection 1 of the Police Act, members of police personnel are not obliged to disclose information concerning the identity of persons who provided them with confidential information during their employment relationship.

195. According to Chapter 16, section 2, subsection 1 of the Act on the Treatment of Persons in Police Custody (841/2006), Chapter 19, section 4, subsection 1 of the Imprisonment Act (767/2005) and Chapter 16, section 1, subsection 9 of the Remand Act (768/2005), an injured party or another person may be notified of the release or exit of a person deprived of his or her liberty if there are reasonable grounds to suspect that the person to be released will commit an offence directed at the life, health or liberty of the said person or a person close to the said person. Under chapter 19, section 4(2) of the Imprisonment Act and chapter 16, section 1(2) of the Remand Act, the injured party in an offence against life, health, liberty or peace or in a sexual offence may, if they so wish, be informed of the release of a prisoner or remand prisoner and, under certain conditions, of the exit of such a person from prison for other reasons. These provisions concern specific offences listed in the legislation in the case of which such notification may be considered justified in view of the nature and severity of the original offence. It is stipulated that such a

notification may be made if it is considered that doing so will not jeopardise the life or health of the prisoner or remand prisoner in question.

196. According to section 12, subsection 2, paragraph 1 of the Act on Population Information System and Certificate Services Provided by the Population Register Centre (661/2009), the personal identity code may be changed if this is absolutely necessary in order to protect the person concerned in situations where there is an evident and permanent threat to his or her health or safety. Pursuant to section 36, subsection 1 of the said Act, if a person has a justified and manifest reason to suspect that his or her health or safety or that of his or her family is threatened, a disclosure prohibition may be entered in the Population Information System at his or her request, in which case information may be disclosed only to authorities under certain conditions. The Name Act (694/1985), on the other hand, includes provisions on changing the first and the family name.

197. As regards subparagraph (g) of the paragraph, it may be noted that the starting point in Finland is that offences are investigated and processed as quickly as possible. According to the interpretative practice of the European Court of Human Rights, criminal investigation is also part of criminal proceedings. Pursuant to Chapter 3, section 11 of the Criminal Investigation Act, a criminal investigation shall be conducted without undue delay. The assessment of charges is conducted by a public prosecutor who, under section 1, subsection 1 of the Act on Public Prosecutors (199/1997), shall make decisions concerning the realisation of criminal liability expediently. Chapter 5, section 12, subsection 1 of the Criminal Procedure Act provides that a main hearing shall be ordered in a case without delay after the preparation has been conducted. The above-mentioned provisions do not set any fixed time limits nor distinguish between offences on the basis of their quality. The reason for this is that the time needed for handling a matter varies from case to case, which requires certain flexibility. This also applies to the offences under the Protocol. They may require a thorough investigation and thus be time-consuming.

198. Section 3 of the Act on Organising the Investigation of a Sexual Offence against a Child (1009/2008) contains a special reference that an investigation shall be initiated and conducted without undue delay. If it is established that initiating or continuing an investigation will endanger the child's health, the investigation shall be postponed or discontinued. In addition, the Child Welfare Act (417/2007) contains a provision according to which services needed by children in connection with the investigation of suspected sexual abuse or assault must be arranged in health care such that they can be provided urgently. In the context of the offences under the Protocol, the offence to be investigated may be sexual abuse of a child or its aggravated form (Chapter 20, sections 6 and 7 of the Criminal Code).

199. According to the general instructions on the prioritisation of prosecution matters issued by the Prosecutor-General (VKS:2009:2), offences against children must usually be considered urgent and, consequently, the related assessment of charges should be carried out expediently.

200. The processing of claims for damages for child victims and the enforcement of compensations depend on how quickly the criminal matter to which the claims pertain is processed. Further provisions on the processing and enforcement of compensations are laid down in the Act on Compensation for Crime Damage (1204/2005) and in the Enforcement Code (705/2007).

201. According to paragraph 2 of the Article, States Parties shall ensure that uncertainty as to the actual age of the victim shall not prevent the initiation of criminal investigations, including investigations aimed at establishing the age of the victim.

202. According to Chapter 3, section 3 of the Criminal Investigation Act, the criminal investigation authority shall conduct an investigation when, on the basis of a report made to it or otherwise, there is reason to suspect that an offence has been committed. Within the framework of this section, initiating a criminal investigation does not in practice require certainty about the victim's age when the age has importance to the fulfilment of the elements of offence. This aspect is also covered by the threshold of 'reason to suspect' under the said section. Usually there is no uncertainty as to the victim's age. However, this question may be relevant in the investigation of a child sexual abuse material offence, for example.

203. According to paragraph 3 of the Article, States Parties shall ensure that, in the treatment by the criminal justice system of children who are victims of the offences described in the present Protocol, the best interest of the child shall be a primary consideration.

204. According to Article 3(1) of the Convention on the Rights of the Child, in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

205. The Child Welfare Act defines the concept of the best interests of the child on the statutory level. According to section 4 of the Act, when assessing the need for child welfare and in the provision of child welfare, it is first and foremost the interests of the child that must be taken into account. When assessing the interests of the child, consideration must be given to the extent to which the alternative measures and solutions safeguard the following for the child: balanced development and wellbeing, and close and continuing human relationships; the opportunity to be given understanding and affection, as well as supervision and care that accord with the child's age and level of development; an education consistent with the child's abilities and wishes; a safe environment in which to grow up, and physical and emotional freedom; a sense of responsibility in becoming independent and growing up; the opportunity to become involved in matters affecting the child and to influence them; and the need to take account of the child's linguistic, cultural and religious background.

206. The best interests of a child victim are guaranteed by considering the aspects related to his or her young age in the criminal proceedings and in the treatment of the injured party and by promoting the injured party's access to his or her rights. Consequently, the other paragraphs of the Article discussed above provide the main practical content for the measures promoting the best interests of the child.

207. Paragraph 4 of the Article states that States Parties shall take measures to ensure appropriate training, in particular legal and psychological training, for the persons who work with victims of the offences prohibited under the present Protocol.

208. The police have provided their personnel with training on interviewing children, and where possible, persons with this training will be responsible for questioning children. The Police University College annually organises a two-week course on criminal investigation. The course deals with investigation and investigation methods in relation to cases of a suspected sexual offence against a child. Prosecutors and health care personnel, for example, also participate in the training organised by the police. Other training on investigation also deals with children as victims of crime and as in need of help because of traumatic experiences. The instructions issued by the Ministry of the Interior for dealing with children in police operations and criminal investigation were already discussed above. As regards child sexual abuse material offences, it can be mentioned that the

National Bureau of Investigation has a unit specialised in investigating such offences. Other police units may also use this unit's expertise in their work.

209. The required specialisation and professional competence are also governed by the Act on Organising the Investigation of a Sexual Offence against a Child (1009/2008), where section 2, subsection 2 provides that persons performing investigations referred to in the Act shall have the necessary education, professional competence and experience required by the appropriate performance of their duties.

210. In 2010, the National Police Board implemented a pilot project which provided special training for psychologists, health care professionals and police officers carrying out interviews of children in criminal investigations to deepen their professional competence. The training aims at improving the quality of interviews in exploitation and abuse cases, developing the employees' interviewing skills and reducing the burden of work by providing suitable tools for work and guidance, especially for problematic interviewing situations. A further objective of the training is to strengthen the cooperation between police officers and health care professionals. The training lasts for one year at a time and includes training days, mentoring days and initial and final seminars. The intention is to provide the training on a permanent basis. The National Police Board has organised training in interviewing skills since 2009. Since 2020 training will be permanently annually be organised by the Police University College

211. Prosecutors specialised in certain offence types started their work in 2000. A group of specialised prosecutors is specialised in certain offences directed against persons, including sexual offences. There are eight specialised prosecutors. Furthermore, different prosecutor districts have other prosecutors who in practice take care of most of the sexual offences to be handled by their districts. The Office of the Prosecutor General also provides quality training for prosecutors on different topics. Since 2006, the Office of the Prosecutor General has provided training on human trafficking offences, participated by both prosecutors and judges.

212. The Ministry of Justice has in 2018 organised training together with the Rape Crisis Centre Tukinainen for judges, prosecutors, police, public and private legal counsels and trustees in meeting victims of crime. The aim of the training was to raise awareness of the victims needs among the professionals and to share tools to be used in assisting the recovery of the victims and enable the smooth progress of the criminal proceedings. Training has been organised in Helsinki (twice), Tampere, Kuopio, Turku, Oulu, Rovaniemi, Joensuu and Vaasa.

213. Courts have been provided with training on forensic psychology, and the topics discussed have also covered hearing a child at court. In addition, the training programme for general courts has included courses on children's rights and on sexual offences against children. The topics of the latter course have included elements of sexual offences, sentencing practice and presentation of evidence in sexual offences against children. In addition to judges, legal counsels have been able to participate in the courses. Judges and prosecutors have also been offered training on changes in the regulation concerning sexual offences against children.

214. Paragraph 5 of the Article imposes an obligation on States Parties, in appropriate cases, to adopt measures in order to protect the safety and integrity of those persons and/or organizations involved in the prevention and/or protection and rehabilitation of victims of such offences.

215. In respect of the paragraph, reference is made to the legislation concerning protection from crimes discussed above in connection with paragraph 1(f) of the Article.

216. According to paragraph 6 of the Article, nothing in the present Article shall be construed as prejudicial to or inconsistent with the rights of the accused to a fair and impartial trial.

217. This paragraph involves the right of a person suspected of an offence to present or have questions presented to the victim of the offence when the questioning statement by the latter is audio- and video-recorded in accordance with Chapter 9, section 4 of the Criminal Investigation Act for use as evidence at a trial. According to the said section, the suspect in the offence shall be reserved an opportunity to present questions to the person being questioned by himself or herself or by his or her attorney or counsel. Reserving an opportunity for the suspected person to present questions is highly important as often the only actual evidence of the offence is an account by a child. Such an opportunity must also be reserved when a recording is used as evidence in a trial (Chapter 17, section 11, subsection 2 of the Code of Judicial Procedure).

218. Both domestic case law (Supreme Court decision 2006:107, Supreme Court decision 2008:68 and Supreme Court decision 2008:84) and the case law of the European Court of Human Rights (rulings in cases *W. v. Finland* of 24 April 2007, *F. and M. v. Finland* of 17 July 2007, *D. v. Finland* of 7 July 2009 and *A.S. v. Finland* of 28 September 2010) have considered that a conviction cannot be based on evidence that is solely or decisively based on statements which have been presented on a video recording or given to health care personnel by a child and which the accused person has not been able to dispute.

Article 9

219. Paragraph 1 of the Article imposes an obligation on States Parties to adopt or strengthen, implement and disseminate laws, administrative measures, social policies and programmes to prevent the offences referred to in the present Protocol. Particular attention shall be given to protect children who are especially vulnerable to those practices. The Non-Discrimination Ombudsman was appointed as the National Rapporteur on Trafficking in Human Beings (Act 1326/2014) as of 1 January 2015. The National Rapporteur on Trafficking in Human Beings submits an annual report on human trafficking and the related phenomena to the Government and a similar report every four years to Parliament.

220. According to paragraph 2 of the Article, States Parties shall promote awareness in the public at large, including children, through information by all appropriate means, education and training, about the preventive measures and harmful effects of the offences referred to in the present Protocol. In fulfilling their obligations under this Article, States Parties shall encourage the participation of the community and, in particular, children and child victims, in such information and education and training programmes, including at the international level.

221. The training and awareness-raising measures of the revised Action Plan against Trafficking in Human Beings also promote awareness of preventive measures against human trafficking and of harmful effects of human trafficking. Furthermore, the training provided by the police at schools, for example, deals with the rights of the child and how to treat the child if he or she is a potential crime victim.

222. Paragraph 3 of the Article requires States Parties to take all feasible measures with the aim of ensuring all appropriate assistance to victims of such offences, including their full social integration and their full physical and psychological recovery.

223. According to section 33 of the Reception Act, the purposes of the assistance system include the following: to decide on the admission of a person to the assistance system, where necessary after hearing a multidisciplinary expert group; to grant a recovery period referred to in section 36 for a victim of human trafficking or the reconsideration period referred to in section 52b of the Aliens Act as provided in section 52c of the same Act; to continue the recovery or reconsideration period and interrupt it; to arrange assistance measures for a victim of human trafficking who has no municipality of residence referred to in the Municipality of Residence Act in Finland; to cooperate with the municipality in assisting a victim of human trafficking who has a municipality of residence referred to in the Municipality of Residence Act in Finland; to identify a victim of human trafficking as set forth in section 38, subsection 3; and to decide on the removal of a victim of human trafficking from the assistance system, where necessary after hearing a multidisciplinary expert group. The decisions referred to in section 33, subsection 1, paragraphs 1, 2, 5 and 6 are made by the Director of the Joutseno Reception Centre or by an official designated by him or her.

224. During the current government term, an act will be drafted to ensure the possibilities of municipalities in assisting victims and to introduce references to victims of human trafficking into acts governing social welfare and health care.

225. In May 2019, the Ministry of Social Affairs and Health issued a municipal info bulletin advising local authorities to engage with and help victims of human trafficking, who are entitled to special support and services in Finland. Local authorities need more information and tools for helping the victims of human trafficking regardless of whether the victims have a domicile in Finland or not. The purpose of the advisory was to clarify the rights of victims of human trafficking to use social welfare and health care services. The advisory further included information to raise awareness of the Reception Act among municipal social welfare and health care authorities. The purpose of this is to facilitate the recognition of the special status of victims of human trafficking as recipients of services in municipalities. The bulletin further included information on the Assistance System for Victims of Human Trafficking and how to refer people to it, and on compensation payable to local authorities. The bulletin was jointly prepared by the Ministry of Social Affairs and Health, the Ministry of the Interior, the Ministry of Economic Affairs and Employment and the Finnish Immigration Service.

226. The Assistance System for Victims of Human Trafficking operates in connection with the reception system of persons applying for international protection. According to section 17 of the Reception Act, an unaccompanied child shall be accommodated in a group home, supported housing unit or in other accommodation for children.

227. Pursuant to section 38e of the Reception Act, the state-run Joutseno Reception Centre cooperates with child welfare authorities in assisting minor victims of human trafficking and children accompanying victims.

228. In addition to accommodation, education and care, minor victims will be provided with social and health care services, leisure time services and interpretation and translation services. The personnel at group homes intended for accommodating unaccompanied children applying for international protection include a social worker. Health services are provided by the nurse working at the reception centre as well as by the health care service provider from which the reception centre purchases such services. Children will be provided with health care services which are more extensive than the necessary services provided for a person applying for international protection.

229. According to section 39 of the Reception Act, a guardian will be appointed to a child applying for international protection, a child receiving temporary protection and to a child who is a victim of human trafficking and has no residence permit without delay if the child does not have a caregiver or other legal representative in Finland. The guardian is appointed by the District Court in whose jurisdiction the reception centre where the child is registered as a resident is located. Under section 56 of the Reception Act, a guardian will be appointed (by the District Court) to a child who is a victim of human trafficking and has a residence permit without delay if the child does not have a caregiver or other legal representative in Finland.

230. Family policy, which is part of social policy, pays attention to ensuring the wellbeing of children and families by various means. One of the starting points and objectives of the policy programme for the wellbeing of children, young persons and families is to respect the general principle of the best interests of the child and to take the best interests of the child into account in the preparation of legislation and in other decision-making contexts. An Ombudsman for Children operates as an independent authority in connection with the Ministry of Justice, and one of the Ombudsman's duties is to monitor the implementation of the rights of the child in Finland and to promote their implementation in our country.

231. Relevant provisions of the Child Welfare Act applicable to child victims as well as other provisions and procedures applicable to children: The Child Welfare Act gives the authorities the possibility of intervening in the situation of a minor where necessary. The starting point of the Act is the best interests and wellbeing of the child. Section 15 of the Child Welfare Act imposes an obligation on health centres and hospital districts to 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.

232. Section 25 of the Child Welfare Act lays down provisions on the duty to notify. The section imposes a duty on certain authorities 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. The persons referred to above in subsection 1 shall have a duty to file a report with the police notwithstanding confidentiality provisions when they have reason to believe, on the basis of circumstances made known to them in the course of their work, that a child has been subject to: 1) an act punishable as a sexual offence pursuant to chapter 20 of the Criminal Code (39/1889); or 2) an act punishable as an offence against life and health pursuant to chapter 21 of the Criminal Code, if the maximum punishment for the offence is at least two years of imprisonment.

233. In the context of actions against human trafficking, the content and organisation of the reception of child victims are partly comparable to the operations of child welfare institutions. The content in addition to the Reception Act is also defined by the recommendations of international organisations, such as Save the Children and the United Nations High Commissioner for Refugees (UNCHR). The preservation of the children's own culture, religion and language and the development of a multicultural identity are emphasised in the reception of child victims. Section 60 of the Child Welfare Act defines the qualification requirements for personnel at group homes, supported housing unit or in other accommodation for children.

234. The revised Action Plan against Trafficking in Human Beings aims at providing children and young persons with access to preliminary or basic education and/or secondary education as well as with adequate support for undertaking and completing studies.

235. Paragraph 4 of the Article obligates States Parties to ensure that all child victims of the offences described in the present Protocol have access to adequate procedures to seek, without discrimination, compensations for damages from those legally responsible.

236. In Finland, the injured parties of offences are always entitled to full compensation for the injury caused by an intentional offence, such as a human trafficking offence. The victim has, as the injured party in a criminal matter, the right to also receive compensation for his or her legal expenses from the perpetrator to the extent they are not compensated from State funds under the Legal Aid Act, or from elsewhere. The use of a legal counsel helps the injured party to access his or her rights as well as the fact that the injured party can present a claim for damages based on an offence in criminal proceedings initiated by a public prosecutor without having to initiate separate proceedings for compensation for damages.

237. The general liability for damages and the damage to be compensated are based on the Tort Liability Act (412/1974). Under the said Act, compensation for damage caused by a criminal offence comprises a compensation for personal injury and damage to property as well as for the suffering caused by the offence. The implementation of the right to compensation for damage is secured by the fact that the injured party may also apply for compensation under the Act on Compensation for Crime Damage from the State Treasury, which is paid from State funds as set forth in the said Act.

238. Paragraph 5 of the Article obligates States Parties to take appropriate measures aimed at effectively prohibiting the production and dissemination of material advertising the offences described in the present Protocol.

239. According to Chapter 2, section 1 of the Consumer Protection Act (38/1978), marketing may not be contrary to the accepted principles of morality. According to section 2 of the same Chapter, marketing is considered to be contrary to the accepted principles of morality if it is clearly in conflict with generally accepted social values. The Consumer Ombudsman and the Market Court have defined principles of marketing contrary to the accepted principles of morality in their case law. The fact whether marketing is contrary to the accepted principles of morality is evaluated in the light of generally accepted social values and principles which are reflected in the valid legislation and other regulations. Marketing encouraging unlawful conduct is always contrary to the accepted principles of morality. Consequently, the marketing material referred to in the paragraph should be regarded as contrary to the accepted principles of morality as referred to in the Consumer Protection Act and the dissemination of such material could be prohibited under the marketing provisions of the Act. The Consumer Ombudsman may only conduct *ex-post* monitoring of marketing. However, at least so far this has not caused problems as no cases relating to the dissemination of this kind of marketing material have been reported to the Ombudsman.

240. The Criminal Code also imposes sanctions for this kind of marketing. According to Chapter 17, section 20, subsection 1 a person who, for gain, markets an obscene picture, visual recording or object which is conducive to causing public offence by, for example, 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. According to subsection 2, also a person who, in the manner referred to above,

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.

241. In this respect, the obligation under the Protocol is not limited to marketing in the context of economic activity. As far as some kind of incitement to committing offences covered by the Protocol or presenting them favourably is concerned, it should be noted that Chapter 17, section 1 of the Criminal Code penalises public incitement to an offence. 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 causes a danger of the offence or a punishable attempt being committed, or otherwise clearly endangers public order or security, shall be sentenced for the said offence to a fine or to imprisonment for at most two years. If the exhortation or incitement causes the commission of an offence or its punishable attempt, the provisions of Chapter 5 on complicity in an offence apply. In this case, the person who has committed public incitement can be sentenced as the instigator. Chapter 17, section 1 of the Criminal Code should be mentioned here even though it may be difficult to prove that public incitement has, in an individual case, concretely influenced the perpetrator's formation of his or her intent.

242. Pursuant to chapter 10, section 4, subsection 1 of the Criminal Code, an instrument of crime shall be ordered forfeit to the State. Under subsection 2, an object or property that has been used in the commission of an intentional offence and an object or property that is closely connected to an intentional offence for which the proceedings have been brought, when it has been obtained or prepared solely or mainly for the intentional offence or where its characteristics make it especially suitable as an instrument of an intentional offence. Under subsection 3, in the assessment of the need for forfeiture, special consideration shall be taken of the prevention of further offences.

243. Also, pursuant to chapter 10, section 5 an object or property which has been produced, manufactured or brought about by way of an offence, or at which an offence has been directed, shall be ordered forfeit to the State if its possession is punishable. Moreover, an object or property which has been produced, manufactured or brought about by way of an offence, or at which an offence has been directed, may be ordered fully or partially forfeit, if forfeiture is necessary due to the object or property being hazardous to health or the environment, or in order to prevent further offences, where the object or property is especially suitable as a target of an offence or as an instrument of crime.

VII. INTERNATIONAL ASSISTANCE AND COOPERATION

International cooperation

244. Significant amendments concerning sexual offences against children entered into force in 2011 when Finland acceded to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Abuse (the Lanzarote Convention). The minimum sentence for sexual abuse of a child was increased from 14 days to four months of imprisonment, and the provisions on abuse offences were amended with the effect that a sexual intercourse with a child of a certain age is in principle always aggravated sexual abuse of a child. Solicitation of a child for sexual purposes and following of a sexually offensive performance of a child were also introduced as new punishable offences. The legislative amendment that entered into force at the beginning of

2011 increased the number of recorded abuses considerably. The amendment made minor assaults against minors or intimate partners subject to official charges.

245. In addition, the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197, Finnish Treaty Series 43 and 44/2012) entered into force in Finland on 30 May 2012.

246. Finland is also a member of the international CBSS Expert Group for Cooperation on Children at Risk (EGCC). The EGCC identifies, supports and implements cooperation between countries and organisations for children. It has primarily sought to, for example, protect children from all forms of sexual abuse and to ensure protection of children against all forms of violence, abuse and neglect.

247. The EGCC's operations are founded on the Convention on the Rights of the Child: the objective is to guarantee the right of children to protection from abuse and mistreatment. It tries to prevent problems or at least address them at as early a stage as possible. Central themes include sexual abuse, issues related to the immigration and human trafficking of undocumented children, as well as the position of children at institutions and in other non-home care.

248. In addition to the measures implemented by each State, the expert network has initiated several joint projects. The network coordinates these projects, while the actual implementation is carried out, for example, by organisations, research institutes or agencies. Finland acted as the President of the CBSS between 2013 and 2014.

VIII. OTHER LEGAL PROVISIONS

249. The Criminal Code of Finland penalises human trafficking offences against a child more extensively than required by the Optional Protocol. According to Chapter 25, section 3, subsection 2 of the Criminal Code, a person who takes control over a person under eighteen years of age or recruits, transfers, transports, receives or provides accommodation for this person for purposes of sexual abuse, forced labour or other demeaning circumstances or removal of bodily organs or tissues for economic profit shall be sentenced for trafficking in human beings. According to Chapter 25, section 3a, the offence is aggravated if it has been committed against a child below the age of eighteen years or against a person whose capacity to defend himself or herself has been substantially diminished. Sentencing for trafficking in human beings directed against a person of this age group does not require committing the act against a fee or other benefit.

250. As a result of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Abuse, Finland has criminalised child sexual abuse material offences more extensively than required by Optional Protocol as the latter does not include an obligation to criminalise acquisition of access to child sexual abuse material by means of information and communications technology.

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