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**Table 1 Foreigners in Finland 1990-2006**

<b>Country of citizenship:</b>	<b>1990</b>	<b>2000</b>	<b>2002</b>	<b>2004</b>	<b>2006</b>
Russia	.	20 552	24 336	24 626	25 326
Estonia	.	10 839	12 428	13 978	17 599
Sweden	6 051	7 887	8 037	8 209	8 265
Somalia	44	4 190	4 537	4 689	4 623
China	312	1 668	2 086	2 613	3 382
Former Serbia and Montenegro	.	1 204	2 177	3 336	3 340
Iraq	107	3 102	3 420	3 392	3 045
Thailand	239	1 306	1 784	2 289	2 994
Germany	1 568	2 201	2 461	2 626	2 978
United Kingdom	1 365	2 207	2 535	2 655	2 910
Turkey	310	1 784	2 146	2 359	2 886
Iran	336	1 941	2 363	2 555	2 602
United States	1 475	2 010	2 146	2 040	2 199
Afghanistan	3	386	1 061	1 588	2 011
India	270	756	1 012	1 343	1 990
Viet Nam	292	1 814	1 713	1 538	1 811
Bosnia and Herzegovina	.	1 627	1 701	1 641	1 599
Others	13 883	25 600	27 739	26 869	32 179
<b>Total</b>	<b>26 255</b>	<b>91 074</b>	<b>103 682</b>	<b>108 346</b>	<b>121 739</b>

**Table 2 Population by mother tongue 2002-2006**

<b>Language</b>	<b>2002</b>	<b>2005</b>	<b>2006</b>
Finnish	4 793 199	4 819 819	4 828 747
Swedish	290 771	289 675	289 609
Russian	31 093	39 653	42 182
Estonian	11 088	15 336	17 486
English	7 406	8 928	9 659
Somali	6 920	8 593	8 990
Arabic	5 301	7 117	7 564
Kurdish	3 477	5 123	5 469
Albanian	3 993	5 076	5 415
Chinese	3 241	4 613	5 071
Vietnamese	3 716	4 202	4 411
German	3 453	4 114	4 407
Turkish	2 651	3 595	3 929

Language	2002	2005	2006
Persian	1 399	3 165	3 529
Thai	1 710	3 033	3 456
Spanish	2 179	2 937	3 242
French	1 699	2 071	2 262
Lappish	1 734	1 752	1 772
Polish	1 222	1 445	1 642
Serbo-Croat	2 288	1 378	1 379
Other	16 361	23 955	26 731
<b>In total</b>	<b>5 194 901</b>	<b>5 255 580</b>	<b>5 276 955</b>

**Table 3 Reported racist offences in police data base in 2003-2006**

Title of offence	2003		2004		2005		2006	
	N	%	N	%	N	%	N	%
Assault	129	24.7	110	19.7	205	30.6	189	25.3
Discrimination	44	8.4	93	16.7	37	5.5	118	15.8
Defamation	63	12.1	94	16.8	94	14.1	92	12.3
Petty assault	57	10.9	58	10.4	52	7.8	85	11.4
Criminal damage	67	12.8	30	5.4	66	9.9	83	11.1
Unlawful threat	59	11.3	62	11.1	84	12.6	65	8.7
Invasion of domestic premises	17	3.3	30	5.4	24	3.6	54	7.2
Attempt of assault	15	2.9	13	2.3	15	2.2	11	1.5
Aggravated assault	4	0.8	13	2.3	12	1.8	7	0.9
Other	67	12.8	55	9.9	80	12	44	5.9
Total number of racist offences	<b>552</b>	100	<b>558</b>	100	<b>669</b>	100	<b>748</b>	100
Total number of reports to the police <sup>1</sup>	387		400		412		442	

<sup>1</sup> The differences between the figures reflect the fact that for instance in 2005 the offences involved a number of parties more often than in the previous years. The number of group fights in 2005 exceeded their number in 2004.

**Table 4 Population by activity 1990-2006**

	<b>1990</b>	<b>2000</b>	<b>2002</b>	<b>2004</b>	<b>2006</b>
	<b>1000 persons</b>				
<b>Mean population</b>	<b>4 986</b>	<b>5 176</b>	<b>5 201</b>	<b>5 228</b>	<b>5 266</b>
<b>Population aged 15-74</b>	<b>3 737</b>	<b>3 901</b>	<b>3 918</b>	<b>3 935</b>	<b>3 963</b>
Labour force	2 586	2 589	2 610	2 594	2 648
Employed	2 504	2 335	2 372	2 365	2 443
Unemployed	82	253	237	229	204
Not in labour force	1 151	1 312	1 308	1 342	1 315
Labour force rate, %	69,2	66,4	66,6	65,9	66,8
Unemployment rate, %	3,2	9,8	9,1	8,8	7,7
Employment rate (persons aged 15-64), %	74,1	66,9	67,7	67,2	68,9
<b>Employed</b>	<b>2 504</b>	<b>2 335</b>	<b>2 372</b>	<b>2 365</b>	<b>2 443</b>
Part-time work	238	286	302	320	343
Full-time work	2 267	2 047	2 069	2 044	2 099
Unknown	-	2	2	1	1
Private	1 793	1 692	1 723	1 704	1 786
Local government	482	486	498	507	507
Central government	226	151	146	149	149
Unknown	3	6	5	5	2
Self-employed persons and assisting family members	388	319	304	301	314
Wage and salary earners	2 116	2 016	2 068	2 064	2 129
Agriculture and forestry	222	142	127	116	114
Manufacturing	556	494	491	458	465
Construction	201	149	148	148	162
Trade, hotels and restaurants	395	354	363	367	381
Transport and communications	179	172	169	172	181
Activities auxiliary to financial intermediation, insurance and business services	268	287	308	315	336
Public and other services	681	732	759	781	801
Industry unknown	3	7	7	7	4
<b>Hours worked, million hours</b>	<b>4 415</b>	<b>4 019</b>	<b>4 000</b>	<b>3 992</b>	<b>4 055</b>

**Table 5 Distribution of jobs by sector 2005**

Sector of employment	percentage of all
Local government	18.7
Central government	6.1
Private services	44.1
Construction	6.8
All industry	19.0
Primary production	5.0

**Table 6 Unemployment 1990-2006**

	Unemployed, 1 000 persons			Unemployment rate, %		
	Total	Males	Females	Total	Males	Females
1990	82	49	33	3,2	3,6	2,7
1995	382	204	178	15,4	15,7	15,1
2000	253	122	131	9,8	9,1	10,6
2002	237	123	114	9,1	9,1	9,1
2004	229	118	111	8,8	8,7	8,9
2006	204	101	104	7,7	7,4	8,1

**Table 7 Building and summer cottages in Finland 1980-2005**

	1980	1990	2000	2003	2005
	<b>1000</b>				
Residential buildings	840	1 005	1 111	1 150	1 184
Detached and semi-detached houses	773	908	993	1 028	1 058
Attached houses	23	53	66	69	72
Blocks of flats	44	45	52	53	54
Other buildings	92	158	189	193	196
Summer cottages	252	368	451	466	474
Saunas <sup>1)</sup>	548	932	1 212	1 303	1 366

1) Only saunas in flats. The total number of saunas was estimated to be over 2 000 000 at the end of 2005

**Table 8 Dwelling units by tenure status of dwelling 1980-2005**

%	1980	1990	2000	2003	2005
Owner-occupied dwelling	61.0	66.8	58.0	57.6	58.3
Rented dwelling	20.9	21.6	<sup>1)</sup> 30.8	<sup>1)</sup> 32.0	<sup>1)</sup> 31.0
Official residence or employer-provided dwelling	8.3	3.1			
Right of occupancy dwelling	..	..	1.0	1.2	1.2
Other form of tenure or unknown	9.8	8.4	10.1	9.3	9.5
1) Includes also official residences and employer-provided dwellings.					

**Table 9 The homeless in Finland in 1997-2006**

	1997	1999	2001	2003	2006
Outdoors, in overnight shelters	421	410	563	504	432
In residential homes	1296	1340	1598	1482	1215
In institutions	1946	1931	1396	1307	1289
Homeless prisoners on release	506	456	686	337	286
Temporary accommodation with acquaintances and relatives	5645	5851	5723	4556	4177
<b>Single homeless, total</b>	<b>9814</b>	<b>9988</b>	<b>9966</b>	<b>8186</b>	<b>7399</b>
Women	2516	1822	1723	1574	1365
Under aged 25	2158	1835	1675	1558	1399
Immigrants	-	-	330	243	289
<b>Homeless families</b>	<b>600</b>	<b>777</b>	<b>782</b>	<b>415</b>	<b>295</b>
Immigrants among these	-	-	132	79	42

**Table 10 Client contacts with the Office of the Ombudsman for Minorities 2003-2006**

	2003	2004	2005	2006
Issues related to the Aliens Act	59 %	34 %	19 %	23 %
Discrimination and other improper treatment	27 %	33 %	43 %	48 %
Issues related to integration/everyday life	14 %	33 %	38 %	29 %
The breakdown is based on the measures taken, i.e. the annual amount of work				

## Legislation

### Penal Code 19.12.1889/39

#### Chapter 6

##### **Section 5 – Grounds increasing the punishment**

-1- The following are grounds for increasing the punishment:

- (1) the criminal activity has been methodical;
- (2) the offence has been committed as a member of a group organised for serious offences;
- (3) the offence has been committed for remuneration;
- (4) the offence has been directed at a person belonging to a national, racial, ethnic or other population group due to his/her membership in such a group; and
- (5) the relation between the criminal history of the offender and the new offence, due to the similarity between the offences or otherwise, shows that the offender is apparently heedless of the prohibitions and commands of the law.

#### Chapter 11

##### **Section 8 - Ethnic agitation (578/1995)**

A person who spreads statements or other information among the public where a certain race, a national, ethnic or religious group or a comparable group is threatened, defamed or insulted shall be sentenced for *ethnic agitation* to a fine or to imprisonment for at most two years.

##### **Section 9 - Discrimination (578/1995)**

A person who in his/her trade or profession, service of the general public, exercise of official authority or other public function or in the arrangement of a public amusement or meeting, without a justified reason

- (1) refuses someone service in accordance with the generally applicable conditions;
- (2) refuses someone entry to the amusement or meeting or ejects him/her; or
- (3) places someone in an unequal or an essentially inferior position owing to his/her race, national or ethnic origin, colour, language, sex, age, family ties, sexual preference, state of health, religion, political orientation, political or industrial activity or another comparable circumstance shall be sentenced, unless the act is punishable as industrial discrimination, for *discrimination* to a fine or to imprisonment for at most six months.

#### Chapter 17

##### **Section 1 a – Participation in the activity of a criminal organisation (142/2003)**

-1- A person who

- (1) by establishing or organising a criminal organisation or by recruiting or attempting to recruit persons for it,
- (2) by equipping or attempting to equip a criminal organisation with explosives, weapons, ammunition or with materials or equipment intended for their production or with other dangerous supplies or materials,
- (3) by arranging, attempting to arrange or providing a criminal organisation training for criminal activity,

(4) by obtaining, attempting to obtain or providing a criminal organisation premises or other facilities needed by it or means of transport or other equipment that is particularly important for the organisation,  
(5) by directly or indirectly giving or collecting funds to finance the criminal activity of a criminal organisation,

(6) by managing financial affairs that are important for the criminal organisation or by giving financial or legal advice that is particularly important for the organisation or

(7) by actively promoting the accomplishment of the aims of a criminal organisation in another substantial manner participates

in the activities of a criminal organisation with the aim of committing one or more offences for which the maximum statutory sentence is imprisonment for a minimum of four years or one or more of the offences referred to in chapter 11(8) or chapter 15(9), and if such an offence or its punishable attempt is committed, shall be sentenced for *participating in the activity of a criminal organisation* to a fine or imprisonment for a maximum of two years. (1372/2003)

- 2 - What is provided above in subsection 1(6) regarding legal advice does not apply to the performance of the duties of legal counsel or representative in connection with the pre-trial investigation or court proceedings regarding an offence or the enforcement of a sentence.

- 3 - What is provided in subsection 1 does not apply if an equally or more severe penalty is provided elsewhere in law for the act.

- 4 - A criminal organisation is defined as a structured association, established over a period of time, of at least three persons acting in concert to commit the offences referred to in subsection 1.

### **Section 10 - Breach of the sanctity of religion (563/1998)**

A person who

(1) publicly blasphemes against God or, for the purpose of offending, publicly defames or desecrates what is otherwise held to be sacred by a church or religious community, as referred to in the Act on the Freedom of Religion (267/1998), or

(2) by making noise, acting threateningly or otherwise, disturbs worship, ecclesiastical proceedings, other similar religious proceedings or a funeral, shall be sentenced for a *breach of the sanctity of religion* to a fine or to imprisonment for at most six months.

## **Chapter 24**

### **Section 9 - Defamation (531/2000)**

- 1 - A person who

(1) spreads false information or a false insinuation of another person so that the act is conducive to causing damage or suffering to that person, or subjecting that person to contempt, or

(2) makes a derogatory comment on another otherwise than in a manner referred to in subparagraph (1) shall be sentenced for *defamation* to a fine or to imprisonment for at most six months.

- 2 - Criticism that is directed at a person's activities in politics, business, public office, public position, science, art or in a comparable public position and that does not obviously overstep the limits of propriety does not constitute defamation referred to in paragraph (1)(2).

- 3 - A sentence for defamation shall be imposed also on a person who spreads false information or a false insinuation on a deceased person, so that the act is conducive to causing suffering to a person to whom the deceased was particularly close.

### **Section 10 - Aggravated defamation (531/2000)**



- 1 - If, in the defamation referred to in section 9(1),
- (1) the offence is committed by using the mass media or otherwise by making the information or insinuation available to a large number of people, or
  - (2) great or long-lasting suffering or specifically and the defamation is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated defamation* to a fine or to imprisonment for at most two years.

## **Chapter 25**

### **Section 7 - Menace (578/1995)**

A person who points a weapon at another or otherwise threatens another with an offence under such circumstances that the person so threatened has reason to believe that his/her personal safety or property or that of someone else is in serious danger shall be sentenced, unless a more severe penalty for the act is provided elsewhere in the law, for *menace* to a fine or to imprisonment for at most two years.

## **Chapter 47**

### **Section 3 - Work discrimination (578/1995)**

An employer, or a representative thereof, who when advertising for a vacancy or selecting an employee, or during employment without an important and justifiable reason puts a job seeker or an employee in an inferior position

- (1) because of race, national or ethnic origin, colour, language, sex, age, relations, sexual preference or state of health; or
- (2) because of religion, political opinion, political or industrial activity or a comparable circumstance shall be sentenced for *work discrimination* to a fine or to imprisonment for at most six months.

### **3a § Extortion-related work discrimination (30.4.2004/302)**

In case, in order to discriminate against him in matters related to work, a jobseeker or an employee is placed in a markedly unfavorable position by taking advantage of his financial or other kind of distress or dependent situation he may find himself in, his lack of understanding, thoughtlessness or lack of knowledge, the offender shall be, unless the act is punishable by a more severe punishment elsewhere in the law, sentenced for extortion-related work discrimination to a fine or to imprisonment for at most two years.

## **Act on the Exercise of Freedom of Expression in Mass Media (460/2003)**

### **Chapter 1 — General provisions**

#### **Section 1 — Objective**

This Act contains more detailed provisions on the exercise, in the media, of the freedom of expression enshrined in the Constitution.

In the application of this Act, interference with the activities of the media shall be legitimate only in so far as it is unavoidable, taking due note of the importance of the freedom of expression in a democracy subject to the rule of law.

#### **Section 2 — Definitions**

For the purposes of this Act:

- (1) *the public* means the group of freely determined message recipients;
- (2) a *network message* means information, an opinion or some other message provided to the public by means of radio waves, an electronic communications network or some other comparable technical arrangement;
- (3) a *program* means a coherent set of network messages that are primarily expressed as sound or moving picture;
- (4) a *publication* means printed matter, a data disc or some other text, sound or picture record produced by means of duplication, when provided to the public;
- (5) a *periodical* means a publication intended to be issued regularly, at least four times per year;
- (6) a *network publication* means a set of network messages, arranged into a coherent whole comparable to a periodical from material produced or processed by the publisher, and intended to be issued regularly;
- (7) *publishing* means the provision to the public of publications and network messages other than programs; and
- (8) *broadcasting* means the provision of programs to the public.

In the application of this Act, the headline banners and attachments of periodicals and network messages shall be considered to be parts thereof.

### **Section 3 — *Scope of application***

This Act applies to publishing and broadcasting in Finland.

When a private individual maintains a web site on an electronic communications network, he or she shall be subject to the provisions in sections 12, 14, 16, 18, 19, 22, and 24 only.

Operations consisting solely of the technical production, transmission, intermediation or distribution of publications or network messages shall be subject to the provisions in sections 17—20 and 22 only.

Separate provisions apply to copyright, to the right to pursue television and radio broadcasting operations, to the right to pursue telecommunications operations, and to the classification of pictorial programming. In addition, separate provisions apply to the provision of information society services.

## **Chapter 2 — *Duties of publishers and broadcasters***

### **Section 4 — *Responsible editor***

The publisher shall designate a responsible editor for a periodical or a network publication. The broadcaster shall designate a responsible editor for a program. Also several responsible editors may be designated for periodicals, network publications and programs.

Persons who have attained the age of 15 years, who are not bankrupt and whose competency has not been restricted are eligible as responsible editors.

It shall be the duty of the responsible editor to direct and supervise editorial work, to decide on the contents of a periodical, network publication or program, and to see to the other tasks assigned to him or her by this Act.

### **Section 5 — *Duty of disclosure***

The publisher shall see to it that a publication, a periodical and a network publication contains information on the identity of the publisher. The publisher and the responsible editor shall see to it that a periodical and a network publication contains information also on the identity of the responsible editor. Moreover, a publication and a periodical shall contain information on its year of issue.

The broadcaster and the responsible editor shall see to it that broadcasts contain information on the identity of the broadcaster and the responsible editor.

If several responsible editors have been designated for a periodical, a network publication or a program, the publication or broadcast in question shall contain information on which part of the publication or broadcast each of them is responsible.

Everyone has the right to be informed of the identity of the responsible editor.

### **Section 6 — *Recording of a program or a network publication***

The publisher and the broadcaster shall see to it that every program and network publication is recorded, unless it is clear, on the basis of the technical realisation of the program, that its broadcasting cannot constitute a criminal offence due to the contents of the message. The record shall be retained for at least 21 days after the program has been broadcast or the network publication provided to the public.

The duty to retain the record shall continue beyond the period referred to in subsection (1) if a matter arising from the contents of the program or network publication is subject to pre-trial investigation, prosecutorial evaluation or court proceedings. In this event, the record may be disposed of only after it has been established that no charge will be brought in the matter or after the case arising from the contents of the program or network publication has been finally decided by a court of law. The prosecutor or the court last seized of the matter shall notify the publisher or the broadcaster of the expiration of the duty to retain the record.

### **Section 7 — *Official announcements***

The publisher and the broadcaster shall publish official announcements in a periodical, network publication or program free of charge, if this is necessary for the protection of human life or health or significant environmental or property interests, or for some other comparable important reason.

## **Chapter 3 — *Reply and correction***

### **Section 8 — *Right to reply***

A private individual, who has a justified reason to consider that a message contained in a periodical, network publication or a comparable program that is broadcast on a repeated basis is offensive, has the right to have a reply published in the same publication or program.

### **Section 9 — *Right to correction***

A private individual, a corporation, a foundation and a public authority have the right to have erroneous information on them or their operations contained in a periodical, network publication or program corrected in the same publication or in a program by the broadcaster in question, unless such correction is manifestly unnecessary owing to the minor significance of the error.

### **Section 10 — *Duty to publish a reply or correction***

The responsible editor shall publish a reply or correction, free of charge and without undue delay, appropriately extensively and in the same manner as the message on which the demand for a reply or correction is based.

The contents of the reply or correction shall not be illegal or offensive. Where necessary, the responsible editor shall assist in the technical realisation of the reply.

### **Section 11 — *Demand for a reply or correction***

The demand for a reply or correction shall be presented to the responsible editor within 14 days of the publication of the message on which the demand is based. The demand shall be presented in writing or electronically so that its contents cannot be unilaterally altered and so that it remains accessible to the parties.

If the demand for a reply or correction is rejected, the rejection and the reasons for it shall be notified to the person presenting the demand within seven days of the reception of the demand. Upon request, the reasons for the rejection shall be provided in writing. The person presenting the demand has the right to submit the issue of whether the preconditions for the right of reply or correction have been met for consideration by the District Court of his or her domicile, or by the District Court of Helsinki, no later than 30 days after the reception of the written notification of the reasons for the rejection.

In the event that the District Court orders the responsible editor to comply with his or her duties under section 10, the court may reinforce the order by imposing a threat of a fine. The court order on the imposition of the threat shall be open to appeal as a separate matter.

## **Chapter 4 — Responsibility for the contents of a published message**

### **Section 12 — *Criminal liability of perpetrators and accomplices***

Criminal liability for an offence arising from the contents of a message provided to the public shall lie with the perpetrator or accomplice, as defined in the Penal Code of Finland (39/1889).

### **Section 13 — *Editorial misconduct***

If the responsible editor intentionally or negligently fails in an essential manner in his or her duty to manage and supervise editorial work, and the failure is conducive to the occurrence of an offence arising from the contents of a message provided to the public, and the offence occurs without him or her being considered the perpetrator or accomplice, the responsible editor shall be convicted of *editorial misconduct* and sentenced to a fine.

### **Section 14 — *Tort liability***

The provisions of the Tort Liability Act (412/1974) apply to liability for, and compensation of, injury or loss arising from the contents of a message provided to the public.

The publisher and the broadcaster are liable, under chapter 3 of the Tort Liability Act, for injury or loss referred to in subsection (1) and arising from their operations also in the event that the injury or loss has been caused by someone else than a person referred to in chapter 3, section 1, of the Tort Liability Act.

### **Section 15 — *Right of access to a recording***

Everyone has the right of access to a record referred to in section 6, free of charge, if he or she has a justified reason to consider that he or she is the victim of an offence arising from the contents of a program or network publication, or that he or she has sustained an injury or loss from the broadcasting of the program or the provision of the network publication to the public. Also a person who wishes to exercise his or her right to reply or correction has the same right of access. The publisher and the broadcaster shall also provide access to a record, without undue delay, to an official engaged in the pre-trial investigation or prosecutorial evaluation of an offence arising from the contents of a program or network publication.

### **Section 16 — Confidentiality of sources and right to anonymous expression**

The originator of a message provided to the public, the publisher and the broadcaster are entitled to maintain the confidentiality of the source of the information in the message. In addition, the publisher and the broadcaster are entitled to maintain the confidentiality of the identity of the originator of the message.

Also a person who has become aware of the confidential information referred to in subsection (1) while in the service of the originator of the message, the publisher or the broadcaster is similarly entitled to maintain that confidentiality.

Separate provisions apply to the duty to disclose confidential information referred to in subsection (1) in a pre-trial investigation or court proceedings.

## **Chapter 5 — Coercive measures**

### **Section 17 — Release of identifying information for a network message**

On the request of an official with the power of arrest, as referred to in chapter 1, section 6(1), of the Coercive Measures Act (450/1987), a public prosecutor, or an injured party, a court may order the keeper of a transmitter, server or other similar device to release the information required for the identification of the sender of a network message to the requester, provided that there are probable reasons to believe that the contents of the message are such that providing it to the public is a criminal offence. However, the identifying information may be ordered to be released to the injured party only in the event that he or she has the right to bring a private prosecution for the offence. The request shall be filed with the District Court of the domicile of the keeper of the device, or with the District Court of Helsinki, within three months of the publication of the message in question. The court may reinforce the order by imposing a threat of a fine.

A court order on the release of identifying information shall be open to appeal as a separate matter. The order shall not be enforced until it has become final, unless the appellate court otherwise orders.

Identifying information may be ordered to be released on the request of the authorities of a foreign state, if the provision of the relevant message to the public would constitute an offence in Finland under the prevailing circumstances, or if the release is based on an international agreement or on some other international obligation binding on Finland.

The keeper of a device referred to in subsection (1) is entitled to compensation from state funds for the reasonable direct costs arising from the release of the identifying information. The decision to pay compensation shall be made by the police chief of the district where the investigation was carried out or by the chief of a national police unit. The decision shall be open to appeal in an Administrative Court, in accordance with the procedure provided in the Administrative Judicial Procedure Act (586/1996). However, the injured party shall bear these costs when the information is being released to him or her in accordance with a court order.

### **Section 18 — Order to cease the distribution of a network message**

On the request of the public prosecutor, the head of a pre-trial investigation, or the injured party, a court may order that the publisher, broadcaster or keeper of a transmitter, server or other comparable device is to cease the distribution of a published network message, if it is evident on the basis of the contents of the message that providing it to the public is a criminal offence. The court shall deal with the request as a matter of urgency. Before issuing a cease order, the court shall reserve the intended addressee of the order and the sender of the network message an opportunity to be heard, unless the urgency of the matter otherwise necessitates.

Notice of the cease order shall be served also on the sender of the network message referred to therein. If the sender is unknown, the court may order that the keeper of the transmitter, server or other comparable device sees to the service.

A cease order referred to in subsection (1) shall lapse, unless within three months of its issue a charge is brought for an offence arising from the contents of the relevant message, or a demand referred to in section 22 is made, or a tort action pertaining to the contents of the message is brought. On the request of the public prosecutor or the injured party, submitted before the deadline referred to above, the court may extend that deadline by three months at the most.

The person who has been issued with a cease order, as well as the sender of the network message, have the right to apply for the reversal of the cease order from the court that originally issued it. The provisions of chapter 8 of the Code of Judicial Procedure apply to the proceedings for the reversal of a cease order. However, the court shall take the necessary measures to hear the public prosecutor in the case. The application for a reversal shall be filed within fourteen days of the service of notice of the cease order. The network message shall not again be provided to the public while the reversal proceedings are pending, unless the court seised of the matter otherwise orders. Also the public prosecutor has standing to appeal against the reversal of a cease order.

On the request of the public prosecutor or an injured party, the court may issue a cease order referred to in subsection (1) also when it is hearing charges based on the contents of a published message, a demand for a sanction referred to in section 22, or a tort action pertaining to the contents of the message. A cease order under this subsection shall not be open to appeal as a separate matter.

#### **Section 19 — *Competent court***

The application for the cessation of the distribution of a network message shall be heard by the District Court of the domicile of the publisher, the broadcaster or the keeper of the transmitter, server or other comparable device, or by the District Court of Helsinki. The District Court shall have a quorum with a single judge.

#### **Section 20 — *Seizure of a publication***

All copies of a publication that are intended for distribution may be seized only if it is probable that the publication will be ordered to be forfeited.

A seizure decision referred to in subsection (1), made by an official with the power of arrest, shall be submitted to a court, which is competent in a criminal case arising from the contents of the publication, for consideration without delay, and no later than on the third day after the seizure. The court shall decide whether the seizure is to remain in effect.

In other respects, the provisions of the Coercive Measures Act on the seizure of objects apply to the seizure of publications.

### **Chapter 6 — *Sanctions and right to prosecution***

#### **Section 21 — *Penal provision***

A person who intentionally or through gross negligence violates the provisions in section 4(1) or 4(2) on the designation of a responsible editor, in section 5 on the duty of disclosure or in section 6 on the duty of recording shall be convicted of a *media violation* and sentenced to a fine.

#### **Section 22 — *Forfeiture and order to destroy a network message***

The provisions in chapter 10 of the Penal Code apply to the proceedings relating to a forfeiture demand in the context of a criminal offence arising from the contents of a published message. Forfeiture may be ordered also in the event that the perpetrator of an offence arising from the contents of the message cannot be identified.

All copies of a publication that are intended for distribution may be ordered to be forfeited regardless of ownership, if an offence arising from the contents of the said publication has been committed and if such a sanction is necessary in order to prevent the further distribution of the message.

The court may order that a network message whose contents have been found unlawful be rendered unavailable to the public and destroyed. The provisions on procedure relating to forfeiture apply to such proceedings, in so far as appropriate.

### **Section 23 — *Publication of a judgment concerning a violation of honour and privacy***

If an offence referred to in chapter 24, sections 8—10, of the Penal Code has been committed in the context of a periodical, network publication or program, the court may on the request made by the injured party during the criminal proceedings order that a notice of the judgment be published in the said periodical or network publication, or in a program of the same broadcaster. The court may reinforce the order by imposing a threat of a fine.

The notice of the judgment shall be published free of charge and reasonably extensively; the responsible editor shall see to it that so is done.

### **Section 24 — *Right to prosecution***

The Prosecutor General shall decide on the bringing of charges for an offence arising from the contents of a published message, where this is subject to public prosecution, and for editorial misconduct pertaining to such an offence. In this event, the Prosecutor General shall also designate a prosecutor for the case.

The right of the injured party to bring a charge shall be governed by the provisions of chapter 1, sections 14—17, of the Criminal Procedure Act (689/1997).

## **Chapter 7 — *Entry into force and transitional provisions***

### **Section 25 — *Entry into force***

This Act enters into force on 1 January 2004.

This Act repeals the Freedom of the Press Act (1/1919) and the Broadcasting Liability Act (219/1971), both as later amended.

Measures necessary for the implementation of this Act may be taken before its entry into force.

### **Section 26 — *Transitional provisions***

A criminal case pending in a court before the entry into force of this Act, as well as a matter pertaining to a reply or correction, may be heard and decided also by the court that was competent under the previous legislation.

Tort liability and compensation for loss or injury sustained before the entry into force of this Act shall be governed by the provisions of the previous legislation. A matter pertaining to a reply or correction shall be governed by the legislation in force at the time when the message, on which the reply or correction is based, was published.

At the entry into force of this Act, the matters that are pending in the Ministry of Justice under section 42(1) of the Freedom of the Press Act shall be transferred to the Prosecutor General. Such matters shall be governed by the provisions in section 24 of this Act on the right to prosecution.