

United Nations Study on Violence against Children

Response to the questionnaire received from the
Government of the Republic of FINLAND

1. Information about developments due to the acceptance of the referred instruments or cases concerning violence against children where national courts would have referred to international or regional human rights standards is not available. However, the Convention on the Rights of the Child has been one of the guiding principles used in Finnish legislation concerning children since 1980s.

2. Firstly, violence against children is addressed in the constitution. Chapter 2 of the Finnish Constitution states (Basic rights and liberties):

Section 6 - Equality

Everyone is equal before the law.

No one shall, without an acceptable reason, be treated differently from other persons on the ground of sex, age, origin, language, religion, conviction, opinion, health, disability or other reason that concerns his or her person.

Children shall be treated equally and as individuals and they shall be allowed to influence matters pertaining to themselves to a degree corresponding to their level of development.

Equality of the sexes is promoted in societal activity and working life, especially in the determination of pay and the other terms of employment, as provided in more detail by an Act.

Section 7 - The right to life, personal liberty and integrity

Everyone has the right to life, personal liberty, integrity and security.

No one shall be sentenced to death, tortured or otherwise treated in a manner violating human dignity.

The personal integrity of the individual shall not be violated, nor shall anyone be deprived of liberty arbitrarily or without a reason prescribed by an Act. A penalty involving deprivation of liberty may be imposed only by a court of law. The lawfulness of other cases of deprivation of liberty may be submitted for review by a court of law. The rights of individuals deprived of their liberty shall be guaranteed by an Act.

Secondly, there are several provisions criminalizing various kind of violence against children in the Finnish Penal Code. The relevant provisions are cited below.

3. The Penal Code includes numerous provisions that aim to protect children from violence. Enclosed is an extract of the relevant provisions of the Penal Code. (Chapters 17, 20 and 25 have been partly revised in 2004, but an English translation is not available yet. The new legislation has not entered into force yet.)

Chapter 17 of the Penal Code includes provisions on:

- Incest,
- Child pornography, and
- The distribution of pornography to minors

Chapter 20 of the Penal Code includes provisions on sexual crimes against children. The forms are:

- Rape and gross rape,
- Sexual abuse of children and gross sexual abuse of children under 16 years,
- Sexual abuse of a minor under the age of 18 if the person abuses his/her authority, and
- Buying sex from a minor under 18 years

Chapter 21 of the Penal Code includes provisions on physical abuse of children which can be mild or gross. There are separate paragraphs for when an injury or a handicap has resulted, or if the victim has died.

Chapter 25 of the Penal Code includes provisions on offences against personal liberty.

Further, the Custody of Children & Right of Access Act explicitly forbids corporal punishment and all kinds of violence and crude behaviour towards children.

The Penal Code (see above) includes penalties that differ from crime to crime. For instance, the penalty for gross sexual abuse can vary from one year to ten years in prison.

The Child Welfare Act obliges municipal child welfare authorities to act when a child is in need of protection.

4. There are no specific legislative provisions to address violence in the referred situations. The above (answer 3) mentioned general provisions apply. These provisions are supplemented by the criminal liability of public officials (Chapter 40 of the Penal Code, see below).

Also, all physical violence was forbidden in Finnish schools in 1926 already, and as stated above, the Penal Code includes a separate paragraph on sexual abuse of minors under the age of 18 if the perpetrator has abused his/her authority in a school/institution.

Further, the Finnish Basic Education Act (628/1998/paragraph 29) defines a right to safe study environment and requires that the facilities and equipment provided for teaching are safe and to ensure that the pupils are not subjected to violence or bullying at school or in any school activity.

5. Corporal punishment of children is explicitly forbidden both in the constitution and in regular legislation. The Child Custody & Right of Access Act (1984), paragraph one, forbids corporal punishment of children. There is no customary law allowing chastisement; it is explicitly forbidden and can be punished as assault. Applicable penalties derive from Chapter 21 of the Penal Code: physical abuse of children can be mild or gross and there are separate paragraphs that apply where an injury or handicap has resulted, or if the victim has died.

6. No such permission exists in any part of the legislation.

7. There are no special provisions on bullying/hazing. General provisions on assault may apply. Sexual harassment is criminalized in chapter 21 sections 5–6 of the Penal Code. See also answer 4 on the safe study environment and related bullying.

8. These harmful and/or violent traditional practices are forbidden. Female genital mutilation can be addressed as (aggravated) assault, child marriages are void (and can be addressed as coercion according to chapter 25 section 8). Honour crimes are addressed on the same grounds as other crimes. All forms are penalised.

9. There are no specific provisions addressing violence against non-citizen and stateless children. General provisions of the Penal code apply.

10. In general, the definition of violence does not depend on the sexual orientation of the victim or perpetrator, the age of the victim, or the relationship between the victim and the offender. The age of the victim can however influence the prosecution arrangements. (Regarding family relationships, see also chapter 20 section 6 of the Penal Code.) The younger the victim, the more gross the crime is considered. If both partners are minors and no violence is done, the penal code is not applied.

Sexual violence within marriage is also criminalized, and sexual abuse within the family is more severely penalised even if the perpetrator is not the biological parent.

11. There is no recent comprehensive review of the legal framework addressing violence against children.

12. No information is available on studies or surveys undertaken to assess the impact of legal measures in addressing violence against children.

13. District courts deal with both criminal and civil cases. A decision by a district court can normally be appealed in a court of appeal. Decisions of the courts of appeal, then, can be appealed in the Supreme Court, provided that the Supreme Court grants leave to appeal. There are no separate family or juvenile courts.

14. According to chapter 20 section 6 of the Finnish Penal Code, it is forbidden to have sexual intercourse with a child under the age of sixteen unless there is no great difference in the ages or the mental and physical maturity of the persons involved. No difference is made between homo- or heterosexual activities.

15. The minimum age of marriage is 18 for both men and women. An exceptional permit can be issued by the Ministry of Justice. (Chapter 2 Section 4 of the Marriage Act)

16.-17. The commercial sexual exploitation of children is forbidden under the provisions on sexual abuse of a child (chapter 20 sections 6-7), buying sexual services from a young person (chapter 20 section 8), pandering (section 9; a section on aggravated pandering has also been accepted). Child pornography is criminalized under chapter 17 section 19. The legislation on child pornography has been revised as the Government Bill 34/2004 has been passed, but the renewed provisions have not yet entered into force.

18. Children under the age of 15 are protected from injurious information through provisions in chapter 17 section 18a. The content of audiovisual programs is supervised according to the Act on Classification of Audiovisual Programs (775/2000).

19. Paragraph 40 of the Child Welfare Act obliges all civil servants and elected officials in social services, health professionals, teachers and church servants to report children in need of protection to local child welfare authorities.

20. The first phase is to report to municipal welfare authorities. The second stage is to complain to provincial government, and/or to the local court > court of appeal > Supreme Court. The Parliamentary Ombudsman is an independent and an impartial authority overseeing the observance of the law in the discharge of official and public functions. Complaints procedures relevant to violence by public officials are presented below (answer 32). Finally, if an education provider neglects the duty to ensure a safe study environment, an administrative complaint may be filed with the county administrative board.

21. Children can file complaints to the ombudsman and the chancellor as presented under answer 32. Public legal aid is available through municipal offices.

22. There is no information available on steps taken to raise awareness of possibilities to submit complaints.

23. There are no special procedural nor evidentiary rules which would apply in proceedings with respect to violence against children. However, general provisions on witness protection apply: the child can be heard through video conference or without the presence of the accused.

24. Statistical information on the usual outcome of complaints is not available. However, often in mild cases, the family is given advice and support, whereas in severe cases, the child is taken into custody.

25. The usual outcome of legal proceedings in which children and juveniles are found guilty of perpetrating violence is fines, a "youth sentence" meaning a community sentence (includes rehabilitation and work) and conditional sentences; unconditional sentences are avoided as far as possible and are only used when crimes are serious. There are special (more lenient) regulations on the early release of young offenders. Children and juveniles under the age of 16 can also be placed in special schools, where the specific needs of the child are assessed and education is tailored according to these needs.

26. Local child welfare authorities are responsible for addressing all kinds of violence and maltreatment of children.

27. The Ministry of Social Affairs and Health is responsible for addressing violence against children.

28. Finland has completed (1998-2002) a five-year action plan directed at the prevention of violence against women. The project was administered by the Ministry of Social Affairs and Health (MSAH) and it was implemented by the National Research and Development Centre for Welfare and Health (Stakes) during the term of the previous government. During the first phase, prevention of domestic violence was promoted by developing pilot projects in municipalities and by arranging training as well as producing educational material for professionals.

In its programme on 24 June 2003, the Government brought up the prevention of violence in relationships and against women from two viewpoints; as an issue of gender equality and as a phenomenon weakening the safety of citizens.

The current Government programme will allocate resources throughout the Government's term to prevent domestic violence. More resources will be made available for services helping victims of violence.

A joint program of various administrative sectors has already been launched with the aim of increasing security of citizens and reducing violence. Ministry of Interior presently prepares a programme on internal security. A central goal of the programme is to decrease the number of violent crimes. The National Council for Crime Prevention (Ministry of Justice) has the task of preparing a programme for crime prevention. The prevention of violence against children is included.

Long-term work is needed in order to develop the professional skills of employees and to improve services. Therefore, during the years 2004-2007 the Ministry of Social Affairs and Health is preparing a second phase Action Plan at the prevention of domestic violence which meshes with parallel programmes being developed by the Ministry of the Interior and Ministry of Justice (The National Council for Crime Prevention).

The action plan will continue with a more general scope on preventing domestic violence. The action plan will run until 2007 and it aims to improve work that is currently being carried out, in particular by developing services nationwide to help victims and perpetrators of domestic and intimate partner violence against women and children. Other goals of the Action Plan include intensifying support for children and young people who witness or experience violence, and developing professional skills required in the work against violence and in handling related issues.

The aim is to improve professional skills of employees so that they are able to identify and intervene in problems of violence at an early stage. The Action Plan is being linked to the work of the Ministry on improving child welfare, which is taking place within the National Development Project for Social Services.

The Supreme Police Command has also paid special attention to interference and prevention of domestic violence by setting up a steering group with the task of preparing an action plan relating to the matter. The plan of action has been completed.

29. Municipalities and NGOs can apply for resources from the Health Promotion fund as well as from the Slot Machine Association which are under the Government. Most of the funds are used towards different projects and programs at local level. The Ministry of Social Affairs and Health has granted funding to be used towards its own share of Finnish Daphne projects. The EU Daphne II programme is a programme of Community action (2004-2008) to prevent and combat violence against children, young people and women, and to protect victims and groups at risk.

30. Finnish NGOs can apply for resources from the EU Daphne programme. The EU Daphne II programme is a programme of Community action (2004-2008) to prevent and combat violence against children, young people and women, and to protect victims and groups at risk. The total budget of the Daphne II programme is EUR 50 million for the period 2004-2008.

31. Finland takes part in many programs, especially abroad. There are

programmes in Russia, Estonia and in many of the developing countries for example.

32. Both the Parliamentary Ombudsman and the Chancellor of Justice have competence in the area of violence against children. They both supervise the lawfulness of the actions of public officials and the implementation of basic rights and liberties and human rights. In practice, the supervision of legality is primarily carried out by ruling on lodged complaints. Anyone, irrespective of status or citizenship, may complain directly to the Ombudsman. A complaint can be made on one's own behalf or on behalf of another person or a group

33. There is no special parliamentary structure addressing violence against children.

34. Recent the main parliamentary initiative to address violence against children has been the above mentioned government bill 34/2004, which includes provisions on child pornography and sexual offences.

As referred to in answer 28, the current Government programme will allocate resources throughout the Government's term to prevent domestic violence. More resources will be made available for services helping victims of violence. A joint program of various administrative sectors has already been launched with the aim of increasing security of citizens and reducing violence.

The Ministry of Interior is currently preparing a programme on internal security. A central goal of the programme is to decrease the number of violent crimes. The National Council for Crime Prevention (Ministry of Justice) has a task of preparing a programme for crime prevention. The prevention of violence against children is included. The Ministry of Justice has set up a Working Group to address violence against children and youth.

During the years 2004-2007 the Ministry of Social Affairs and Health is preparing a second phase Action Plan for the prevention of domestic violence which meshes with parallel programmes being developed by the Ministry of the Interior and Ministry of Justice. The action plan will continue with a more general scope on preventing family violence. The action plan will run until 2007 and it aims to improve on work that is already being carried out, in particular by developing services nationwide to help victims and perpetrators of domestic and intimate partner violence against women and children.

The other goals of the Action Plan are: intensifying the support for children and young people who witness or experience violence, and developing the professional skills required for work against violence and for handling related issues. The aim is to improve the professional skills of employees so that they would be able identify and intervene in problems of violence at an early stage. The Action Plan is being linked to the work of the Ministry on improving child welfare, which is taking place within the National Development Project for Social Services.

35. Several NGOs, especially the League for First Homes and Shelters have programmes of this kind.

36. Municipalities and NGOs can apply for resources from the Health Promotion fund as well as from the Slot Machine Association which are under the Government. Most of the funds are used towards different projects and programs at local level. The Ministry of Social Affairs and Health has granted funding to be used towards its own share of Finnish Daphne projects.

37. No information is available regarding the role played by the media in addressing violence against children.

38. In schools, pupils are very active in programs targeted at preventing bullying.

39. Children are not involved in designing special procedural or evidentiary rules that apply in court proceedings with respect to hearings concerning violence against children. They have, however, been encouraged to participate in internet discussions on violence and criminality in general. A discussion forum (www.otakantaa.fi) is arranged by the Government.

40. No information is available regarding resources made available to support children's participation.

41. No information is available on a comprehensive policy concerning violence against children.

42. As referred to in answers 28 and 34, the current Government programme will allocate resources throughout the Government's term to prevent domestic violence. More resources will be made available for services that help victims of violence. A joint program of various administrative sectors has already been launched with the aim of increasing security of citizens and reducing violence.

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	Physical	Sexual	Psychological	Neglect	HTPs	Other
Family/Home						
Schools						
Institutions						
Neighbourhood/ Community						
Workplace						
Law enforcement						
Other						

44. As referred to under answers 30 and 31.

45. In 2000 the National Research and Development Centre for Welfare and Health STAKES conducted an enquiry on incidents of suspicions of child sexual abuse brought to the knowledge of welfare and health authorities.

46.-48. The National Research Institute of Legal Policy publishes an annual "Crime in Finland" report, which includes information on victimisation for example. The Institute has also published several research reports regarding violent crimes.

49. All deaths where it is suspected that violence may have played a part are investigated by police authorities.

50.-51. The above mentioned (see response 46.-48.) Crime in Finland reports include statistical information on the age of homicide victims. During the years 1990-1999 4,2 % of the victims were under the age of 15 and 18,9 % were between 15-29 years old.

51.

Sex	x
Age	x
Ethnicity	
Manner of death (homicide, suicide, undetermined)	x
External causes of death	x

(firearm, strangulation, etc.)	
Geographical location of incident (address)	x (Town)
Scene of occurrence (home, school, etc.)	x
Time and date of incident	x
Victim-perpetrator relationship	x
Other:	

52.

Year	Reported incidents
2000	2841
2001	2565
2002	3545
2003	3683

53. More specific information on violence against children is available in the research report "Violent victimisation and delinquent behaviour among Helsinki adolescents" by Janne Kivivuori and Jukka Savolainen (publication 204/2002, The National Research Institute of Legal Policy; summary in English available at www.om.fi/optula/23741.htm).

54. In the past five years, there has been no direct government-arranged campaign for raising awareness of and preventing violence against children. However, the Ministry of Social Affairs and Health has financed a five year program on the prevention of violence against women in 1998-2002, which includes violence against children. The program will continue with a more general scope on preventing family violence.

55.

Print media	x
Radio	x
Television	x
Theatre	
Schools	x
Others	x

56. The Ministry of Social Affairs and Health has financed a five year program on the prevention of violence against women 1998-2002, which includes violence against children. The program will continue with a more general scope on preventing family violence. During the first phase, prevention of domestic violence was promoted by developing pilot projects in municipalities and by arranging training as well as by producing educational material for professionals.

The National Research and Development Centre for Welfare and Health STAKES currently leads a project on teaching children how to defend and protect themselves in case if something frightening were to happen (having similar elements as Kidscape-program).

	Prevention	Protection	Redress	Rehabilitation	Penalties
Medical Professionals (including paediatricians, nurses, psychiatrists and dentists)	x	x		x	
Public health practitioners	x	x		x	
Social workers and Psychologists	x	x		x	

Teachers and other educators	x				
Court officials (including judges)					
Police	x				
Prison officers					
Juvenile offenders personnel					
Institution personnel	x	x		x	
Parents/guardians					
Other (please specify)					