



# Global Monitoring



*Report on the*  
status of action against commercial  
sexual exploitation of children

# FINLAND



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# Glossary of terms and acronyms

**AIDS:** Acquired Immune Deficiency Syndrome

**CBO:** Community-based organisation

**CBSS:** Council of Baltic Sea States

**CIS:** Commonwealth of Independent States

**Code of Conduct:** A code for travel and tourism companies, providing guidance on the protection of children from sexual exploitation

**CRC:** United Nations Convention on the Rights of the Child

**CSE:** Commercial sexual exploitation

**CSEC:** The commercial sexual exploitation of children consists of criminal practices that demean, degrade and threaten the physical and psychosocial integrity of children. There are three primary and interrelated forms of commercial sexual exploitation of children: prostitution, pornography and trafficking for sexual purposes. Commercial sexual exploitation of children comprises sexual abuse by the adult and remuneration in cash or in kind to the child or a third person or persons.

**CST:** Child sex tourism, or the commercial sexual exploitation of children by men or women who travel from one place to another, usually from a richer country to one that is less developed, and there engage in sexual acts with children, defined as anyone under the age of 18.

**ECPAT:** End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes

**EU:** European Union

**Grooming:** Preparing a child for sexual abuse and exploitation

**HIV:** Human immunodeficiency virus

**ICT:** Information and communication technologies

**ICTSD:** International Centre for Trade and Sustainable Development

**ILO:** International Labour Organization  
**ILO/IPEC:** International Labour Organization/International Programme on the Elimination of Child Labour  
**INGO:** International non-governmental organization  
**INHOPE:** International Association of Internet Hotlines  
**IOM:** International Organization for Migration  
**IRC:** Internet Relay Chat  
**ISP:** Internet service provider  
**IT:** Information technology  
**MoU:** Memorandum of Understanding  
**NGO:** Non-governmental organization  
**NPA:** National Plan of Action  
**ODHIR:** Office for Democratic Institutions and Human Rights  
**OSCE:** Organisation on Security and Cooperation in Europe  
**PELA:** Save the Children Finland (*Pelastakaa Lapset – Rädda Barnen*)  
**QCS:** Quality of care standards  
**STIs:** Sexually transmitted infections  
**UN:** United Nations  
**UNDP:** United Nations Development Programme  
**UNESCO:** United Nations Educational, Scientific and Cultural Organisation  
**UNHCR:** United Nations High Commissioner for Refugees  
**UNICEF:** United Nations Children's Fund  
**UNIFEM:** United Nations Development Fund for Women  
**UNOHCHR:** United Nations Office of the High Commissioner for Human Rights  
**WHO:** World Health Organization  
**WTO:** World Tourism Organization

# Foreword

Ten years have passed since the First World Congress against Commercial Sexual Exploitation of Children (CSEC) was held in 1996 in Stockholm, Sweden. The Stockholm Congress was a landmark event, providing testimony that convinced the world that sexual violations against children exist in all nations, irrespective of cultural differences or geographic location. It marked the first public recognition by governments of the existence of CSEC and resulted in a commitment to a global Declaration and Agenda for Action, which was formally adopted by 122 governments, as a guide to the specific measures that must be taken for counteraction.

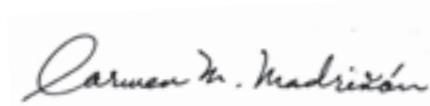
Since 1996, many actors around the world have focused their efforts around this common Agenda for Action and more government and non-government entities have linked, to ensure positive change for children and to protect their right to live free from sexual exploitation. This broad societal alliance (bolstered by a Second World Congress held in Yokohama in 2001, during which the number of countries adopting the Agenda rose to 159 - a figure which has since risen to 161) has made progress in improving protection for children from commercial sexual exploitation. However, the increasing sophistication of resources available to those who seek to exploit children have grown in equal measure. Responding to these challenges requires far more coordinated and targeted work to be undertaken to avoid retrogression.

Experience demonstrates that the level of responsibility and role that a government takes to set and uphold standards of protection, like the lead taken for protecting children's rights, determines the nature, quantity and quality of what the country achieves for its children. Governments can and have accelerated progress for implementation of the Agenda for Action, often opening new and important channels for such work. Nevertheless, their actions have not been uniform and, as these country profiles attest, far more urgent work must be done to protect children from such heinous violations, as these are still perpetrated with impunity in many countries.

This report aims to provide a baseline of information on actions taken and remaining gaps for addressing CSEC in each country, based on the framework of the Agenda for Action, to enable more systematic assessment of progress on implementation of this commitment. It also seeks to contribute to other international mechanisms that exist to protect children's rights; the *Convention on the Rights of the Child (CRC)* and the *Optional Protocol on the sale of children, child prostitution and child pornography* so as to strengthen the implementation and action against commercial sexual exploitation of children at all levels.

Another important objective of these reports is to stimulate the exchange of experience and knowledge among countries and different actors to create a dialogue that can further work against CSEC. While much has been achieved over the last 10 years, many gaps still remain. The implementation of the Agenda for Action is urgently required, for as the reports clearly illustrate, there is a compelling need for global action to protect children from these inhuman violations.

This project is the result of a broad and global collaboration. ECPAT International (EI) would like to thank all those who participated in the work and contributed their inputs, in particular the ECPAT member groups in the countries examined, local experts who provided valuable information and insights, other organisations that shared their experience and information, the dedicated staff and volunteers in the Secretariat of EI and the generous donors who backed the project (more extensive acknowledgements can be found in the Regional Report). This work would not have been realised without their support and solidarity.



Carmen Madrián  
Executive Director, ECPAT International

## Methodology

The Agenda for Action against Commercial Sexual Exploitation of Children provides a detailed framework and categories of actions to be taken by governments in partnership with civil society organisations and other relevant actors for combating commercial sexual crimes against children. Broadly, these actions are focused on: 1) Coordination and Cooperation; 2) Prevention; 3) Protection; 4) Recovery, Rehabilitation and Reintegration; and 5) Child Participation. The Agenda for Action is thus the formal and guiding structure used by governments that have adopted it and committed to work against CSEC. As such, the Agenda for Action is also the main organising framework for reporting on the status of implementation of the Agenda as seen in the World Congress of 2001 and in the Mid-Term Review meetings held between 2004 and 2005. It has been used in the same way to structure and guide the research, analysis and preparation of information presented in these reports on the status of implementation of the Agenda in the individual countries.

Preparatory work for this report involved a review of the literature available on sexual exploitation for each of the countries where ECPAT works. A number of tools were prepared, such as a detailed glossary of CSEC terms, explanatory literature on more difficult themes and concepts and a guide to relevant CSEC-related research tools, to assist researchers in their work and to ensure consistency in the gathering, interpreting and analysing of information from different sources and parts of the world.

Early desktop research revealed a lack of information in the areas of Recovery, Rehabilitation and Reintegration; and Child Participation. After extensive efforts to collect information relevant to these areas for each of the countries covered, it was decided that as this information was not consistently available, the reports would focus only on those areas of

the Agenda for Action where verifiable information could be obtained. Thus, the report covers: Coordination and Cooperation; Prevention; and Protection, and where information on the other two areas was available, it has been included under the specific country or in the regional overview.

Research of secondary sources, including CRC country reports, alternative CRC reports, the reports of the Special Rapporteurs, submissions for the recent UN Study on Violence against Children, as well as research and field studies of ECPAT, governmental and non-governmental organizations, and UN agencies, provided the initial information for each report. This information was compiled, reviewed and used to produce first draft reports. In-house and consultant specialists undertook a similar process of review to generate information on specialised areas of the reports, such as the legal sections. Nevertheless, researchers often encountered a lack of information. While sources also included unpublished reports and field and case reports of ECPAT and other partners, many countries lacked up-to-date data and information on areas relevant to this report.

Despite these limitations, sufficient information was gathered to provide a broad overview of the situation in each country. Subsequently, first drafts were prepared and shared with ECPAT groups, which then supplemented the information with other local sources and analysis (taking care to identify them and source appropriately). Upon receipt of these inputs, a series of questions were generated by the ECPAT International team for deeper discussion through teleconferences, which involved ECPAT groups and specialists invited by them. The information from these discussions was used to finalise inputs to each of the reports. These consultations proved to be invaluable for analysis of the country situation.

They also served as a measure for triangulating and validating information as different actors offered their perspective and analysis based on their direct work.

As previously noted, the information of each country report is organised to correspond to the structure of the Agenda for Action. Thus all reports feature: (i) an overview of the main CSEC manifestations affecting the country; (ii) analysis of the country's National Plan of Action (NPA) against CSEC and its implementation (or the absence of an NPA); (iii) overview and analysis of coordination and cooperation efforts during the period under review; (iv) overview and analysis of prevention efforts; (v) overview and analysis of protection efforts, which includes detailed information on national legislation related to CSEC (see [www.ecpat.net](http://www.ecpat.net) for further details); and (vi) priority actions required.





# FINLAND

Finland does not record a large number of children sexually exploited through prostitution. Most cases of sexual exploitation of children are related to the possession of child pornography, mainly through downloading images from the Internet, and to child sex tourism practised by Finnish nationals in foreign destinations, especially in Russia and Estonia.

Prostitution in the country is usually formally organised through procuring organisations which are careful to ensure that the individuals they engage in sexual activities are not minors, because of the stiff penalties and the great risk of getting caught by the authorities. As a result, most individuals involved in prostitution in the country are between the ages of 18–29. Research into the commercial sexual exploitation of children (CSEC) conducted by the Central Criminal Police found no indication that sexual exploitation of underage children exists in Finland in a formalised manner,<sup>1</sup> and whatever activity may exist in this regard seems to be small and not well organised. In 2002 for instance, only two convictions were handed down for the purchase of sexual services from a minor.<sup>2</sup> Moreover, often the men who pay for sexual services from minors do not realise that their victims are underage; those who deliberately do so tend to pay for their telephone bills or purchase goods as payment for sex, instead of giving cash to the child or children directly.<sup>3</sup> The exploited children are usually local girls, or immigrants living in Finland, some of them with drug problems.<sup>4</sup> Nonetheless, massage parlours remain a grey area as they are not investigated by the police, although police personnel have suggested that there is a real possibility that minors are being exploited in such places, which tend to offer women originating mainly from Thailand.

## No indication of widespread organised prostitution of children in Finland

In December 2002, Mr. Markku Mero, an official from the violent crimes unit of the Helsinki Police, stated that he did not believe that organised child prostitution activities existed in Finland. However, he did note that near Helsinki's Central Railway Station some boys and girls were known to be involved in activities which involved sexual exploitation. These children

were of Finnish, Russian, Estonian, Latvian and Lithuanian origin. Merja-Maaria Turunen, a worker from a children's psychiatric assessment clinic, observed that the groups that organise commercial sexual exploitation of children in Finland are based in the countries of origin of the children involved.<sup>5</sup>

In the same way, the economic benefits of trafficking in minors for sexual purposes apparently are not worth the risks.<sup>6</sup> Even so, Finland has been found to be a transit country for the trafficking in women and children, often for sexual purposes, to other European countries and also to North America.<sup>7</sup> A recent example is the case of two underage Estonian girls who were being exploited through an Estonian procurement organisation. The girls were rescued by the police and sent back to their country under the *Aliens Act*. There are no official statistics on commercial sexual exploitation of children and although there are reports indicating the existence of the problem in the country, studies to assess the situation more accurately are necessary.

Finnish men interested in sexually exploiting children tend to travel to nearby border towns in Russia and Estonia, particularly Vyborg, Sortavala, Petrozavodsk, St Petersburg, Tallinn, Narva or Pärnu.<sup>8</sup> Finland has good legislation on child sex tourism, but the likelihood of sex tourists getting caught is relatively small,<sup>9</sup> which suggests that perhaps the law enforcement and judicial cooperation already in place could be further reinforced.

The production and distribution of child pornography seems to be minimal, but during the last few years there have been many cases of such materials being downloaded from the Internet, nearly always from foreign websites. Between March 2004 and February 2005, the Save the Children Finland (PELA) hotline received approximately 7,400 reports, 35 per cent of these relate to illegal child pornography and over 20 per cent relate to child erotica.<sup>10</sup> According to local non-governmental organization (NGO) Children's Fundamental Rights, there are two or three cases of suspected involvement of Finnish children in pornographic productions every year. There is also a worrying new trend in the country where many young girls are contacted by telephone and email to participate in the production of pornography. Several such cases have come to light recently, although no prosecutions have yet taken place.

Finland adopted the *Stockholm Declaration and Agenda for Action* at the First World Congress in 1996, and reaffirmed its commitment in Yokohama in 2001.

## NATIONAL PLAN OF ACTION (NPA)

The National Plan of Action to Combat the Commercial Sexual Exploitation of Children<sup>11</sup> was launched in December 1999. The main ministries responsible for implementing the Plan are the Ministry of Social Affairs and Health, the Ministry of the Interior, the Ministry of Transport and Communications, the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Trade and Industry and the Ministry of Education, as well as NGOs, international organisations and travel agents. However, according to the NGO Children's Fundamental Rights, very little implementation and monitoring of the Plan has actually taken place. The recently appointed official Children's Ombudsman has concentrated on broader child rights issues and so far not given much attention to implementing the NPA.

Little information has been obtained in relation to the NPA's outcomes, except that it has resulted in information campaigns targeting tourists, companies working abroad and Finnish peacekeeping forces; and in the continuation of Finland's participation in the European Union (EU) project 'Minors in the Sex Trade', which surveyed the CSEC situation in Finland and neighbouring countries, including child sex tourism. Furthermore, a Children's Ombudsman is now in place and under the remit of this office should follow up the implementation of the NPA, among other functions.<sup>12</sup> Another tangible result was the 2003 law requiring anyone wanting to work with children to present a form from the Ministry of Labour to their potential employer stating whether he/she had committed any offences against children, sex crimes, violent crimes or narcotics-related crimes.<sup>13</sup>

Finland also has a *Plan of Action against Trafficking in Human Beings*, developed by the Working Group on Trafficking and adopted by the Ministry of Foreign Affairs in 2005. It addresses trafficking in general,<sup>14</sup> but features some measures in relation to support for child victims, such as the provision of safe accommodation for the child, the designation of a personal representative, and efforts to locate the child's parents.<sup>15</sup> A special health assistance system for child victims of trafficking is currently being developed.

# COORDINATION AND COOPERATION

## Local and National Level

Although Finland has a Children's Ombudsman, which is a significant step towards safeguarding children's rights in a country, there is no national focal point on CSEC. Very little coordination takes place in relation to the implementation and monitoring of the *Action Plan to Combat the Commercial Sexual Exploitation of Children*.

An NGO, Children's Ombudsman was set up under the Mannerheim League (the former ECPAT group in Finland) between 1981 until 2004, and gave significant focus to CSEC issues. A statutory national official Children's Ombudsman was appointed in August 2005.<sup>16</sup>

Under the 'Childscope Project' ([www.childscope.net](http://www.childscope.net)), financed by the EU, a national coordinator works with a network of six organisations that provide shelter and support for child victims of prostitution and helps in missing children cases.

There is also the abovementioned Working Group on Trafficking, composed of governmental and non-governmental agencies, which provides support to trafficked children in general, but does not pay specific attention to child victims of sexual exploitation.

## Regional and International Level

Finland takes part in several programmes against CSEC around the world, with special focus on Estonia, Russia and selected African countries.

Since 2001, the Ministry of Justice has had a liaison prosecutor in Tallinn to facilitate and enhance cooperation between Finnish and Estonian law enforcement authorities. If required, the liaison prosecutor may also step up the investigation and prosecution of offences related to the sexual exploitation of children.<sup>17</sup> Law enforcement cooperation has also been established with Russia, through the Ministries of Justice and Social Affairs.

According to *Act 1313/2002*, cooperation on investigations into CSEC cases may be facilitated by setting up a joint board of officials from Finland and the relevant foreign country.<sup>18</sup>

### Curbing child pornography

In May 2004, police authorities in Sweden, Norway, Denmark and Finland carried out coordinated raids and charged over 100 people suspected of obtaining and distributing child pornography throughout the Nordic Region.<sup>19</sup> Thirty seven raids were conducted in Finland alone. Also in 2004, a project manager of Nokia in Finland was convicted for downloading illegal pornographic pictures of minors onto his computer. The man had installed a program on his computer which automatically downloaded pornography from newsgroups. He had been able to download over 40,000 pornographic pictures (nearly all likely to have come from foreign websites) before the company's virus alarm reacted to some of the downloaded content. He was ordered to pay a fine of EUR 1,225.<sup>20</sup>

A significant obstacle in tracking down and prosecuting individuals who post child pornography on the Internet is the use of dynamic IP addresses: the police reports that dynamic addresses are much harder and more time consuming to trace.<sup>21</sup> Hopefully new technologies, such as IP version 6, will soon be able to eliminate this problem.

Furthermore, within the framework of the Council of the Baltic Sea States (CBSS), a National Contact Point for Unaccompanied and Trafficked Children has been established at the Immigration Department, Ministry of the Interior. The national contact point coordinates and assists with requests for information about unaccompanied and trafficked children, and also advises on how to enhance related bilateral and multilateral cooperation.<sup>22</sup> Cooperation on unaccompanied and trafficked children involves all eleven member countries in the CBSS as well as Belarus, Moldova and Ukraine.

In 2003, in partnership with the CBSS, together with the Canadian, Swedish and United States Embassies in Helsinki, the Finnish Government organised and hosted the conference 'Stop Child Trafficking: Modern-Day Slavery'. The conference focused on victim assistance and rehabilitation; public awareness/public diplomacy; anti-trafficking legislation; interdiction efforts; and demand reduction.<sup>23</sup> Its aim was to disseminate strategies and practices that have proved successful in combating trafficking in minors in the region.

Finally, ECPAT Finland participated in the 'Joint East-West Research Project on Trafficking in Children for Sexual Purposes', conducted by the ECPAT Europe Law Enforcement Group, which involved 16 countries in western and eastern Europe.

## PREVENTION

Finland has taken many years to engage in prevention work against CSEC, while other European countries have been working on the issue for quite a long time. While quite a few prevention initiatives have focused on safe use of the Internet, other CSEC manifestations have been rather neglected; this applies to child trafficking for sexual purposes and child sex tourism offences committed in countries outside Finland.

As early as 1997, Finland already had its first Internet safety programme, an EU-funded pilot project undertaken in partnership with Italy and the UK. The first 'Netsmart Rules' in Finnish were produced at that time, and a large meeting of experts took place in 1998, attended by several European ECPAT groups.

In 2001, the Mannerheim League for Child Welfare joined forces with the Finnish section of the National Council for Crime Prevention in an awareness raising campaign for safe Internet use. The poster 'Chattaa Turvallisesti' (Chat Safely) was widely distributed to schools across Finland, along with a set of 'Netsmart Rules'.<sup>24</sup> The Mannerheim League also produced several online safety guides for parents, teenagers and children.<sup>25</sup>

PELA is now the leading organisation in terms of Internet safety action. They work closely with the International Association of Internet Hotlines (INHOPE), and set up the Northern Hotline in 2002, to receive reports of child pornography online.<sup>26</sup> The Northern Hotline works in cooperation with law enforcers, governmental and non-governmental agencies, universities and the information and communication technologies (ICT) industry.

### Poor engagement on the part of administrators of Internet forums and chat sites

In April 2004, two Finnish reporters from *Helsingin Sanomat*, Finland's largest national newspaper, conducted an investigation into the reaction of administrators of Internet forums and chat sites to messages requesting sexual services. Over eight days, the reporters posted 50 advertisements for sex on eight of the most popular discussion forums and Internet chat sites: messages offering money for sex with a minor often stayed online for several hours before the administrator reacted.<sup>27</sup>

In 2002, the National Board of Education participated in the EU-funded 'Dot.Safe Project', producing very good awareness raising materials for schools. Furthermore, in 2005 the 'National Information Security Day' was established to promote safe Internet use by children through a series of activities in schools across the country. This was an initiative of the governmental Information Security Committee in cooperation with business partners, the Mannerheim League and various other interested organisations, including NGOs.<sup>28</sup>

In relation to child sex tourism, four Finnish travel agencies have signed the *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism*.<sup>29</sup> Very little work towards implementing the Code has taken place though, which is a gap that must be filled, especially in view of the willingness expressed by travel agents to obtain more information and training. There is also a clear lack of awareness about extraterritorial legislation, and tourism companies have mentioned that they do not know how to act or who to contact when confronted with cases of sexual exploitation of children in tourism.

## PROTECTION

Finland ratified the *Convention on the Rights of the Child* in 1991, but has not yet ratified the *Optional Protocol on the sale of children, child prostitution and child pornography (Optional Protocol)* or the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol)*. Finland ratified *ILO Convention No. 182* in 2002. At regional level, Finland has not signed the Council of Europe's *Convention on Action against Trafficking in Human Beings*, nor ratified the *Convention on Cybercrime*.

### Legislation

Considerable progress has been achieved in protecting children against CSEC through the amendments that came into effect in 1999 and 2004, concerning extraterritoriality, sexual crimes against children and child pornography.<sup>30</sup>

## Prostitution of Children

Finnish law offers considerable protection against the prostitution of children and conforms to international standards for child prostitution, as its provisions are broad enough to prohibit the use of a child below 18 years of age in sexual activities for remuneration or any other form of consideration. The definitions of “sexual intercourse” and “sexual acts” are broad enough to cover the sexual activities contemplated by the *Optional Protocol*. Also, as required by the *Optional Protocol*, Finnish law provisions criminalise the obtaining, procuring or providing a child for prostitution.

The age of sexual consent in Finland is 16, but there are some exceptions. The law considers sexual intercourse or sexual touching of a child under the age of 16, as well as performing or getting such a child to perform a sexual act that would likely impair the child’s development, as child sexual abuse. However, such acts do not fall under the scope of the law when there is “no great difference in the ages or mental and physical maturity” of the persons involved.<sup>31</sup> In addition, if the offender is the parent of the child or in a similar position, children are afforded protection up to the age of 18.<sup>32</sup>

The Finnish *Penal Code* contains a section entitled “buying sexual services from a young person”, which provides that any person who, by promising or giving remuneration, engages a person younger than 18 years of age in sexual intercourse or other sexual acts, is liable to a fine or imprisonment for up to one year.<sup>33</sup> Sexual intercourse is defined as the sexual penetration by a sex organ or directed at a sex organ of the body of another.<sup>34</sup> A sexual act means an act whose purpose is sexual arousal or satisfaction.<sup>35</sup> If the child is younger than 16 years of age, the general provision of sexual abuse applies, and the maximum conviction can be ten years’ imprisonment.<sup>36</sup>

The *Penal Code* also punishes pandering under a separate section. Anyone who, in order to seek financial gain for him or herself or for another person, supplies a room or other facilities where sexual intercourse or other sexual acts or a sexually obscene acts performed by children under the age of 18 are offered for remuneration, is liable to a fine or imprisonment for up to three years. Furthermore, anyone who, as part of a business, harbours a child under 18 engaging in the above acts and thereby promotes such acts; provides contact information or otherwise markets a child under 18 engaging in such acts knowing that his/her actions substantially promote the occurrence of such acts; otherwise takes advantage of such acts performed by a child under 18; or tempts or coerces a child under 18 to perform such acts is liable to imprisonment from four months to six years.<sup>37</sup>

Although Finnish law does not provide a specific definition for the prostitution of children, the many provisions of the law are sufficient to make feasible the prosecution of all child prostitution acts contemplated by the *Optional Protocol*. However, it is reported that the existence of so many applicable provisions somewhat hinders the work of prosecutors, and the law could be made clearer and more concise to facilitate the process.

### **Trafficking in Children for Sexual Purposes**

The Finnish definition of trafficking in human beings generally meets the requirements of the *Trafficking Protocol* on trafficking in children for sexual purposes.

The 2004 amendments made the trafficking of individuals for sexual purposes a crime. The *Penal Code* defines trafficking in human beings as the abuse of a dependent status or the use of deceit or other such means to take control over another person, recruit, transfer, transport, receive or harbour that person for the purposes of supplying a room or facilities for prostitution or comparable sexual abuse, forced labour or other demeaning circumstances, or removal of organs or tissues for financial gain. When the victim is a person under the age of 18, the use of illicit means such as deceit are irrelevant.<sup>38</sup> The penalty for this offence is a minimum four-month and maximum six-year term of imprisonment. The penalty for trafficking a child younger than 18 years in circumstances that are deemed to be egregious, is a minimum two-year and a maximum ten-year term of imprisonment.<sup>39</sup> Attempts are also punishable by law.

### **Child Pornography**

While Finland has achieved considerable progress over the past years in strengthening its laws against child pornography and while the criminalisation of the possession of “sexually obscene pictures depicting children” must be applauded, Finnish law still falls short of international standards to protect children against child pornography. Finnish law does not specifically refer to child pornography but rather, to “sexually obscene pictures or visual recordings”, and as such does not apply to other materials such as writings and sound recordings. It should therefore be further revised to comply fully with the *Optional Protocol*.

Any person who manufactures, offers for sale or for rent, exports, imports to or through Finland or otherwise distributes sexually obscene pictures or visual recordings depicting children shall be punished with a fine or imprisonment for a maximum of two years. Attempts are also punishable.<sup>40</sup> When a child is particularly young, or when a picture depicts severe violence or a particularly humiliating treatment of a child, penalties are increased to imprisonment for a minimum of four months and a maximum of six years.<sup>41</sup>

The possession of sexually obscene pictures depicting children is punishable with a fine or imprisonment for a maximum of one year. As such, any person who possesses “an illegal photograph, videotape, film or other realistic visual recordings depicting a child [...] having sexual intercourse or participating in a comparable sexual act or depicting a child in another obviously obscene manner” is liable to a fine or imprisonment for a maximum of one year.<sup>42</sup> For the purpose of the above provisions, the *Penal Code* defines a child as a person under 18 years of age, or a person whose age cannot be determined but who can justifiably be assumed to be under 18 years of age.<sup>43</sup> Finnish law also prohibits the exhibition or distribution of pornography to minors.<sup>44</sup>

### **New law needed to facilitate law enforcement against child pornography**

Law 458/02 required Internet service providers to block access to websites that display illegal content, which includes child pornography, whenever they are informed about such cases. However, in Finland the police are not allowed to disclose lists of websites containing child pornography, and ISPs do not have any reporting obligations either. A new law proposed by the Government, currently being studied by parliament, would allow the police to disclose such information. Finnish ISPs have announced that they are ready to begin blocking access to such websites voluntarily, once they receive relevant reports,<sup>45</sup> and it is hoped that legislators will facilitate this essential collaboration between the information technology (IT) sector and law enforcement.

### **Extraterritorial Legislation**

Finnish law applies to all crimes against children committed outside Finland by a Finnish citizen. The requirement of double criminality generally does not apply to any of the crimes described in the present section.<sup>46</sup>

## Enforcement of extraterritorial law highly insufficient

In December 2001, the district Court in the city of Hamina ordered a Finnish man to pay a fine of approximately EUR 1,680 for buying sexual services from two underage girls in the Russian city of Vyborg. This was the first - and only - case of a Finnish citizen convicted of a sex crime involving children committed in another country.<sup>47</sup>

## Child Protection Units

Regarding child-friendly procedures, there are no special procedural or evidentiary rules applying in proceedings involving children. However, general provisions on witness protection apply to children, who can be heard through video conferences or without the presence of the accused.<sup>48</sup>

## Support Services for Children

Finnish children, as well as immigrant minors living permanently in Finland, who are found to be victims of commercial sexual exploitation are usually taken into the care of the general child welfare system and services, which are quite well developed,<sup>49</sup> although such cases are rare. According to

the Children's Fundamental Rights NGO, the support currently available does not seem to include shelters and rehabilitation programmes tailored for CSEC victims. A health assistance system for child victims of trafficking is currently being developed.



## PRIORITY ACTIONS REQUIRED

- Strict enforcement of regulatory policies governing the operation of massage parlours is required to ensure that no minors are being sexually exploited in such places.
- More research on the trafficking of children for sexual purposes is needed to assess the scope of the problem in Finland, since a number of reports have indicated that Finland is a transit country but as yet little data is available.
- The *National Plan of Action to Combat the Commercial Sexual Exploitation of Children* requires proper systems for coordinating activities, monitoring and evaluation. Its proper implementation also demands further attention and action on the part of the Children's Ombudsman.
- Finland needs to establish a national focal point on CSEC, who could also play an important role in improving coordination of the implementation of the *National Plan of Action to Combat the Commercial Sexual Exploitation of Children*.

- There is an urgent need to provide training and information to the tourism industry to ensure the implementation of the *Code of Conduct*.
- Finland needs to ratify the main international instruments relevant to CSEC to ensure greater protection for children: the *Optional Protocol on the sale of children, child prostitution and child pornography (Optional Protocol)*, the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol)* and the *Convention on Cybercrime*. It should also sign and ratify the Council of Europe's *Convention on Action against Trafficking in Human Beings*.
- Finnish law must be revised so that child pornography provisions apply to all forms of child pornographic materials, including writings and sound recordings, thus fully complying with the *Optional Protocol*.
- Concrete mechanisms to ensure the application of extraterritorial legislation in relation to CSEC are required, especially in view of the extent of child sex tourism practiced by Finnish nationals in foreign destinations.

# Endnotes

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