

## **Questions 19 and 46**

### **Act on the Reception of Persons Seeking International Protection** (746/2011)

#### **Section 3 - Definitions**

For the purposes of this Act:

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7) victim of trafficking in human beings means a person who has been issued a residence permit in accordance with section 52 a of the Aliens Act; who has been granted a reflection period referred to in section 52 b of the said act or who, based on the circumstances, can otherwise be seen as a victim of trafficking in human beings or in need of special assistance during the investigation of an offence of trafficking in human beings;

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### **Aliens Act** (301/2004)

#### **Section 3 - Definitions**

For the purposes of this Act:

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22) trafficking in human beings means the trafficking and aggravated trafficking in human beings referred to in chapter 25, section 3 and 3a of the Criminal Code (39/1889); (619/2006)

23) victim of trafficking in human beings means an alien who, on reasonable grounds, can be suspected of having become a victim of trafficking in human beings. (619/2006)

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#### **Section 52a - Issuing a residence permit for a victim of trafficking in human beings** (619/2006)

(1) A victim of trafficking in human beings staying in Finland is issued with a temporary residence permit if:

- 1) the residence of the victim of trafficking in human beings in Finland is justified on account of the pre-trial investigation or court proceedings concerning trafficking in human beings;
- 2) the victim of trafficking in human beings is prepared to cooperate with the authorities so that those suspected of trafficking in human beings can be caught; and
- 3) the victim of trafficking in human beings no longer has any ties with those suspected of trafficking in human beings.

(2) If the victim of trafficking in human beings is in a particularly vulnerable position, the residence permit may be issued on a continuous basis regardless of whether the requirements laid down in subsection 1(1) and (2) are met.

(3) Issuing the residence permit is not conditional on the alien having secure means of support.

(4) If a victim of trafficking in human beings is issued with a temporary residence permit, his or her family members staying abroad are not issued with a residence permit on the basis of family ties. If he or she is issued with a continuous residence permit, family members are issued with a residence permit under section 47(3).

### **Section 52b - Reflection period for a victim of trafficking in human beings (619/2006)**

- (1) Before issuing a residence permit laid down in section 52a, a reflection period of at least thirty days and a maximum of six months may be granted to a victim of trafficking in human beings.
- (2) During the reflection period, a victim of trafficking in human beings must decide whether he or she will cooperate with the authorities referred to in section 52a(1)(2).
- (3) The reflection period may be suspended if the victim of trafficking in human beings has voluntarily and on his or her own initiative re-established relations with those suspected of trafficking in human beings or if this is necessary on the grounds mentioned in section 36(1).

## **Criminal Code of Finland (39/1889)**

### **Chapter 25 - Offences against personal liberty (578/1995)**

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

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

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

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

- (4) have been used.
- (3) An attempt is punishable.

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

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

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

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

- (3) An attempt is punishable.

## Other

### Criminal Code of Finland (39/1889)

#### **Chapter 6 – Sentencing** (515/2003)

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

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

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

##### **Section 12 – Waiving of punishment**

A court may waive punishment if

- (1) the offence, when assessed as a whole, taking into account its harmfulness or the culpability of the perpetrator manifested in it, is to be deemed of minor significance,
- (2) the perpetrator has committed the offence under the age of 18 years and the act is deemed to be the result of lack of understanding or of imprudence,
- (3) **due to special reasons related to the act or the perpetrator the act is to be deemed comparable to an excusable act,**
- (4) punishment is to be deemed unreasonable or pointless in particular taking into account the factors referred to above in section 6, paragraph 3 and section 7 or the actions by the social security and health authorities, or
- (5) the offence would not have an essential effect on the total sentence due to the provisions on sentencing to a joint punishment.

#### **Chapter 7 - Joint punishment** (697/1991)

##### **Section 6 - Taking an earlier sentence of imprisonment into account** (751/1997)

(1) If a person who has been unconditionally sentenced to imprisonment is charged with another offence committed before the sentence was passed, the earlier sentence of imprisonment may be taken into account, to a reasonable degree, as a mitigating circumstance or as a ground for reducing the punishment. In addition, the sentence of imprisonment passed for the new offence may be shorter than the minimum provided for it or the earlier sentence may be deemed to be a sufficient sanction also for the act which was later taken up for a hearing.

(2) The judgment of the court shall indicate which earlier sentence or sentences have been taken into account when sentencing under this section.

## **Section 7 – Taking an earlier community service order and monitoring sentence into account (329/2011)**

When imposing a new punishment, an earlier community service order and monitoring sentence may be taken into account as is done with an earlier unconditional sentence of imprisonment pursuant to section 6.

## **Section 9 – Consideration of a sentence imposed in a foreign state (179/2010)**

In applying sections 6 and 7, also an unconditional sentence of imprisonment or community service or a comparable punishment imposed in another Member State of the European Union or in Iceland or Norway.

## **Chapter 9 - Corporate criminal liability (743/1995)**

### **Section 1 - Scope of application (61/2003)**

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

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

### **Section 2 - Prerequisites for liability (61/2003)**

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

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

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

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

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

### **Section 4 – Waiving of punishment (61/2003)**

(1) A court may waive imposition of a corporate fine on a corporation if:

- (1) the omission referred to in section 2(1) by the corporation is slight, or the participation in the offence by the management or by the person who exercises actual decision-making authority in the corporation is slight, or
- (2) the offence committed in the operations of the corporation is slight.

(2) The court may waive imposition of a corporate fine also when the punishment is deemed unreasonable, taking into consideration:

- (1) the consequences of the offence to the corporation,

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<sup>1</sup> "corporation"

- (2) the measures taken by the corporation to prevent new offences, to prevent or remedy the effects of the offence or to further the investigation of the omission or offence, or
- (3) where a member of the management of the corporation is sentenced to a punishment, and the corporation is small, the sentenced person owns a large share of the corporation or his or her personal liability for the liabilities of the corporation are significant.

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

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

#### **Section 6 - Basis for calculation of the corporate fine (743/1995)**

- (1) The amount of the corporate fine shall be determined in accordance with the nature and extent of the omission or the participation of the management, as referred to in section 2, and the financial standing of the corporation.
- (2) When evaluating the significance of the omission and the participation of the management, consideration shall be taken of the nature and seriousness of the offence, the status of the perpetrator as a member of the organs of the corporation, whether the violation of the duties of the corporation manifests heedlessness of the law or the orders of the authorities, as well as the grounds for sentencing provided elsewhere in the law.
- (3) When evaluating the financial standing of the corporation, consideration shall be taken of the size and solvency of the corporation, as well as the earnings and the other essential indicators of the financial standing of the corporation.

#### **Section 7 –Waiving of the bringing of charges (61/2003)**

- (1) The public prosecutor may waive the bringing of charges against a corporation, if: (441/2011)
  - (1) the corporate omission or participation of the management or of the person exercising actual decision-making power in the corporation, as referred to in section 2, subsection 1, has been of minor significance in the offence, or
  - (2) only minor damage or danger has been caused by the offence committed in the operations of the corporation

and the corporation has voluntarily taken the necessary measures to prevent new offences.

- (2) The bringing of charges may be waived also if the offender, in the case referred to in section 4, subsection 2(3), has already been sentenced to a punishment and it is to be anticipated that the corporation for this reason is not to be sentenced to a corporate fine.
- (3) Service of a decision not to bring charges against a corporation or to withdraw charges against a corporation shall be given by post or through application as appropriate of what is provided in chapter 11 of the Code of Judicial Procedure. The provisions of chapter 1, sections 10 and 11 of the Criminal Procedure Act (689/1997) on the waiving of charges apply correspondingly to the decision. In the case referred to in chapter 1, section 10, subsection 1 of the Act the prosecutor shall instead of the question of culpability, submit to the consideration of the court the question of the existence of grounds for corporate criminal liability.
- (4) The provisions of chapter 1, section 12 of the Criminal Procedure Act on the revocation of charges apply to the revocation of charges on the basis of subsection 1. However, service of the revocation shall be given only to the corporation.

#### **Section 8 - Joint corporate fine (743/1995)**

- (1) If a corporation is to be sentenced for two or more offences at one time, a joint corporate fine shall be imposed in accordance with the provisions of sections 5 and 6.

(2) No joint punishment shall be imposed for two offences, one of which was committed after a corporate fine was imposed for the other. If charges are brought against a corporation which has been sentenced to a corporate fine by a final decision, for an offence committed before the said sentence was passed, a joint corporate fine shall also not be imposed, but the prior corporate fine shall be duly taken into account when sentencing to the new punishment.

#### **Section 10 – Enforcement of a corporate fine (673/2002)**

(1) A corporate fine is enforced in the manner provided in the Enforcement of Fines Act (672/2002).

(2) A conversion sentence may not be imposed in place of a corporate fine.

### **Chapter 10 — Forfeiture (875/2001)**

#### **Section 1 — General prerequisites of forfeiture (875/2001)**

(1) A prerequisite for a forfeiture order is an act criminalised by law (offence).

(2) A forfeiture order may be based on an act criminalised by law also

- (1) where the perpetrator has not attained the age of fifteen years at the material time, or is without criminal capacity,
- (2) where the perpetrator is exempt from criminal liability pursuant to chapter 4, section 2, section 4, subsection 22, section 5, subsection 2, section 6, subsection 3 or chapter 45, section 26b, subsection 2, or (515/2003)
- (3) where a corporation may be sentenced to a punishment in accordance with chapter 9 even if the individual committing the offence cannot be identified or for some other reason cannot be sentenced to a punishment.

#### **Section 2 — Forfeiture of the proceeds of crime (875/2001)**

(1) The proceeds of crime shall be ordered forfeit to the State. The forfeiture shall be ordered on the perpetrator, a participant or a person on whose behalf or to whose benefit the offence has been committed, where these have benefited from the offence.

(2) If no evidence can be presented as to the amount of the proceeds of crime, or if such evidence can be presented only with difficulty, the proceeds shall be estimated, taking into consideration the nature of the offence, the extent of the criminal activity and the other circumstances.

(3) Forfeiture of the proceeds of crime shall not be ordered in so far as they have been returned to the injured party, or in so far as they have been or will be ordered to be reimbursed to the injured party by way of compensation or restitution. If a claim for compensation or restitution has not been filed or if the claim has still not been decided when the request for forfeiture is being decided, the forfeiture shall be ordered.

#### **Section 3 — Extended forfeiture of the proceeds of crime (875/2001)**

(1) Full or partial forfeiture of property to the State may be ordered

- (1) on a person who is found guilty of an offence which carries a possible penalty of imprisonment for at least four years, a punishable attempt of such an offence, or an offence referred to in chapter 32, sections 1 or 6, chapter 46, section 4, chapter 50, sections 1 or 4, of this Code, or in section 82 of the Alcohol Act (459/1968), and
- (2) on a participant in an offence referred to in paragraph (1) above and on a person on whose behalf or to whose benefit the said offence has been committed,

provided that the nature of the offence is such that it may result in considerable financial proceeds and that there is reason to believe that the property is fully or partially derived from criminal activity that is not to be considered insignificant. (641/2009)

(2) Moreover, full or partial forfeiture of property, referred to in subsection 1, to the State may be ordered

(1) on a person whose relationship to a person referred to in subsection 1 is one covered by section 3, subsection 1 of the Act on the Recovery of Assets to Bankruptcy Estates (758/1991) (close person) and

(2) on a private entrepreneur, a company, another corporation or foundation whose relationship to a person referred to in subsection 1 or a close person of his or hers is one covered by section 3, subsection 2, paragraphs (1) or (2) of the Act on the Recovery of Assets to Bankruptcy Estates, if there is reason to believe that the property has been conveyed to the same in order to avoid forfeiture or liability.

(3) A forfeiture referred to in subsection 2 shall not be ordered if the property has been conveyed more than five years before the commission of the offence referred to in subsection 1.

(4) If the same forfeiture is ordered on two or more persons, their liability is joint and several.

#### **Section 4 — Forfeiture of an instrument of crime (875/2001)**

(1) The following instruments shall be ordered forfeit to the State, when used in the commission of an offence:

(1) a firearm, edged weapon or another similar lethal instrument, and

(2) any other object or property the possession of which is punishable.

(2) Also the following may be ordered forfeit to the State:

(1) an object or property that has been used in the commission of an intentional offence, and

(2) 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.

(3) In the assessment of the need for forfeiture, special consideration shall be taken of the prevention of further offences.

#### **Section 5 — Forfeiture of certain other property (875/2001)**

(1) 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.

(2) 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:

(1) due to the object or property being hazardous to health or the environment,

(2) 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,

(3) in order to achieve the objective of provisions or orders pertaining to economic regulation, import or export, or

(4) in order to achieve the objective of provisions or orders for the protection of nature and the environment.

(3) A container, packaging or other material used for the storage of an object or property that is to be ordered forfeit may likewise be ordered forfeit, if the forfeiture of the object or property cannot otherwise be enforced without undue inconvenience.

#### **Section 6 — Restrictions on forfeiture (875/2001)**

(1) An object or other property referred to in section 4 or 5 may not be ordered forfeit if it belongs in full or in part to someone else than the offender, a participant or a person on whose behalf or with

whose consent the offence has been committed. However, the object or property may be ordered forfeit from a person to whom it has been conveyed after the commission of the offence, if, when receiving it, he or she knew or had justifiable reason to believe that the object or property was linked to an offence, or if he or she has received it as a gift or otherwise free of charge.

(2) Regardless of ownership, an object or property shall be ordered forfeit also if the owner would commit an offence by having the object or property in his or her possession.

#### **Section 7 — Lapse of forfeiture (875/2001)**

(1) Upon deciding a request for forfeiture, the court may on the consent of the defendant order that the forfeiture shall lapse if the object or property referred to in section 4 or 5 is altered within a given period as specified in the judgment, or other measures specified in the judgment are carried out thereon, with the result that the forfeiture thus becomes unnecessary.

(2) The bailiff monitors compliance with the specifications in the judgment and decides whether the forfeiture shall lapse. The person subject to the forfeiture may appeal against the decision in accordance with the procedure on appeals in enforcement. For a special reason, the bailiff may extend the period referred to in subsection 1. The Legal Register Centre shall be notified of a lapse of forfeiture.

(3) The person subject to the forfeiture is liable for the costs of alteration and the other enforcement of the judgment.

#### **Section 8 — Forfeiture of value (875/2001)**

(1) If an object or property referred to in section 4 or 5 cannot be ordered forfeit owing to a restriction referred to in section 6, subsection 1, or because the object or property has been hidden or is otherwise inaccessible, a full or partial forfeiture of the value of the object or property may be ordered on the offender, a participant or a person on whose behalf or with whose consent the offence has been committed, instead of forfeiture of the object or property itself. In addition, forfeiture of value may be ordered on a person to whom the object or property has been conveyed, if, when receiving it, he or she knew or had justifiable reason to suspect that the object or property was linked to an offence, or if he or she has received it as a gift or otherwise free of charge.

(2) However, forfeiture of value may not be ordered if the person referred to in subsection 1 shows that the object or property has probably been destroyed or consumed.

(3) If the forfeiture of the value of the same object or property is ordered on two or more persons, their liability is joint and several. However, a person on whom forfeiture of value has not been ordered in full, is liable only to the amount mentioned in the judgment.

#### **Section 9 — Request for forfeiture (875/2001)**

(1) Forfeiture shall be ordered on the request of a prosecutor or an official referred to in section 3 of the Fine and Summary Penal Fee Act. Also an injured party may request forfeiture when prosecuting charges on his or her own in accordance with chapter 7 of the Criminal Procedure Act (755/2010).

[subsection 1 has been amended by the Act of 755/2010 and shall enter into force on a date to be set by an Act. The earlier wording is as follows:]

(1) Forfeiture shall be ordered on the request of a prosecutor or an official referred to in section 3 of the Act on Penal Order Procedure (692/1993). Also an injured party may request forfeiture when prosecuting charges on his or her own in accordance with chapter 7 of the Criminal Procedure Act (689/1997).

(2) Chapter 1, section 8b, of the Criminal Procedure Act contains provisions on the grounds on which a prosecutor may waive a request for forfeiture. (650/2003)



## **Section 10 — Adjustment of forfeiture (875/2001)**

(1) Forfeiture need not be ordered, if:

- (1) the proceeds of crime are, or the value of the object or property is, insignificant,
- (2) the punishment of the offender is waived in accordance with chapter 3, section 5, subsection 3 or 4, or another corresponding provision, or
- (3) the forfeiture would be unreasonable in view of the nature of the offence and the object or property, the financial standing of the defendant, and the other circumstances.

(2) On the prerequisites referred to in subsection 1, the forfeiture may be ordered on value instead of the object or property, or only a part of the object, property or value. Likewise, a partial forfeiture of the object or property and a partial forfeiture of the value may be ordered. A partial forfeiture of the proceeds of crime may also be ordered.

## **Section 11 — Miscellaneous provisions (875/2001)**

(1) When the forfeiture liability of someone else than the suspect or the defendant is being considered in a pre-trial investigation or in criminal proceedings, the procedural provisions on the suspect or the defendant apply to that person in so far as appropriate.

(2) If compensation or restitution has been paid or ordered to be paid after the issue of the decision referred to in section 2, subsection 3, the forfeiture may be enforced to a correspondingly reduced amount. If the forfeiture has already been enforced, the amount may be ordered to be paid from State funds. An action to this effect shall be brought in the District Court of the plaintiff's domicile or the District Court of Helsinki within five years from the date when the judgment containing the forfeiture order became final. The State, represented by the Legal Register Centre, is the respondent in such a case.

(3) A person who in good faith has obtained a mortgage, a lien or a right of retention to an object or property referred to in section 4 or 5 and ordered forfeit may foreclose on the same regardless of whether the underlying receivable has become due. An action to this effect shall be brought as provided in subsection 2. Failing this, the mortgage, lien or right of retention expires.

## **Chapter 15 - Offences against the administration of justice (563/1998)**

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

A person who unlawfully

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

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

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

### **Section 7 - Border offence (563/1998)**

(1) A person who

- (1) crosses the border of Finland without a valid passport or another travel document, or otherwise than from a legal point of departure or to a legal point of arrival, or contrary to a statutory prohibition, or attempts the same,

- (2) otherwise breaches the provisions on border crossing, or
- (3) without permission stays, moves or undertakes prohibited measures in the border zone, as referred to in the Border Zone Act (403/1947)

shall be sentenced for a border offence to a fine or imprisonment for at most one year.

(2) A foreigner who is refused entry or deported as a result of the act referred to in subsection 1 or a foreigner who seeks asylum or applies for a residence permit as a refugee in Finland shall not be sentenced for a border offence. **A foreigner who has committed the act referred to in subsection 1 due to the fact that he or she has been subjected to trafficking in human beings referred to in chapter 25, section 3 or 3a shall not be sentenced also for a border offence.** (650/2004)

## **Chapter 20 - Sex offences (563/1998)**

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

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

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

(3) An attempt is punishable.

## **Chapter 24 - Offences against privacy, public peace and personal reputation**

### **Section 8 – Dissemination of information violating personal privacy**

(531/2000)

(1) A person who unlawfully

- (1) through the use of the mass media, or
- (2) 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 dissemination of information violating personal privacy to a fine or to imprisonment for at most two years.

(2) 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 with importance to society.

## **Chapter 28 - Theft, embezzlement and unauthorised use (769/1990)**

### **Section 1 - Theft (769/1990)**

(1) A person who appropriates movable property from the possession of another shall be sentenced for theft to a fine or to imprisonment for at most one year and six months.

(2) An attempt is punishable.

### **Section 2 - Aggravated theft (769/1990)**

(1) If in the theft

- (1) the object of the appropriation is very valuable,

- (2) the appropriation causes particularly significant loss to the victim of the offence, in view of the victim's circumstances,
- (3) the offender takes advantage of the helplessness or distress of the victim of the offence,
- (4) in order to carry out the act, the offender or a participant equips himself or herself with a firearm, explosives or another similar dangerous instrument, or
- (5) the offender breaks into an occupied residence,

and the theft is aggravated also when assessed as a whole, the offender shall be sentenced for aggravated theft to imprisonment for at least four months and at most four years.

(2) An attempt is punishable.

#### **Section 4 - Embezzlement (769/1990)**

(1) A person who appropriates the assets or other movable property of another which are in the possession of the perpetrator shall be sentenced for embezzlement to a fine or to imprisonment for at most one year and six months.

(2) Also a person who appropriates assets or other movable property that he or she has found or that have come into his or her possession through an error shall be sentenced for embezzlement.

(3) Also a person who has received funds on account, under a commission or in a similar manner, and who fails to settle the account at the time agreed or otherwise required, by using said funds or funds which have taken their place, or by otherwise acting in a similar manner, shall be sentenced for embezzlement.

(4) An attempt of the appropriation referred to in subsection 1 is punishable.

#### **Section 5 - Aggravated embezzlement (769/1990)**

(1) If in the embezzlement

- (1) the object is very valuable property or a large amount of assets,
- (2) particularly significant loss is caused to the victim of the offence, in view of the victim's circumstances, or
- (3) the offender takes advantage of his or her position of particular responsibility

and the embezzlement is aggravated, also when assessed as a whole, the offender shall be sentenced for aggravated embezzlement to imprisonment for at least four months and at most four years.

(2) The provision in section 4 on attempt applies correspondingly to attempted aggravated embezzlement.

#### **Section 11 - Criminal trespass (769/1990)**

(1) A person who without authorization

- (1) takes possession of, moves or hides movable property in the possession of another,
- (2) takes his or her way across the yard of another or uses the land in the possession of another through construction, excavation or another similar manner, or
- (3) takes possession of land or a building or a part thereof that is in the possession of another,

shall be sentenced, unless a more severe penalty for the act is provided elsewhere in the law, for criminal trespass to a fine or to imprisonment for at most three months. (2) However, an act causing only minor inconvenience is not deemed to constitute criminal trespass.

### **Chapter 32 - Receiving and money laundering offences (61/2003)**

#### **Section 1 - Receiving offence**

A person who hides, procures, takes into his or her possession or conveys property obtained from another through theft, embezzlement, robbery, extortion, fraud, usury or means of payment fraud or otherwise handles such property shall, unless the act is punishable as money laundering, be

sentenced for a receiving offence to a fine or to imprisonment for at most one year and six months. (61/2003)

## **Chapter 35 - Criminal damage (769/1990)**

### **Section 1 - Criminal damage**

(1) A person who unlawfully destroys or damages the property of another shall be sentenced for criminal damage to a fine or to imprisonment for at most one year.

(2) Also a person who, in order to cause damage to another, unlawfully destroys, defaces, conceals or hides data recorded on an information device or other recording shall be sentenced for criminal damage.

(3) An attempt of the criminal damage referred to above in subsection 2 is punishable. (540/2007)

### **Section 2 - Aggravated criminal damage (769/1990)**

(1) If

(1) the criminal damage causes

(1) particularly serious economic loss,

(2) the victim particularly significant damage with due consideration to his or her circumstances or

(3) considerable damage to property that is of special historical or cultural value, or

(2) the criminal damage referred to above in section 1, subsection 2 is committed as part of the activity of an organised criminal group referred to in chapter 17, section 1a, subsection 4

and the criminal damage is aggravated also when assessed as a whole, the offender shall be sentenced for aggravated criminal damage for at least four months and at most four years. (540/2007)

(2) An attempt is punishable. (17/2003)

## **Criminal Procedure Act (689/1997)**

### **Chapter 2 — Counsel**

#### **Section 1a (107/1998)**

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

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

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

**(3) in a case relating to an offence against life, health or freedom, if the seriousness, the personal conditions of the injured party and other relevant factors is deemed necessary.**

#### **Section 3 (107/1998)**

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

## **Section 9**

The support person shall provide personal support to the injured party in the criminal investigation and the trial and assist him/her in the matters arising from resolution of the case.

## **Criminal Investigations Act** (449/1987)

### **Section 31** (692/1997)

The counsel or support person of the injured party shall have the right to be present when his client is questioned, unless the head of investigation prohibits this for important reasons related to the criminal investigation.

## **Act on the Openness of Government Activities** (621/1999)

### **Section 24 — Secret official documents**

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

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

### **Section 6 – Ordering that identity be kept secret**

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

(1) the identity of the injured party in a criminal case that concerns a particularly sensitive aspect of his or her private life; or

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### **Section 9 – Trial document that is to be kept secret**

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

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

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### **Section 15 – Closed proceedings**

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:

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

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**Code of Judicial Procedure** (4/1734)

**Chapter 17 — Evidence**

**Section 34** (360/2003)

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

(1) in order to protect the person being heard -----

**Section 34a** (360/2003)

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

(1) the person to be heard cannot, due to illness or another reason, appear in person in the main hearing, or his or her personal appearance in proportion to the significance of the testimony would cause unreasonable costs or unreasonable inconvenience;

(2) the credibility of the statement of the person to be heard can be reliably assessed without his or her personal appearance in the main hearing;

(3) the procedure is necessary in order to protect the person to be heard or a person related to him or her in the manner referred to in chapter 15, section 10, subsection 2 of the Criminal Code, from a threat directed at life or health;

or

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

(2) A party shall be reserved an opportunity to put questions to the person being heard.

(3) In the cases referred to above in subsection 1(1) and 1(2), however, also a telephone may be used in the hearing.