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**Committee on the Rights of the Child****Concluding observations on the report submitted by Finland under article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography\*****I. Introduction**

1. The Committee considered the initial report of Finland (CRC/C/OPSC/FIN/1) at its 2710<sup>th</sup> and 2711<sup>th</sup> meetings (see CRC/C/SR.2010 and CRC/C/SR.2011), held on 15 and 16 May 2023, and adopted the present concluding observations at its 2728<sup>th</sup> meeting, held on 26 May 2023.
2. The Committee welcomes the submission of the initial report of the State party and the written replies to the list of issues (CRC/C/OPSC/FIN/RQ/1). The Committee expresses appreciation for the constructive dialogue held with the multisectoral delegation of the State party.
3. The Committee reminds the State party that the present concluding observations should be read in conjunction with the concluding observations on the combined reports submitted by the State party under the Convention (CRC/C/FIN/CO/5-6), also adopted on 26 May 2023.

**II. General observations****Positive aspects**

4. The Committee notes with appreciation the State party's ratification of:
  - (a) Optional Protocol to the Convention on the Rights of the Child on a communications procedure, in 2015;
  - (b) Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence, Istanbul Convention, in 2015;
  - (c) Council of Europe Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse, Lanzarote Convention, in 2011.
5. The Committee welcomes the various measures taken by the State party in areas relevant to the implementation of the Optional Protocol, including the:
  - (a) Amendments to Chapter 20 on sexual offences on the Criminal Code, 2022;

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\* Adopted by the Committee at its ninety-third session (8 – 26 May 2023).

(b) Government proposal HE 144/2022 vp according to which sexual offences and human trafficking offences are dealt with urgently);

(c) Collection of statistics on child sexual abuse and exploitation and survey-based research.

6. The Committee further notes with appreciation the progress achieved in the creation of institutions and the adoption of national plans and programmes that facilitate the implementation of the Optional Protocol, including the:

(a) Non-Violent Childhoods: Action Plan for the Prevention of Violence against Children (2020-2025);

(b) National Implementation Plan for the Lanzarote Convention (2022-2025);

(c) Action Plan to implement the Istanbul Convention (2022-2025);

(d) Steps taken to implement the national Barnahus project (2019-2026);

(e) Public handbook on child crime investigation, published by the National Police Board (2022);

(f) Action Plan Against Trafficking in Human Beings (2021-2023).

### III. Data

#### Data collection

7. The Committee is concerned that:

(a) The data provided by the State party in its report and its replies to the list of issues is not disaggregated;

(b) The data provided is limited in scope and does not cover sale of children, sexual exploitation of children in the travel and tourism industry, child marriage, trafficking for the purpose of sale, sexual exploitation of children in prostitution, engagement in forced labour, illegal adoptions, organ transfer and child sexual abuse material;

(c) No information has been provided on improvements with regard to data collection on those particular issues.

8. **The Committee recommends that the State party:**

(a) **Intensify its efforts to develop and implement a comprehensive, coordinated and effective system of data collection, analysis, monitoring and impact assessment on all areas covered by the Optional Protocol, including on sale of children, trafficking, sexual exploitation of children in prostitution, child grooming, child sexual abuse material and sexual exploitation of children in travel and tourism;**

(b) **Disaggregate the data, inter alia, by sex, gender, age, nationality, ethnic origin, disability, migration status, socio-economic background, urban and rural residence, and children in vulnerable situations, such as those in situation of violence or in alternative care, with particular attention to children who are at risk of becoming victims of crimes under the Optional Protocol;**

(c) **Collect data on the number of prosecutions and convictions, disaggregated by the nature of the offence, profile of offenders, place of offence, prosecution of perpetrators and the sanctions imposed on them;**

(d) **Actively use the information collected for policy decisions, impact assessments and the monitoring of progress on the implementation of the Optional Protocol.**

## IV. General measures of implementation

### Legislation

9. While the Committee notes that the national legislation prohibits offences covered by the Optional Protocol, the Committee is concerned about the absence of legislation explicitly defining and criminalizing all cases of the sale of children, a concept similar, but not identical, to trafficking in children, and that other manifestations of the sale of children are thus overlooked.

10. **Recalling its 2019 guidelines regarding the implementation of the Optional Protocol on the sale of children, sexual exploitation of children in prostitution and child pornography, the Committee recommends that the State party:**

(a) **Ensure that all acts, activities and offences referred to in the Optional Protocol are fully covered under its criminal law, including by ensuring appropriate criminal sanctions that take into account their grave nature;**

(b) **Criminalize all forms of the sale and sexual exploitation of children, in line with articles 2 and 3 of the Optional Protocol, including with regard to all forms of online sale and sexual exploitation and the acts of producing, distributing, disseminating, selling or possessing child sexual abuse material as a form of sexual exploitation and abuse;**

(c) **Regularly review and adapt legislation following new technology (e.g. live streaming of child sexual abuse);**

(d) **Adopt a legal definition of sexual exploitation of children in prostitution that protects them from being prosecuted as offenders and that the minimum sentence for the offence of purchasing sexual services from children is raised, regardless of other criminal provisions.**

### Comprehensive policy and strategy

11. The Committee is concerned that the State party's strategies and plans of actions do not include measures to specifically address all issues covered under the Optional Protocol and with the level of resources allocated.

12. **The Committee recommends that the State party ensure that its strategies and plans of action on human rights include measures for specifically addressing all issues covered under the Optional Protocol and that adequate human and financial resources are provided for their implementation.**

### Coordination and evaluation

13. The Committee notes the State party's information on the Ministerial Working Group on Internal Security and the Administration of Justice and the Meeting of Permanent Secretaries, part of the structure responsible for combating trafficking in persons (CRC/C/OPSC/FIN/1, paras. 56–57). While welcoming the activities in the area of trafficking in persons, the Committee regrets that insufficient information was provided on the mandate of such mechanisms to coordinate and evaluate activities in all areas covered by the Optional Protocol.

14. **The Committee recommends that the State party:**

(a) **Strengthen coordination among the various agencies and committees at central and local levels working on developing and implementing child rights policies, including those under the Ministry of Social Affairs and Health and the Ministry of Justice;**

(b) **Designate a unit with high-level authority and the capacity to provide leadership and effective general oversight for the monitoring and evaluation of activities under the Optional Protocol across sectoral ministries and at all levels of government, and provide it with adequate human, technical and financial resources to function effectively;**

(c) **Allocate sufficient resources to each plan mentioned in paragraph 6, and ensure adequate monitoring systems and reporting on its implementation and evaluation.**

**Dissemination and awareness-raising**

15. **The Committee recommends that the State party increase resources allocated to awareness-raising campaigns and develop, in close cooperation with civil society organizations, the media, the private sector, communities and children, awareness-raising programmes including campaigns on issues covered by the Optional Protocol.**

**Training**

16. **The Committee recommends that the State party take measures to strengthen its training activities in preventing offences under the Optional protocol and in identifying, addressing and caring for child victims and survivors. In that regard, the State party should ensure that such activities are mandatory, systematic and multidisciplinary, cover all areas under the Optional Protocol and are provided to all relevant professionals and groups working with and for children, including judges, law enforcement officers, prosecutors, social workers, investigators and immigration officials.**

**Allocation of resources**

17. **The Committee is concerned about the lack of specific budget allocations and tracking mechanisms to combat sexual exploitation, sale of children, sexual exploitation of children in prostitution and child sexual abuse material, including preventing offences under the Optional Protocol, and to care for, rehabilitate and reintegrate child victims and implementing the Lanzarote Implementation Plan.**

18. **The Committee recommends that the State party ensure the adequate allocation of resources for combating sexual exploitation, sale of children, sexual exploitation of children in prostitution and child sexual abuse material, preventing offences under the Optional Protocol and providing appropriate care for child victims.**

**V. Prevention of the sale of children, child prostitution and child pornography ((art. 9 (1) and (2))**

**Measures adopted to prevent offences prohibited under the Protocol**

19. **The Committee welcomes the initiatives taken by the State party to raise awareness about the offences under the Optional Protocol among children, including its educational work in the context of early childhood education and national core curricula. Nevertheless, it remains concerned that children with disabilities, children belonging to minority groups, children affected by or subjected to migration and domestic violence, among others, are at risk of becoming victims to offences under the Optional Protocol.**

20. **The Committee recommends that the State party:**

(a) **Strengthen its efforts to identify and detect children at risk of falling victim to offences under the Optional Protocol, especially among children with disabilities, from minority groups, living in rural areas or Sami territories, migrants, asylum-seeking and refugee children, and provide assistance to child victims;**

(b) **Take comprehensive measures to address the root causes for children at risk of becoming victims to offences under the Optional Protocol and strengthen its social protection measures and mechanisms targeting children at risk of falling victim to such offences;**

(c) **Establish procedures to ensure and promote mandatory reporting of the sexual exploitation of children in prostitution and train teachers, health professionals and social workers to identify various forms of violence and refer victims accordingly;**

- (d) **Raise public awareness of child abuse in the circle of trust, as a way to prevent it;**
- (e) **Implement regular criminal record checks on all people who work with children;**
- (f) **Strengthen the implementation of Barnahus across all the State-party.**

#### **Sexual exploitation of children in travel and tourism**

21. The Committee remains concerned about the lack of a legal framework to protect children from sexual exploitation in travel and tourism and to regulate private sector operators in the tourism industry.

22. **The Committee recommends that the State party increase its efforts in combating the exploitation of children in the context of travel and tourism and:**

- (a) **Establish and implement an effective legal framework to protect children from sexual exploitation in travel and tourism;**
- (b) **Widely disseminate the World Tourism Organization Global Code of Ethics for Tourism among travel agents and tourism agencies and to encourage those enterprises to become signatories to the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism;**
- (c) **Enhance corporate social responsibility, involving Internet service and content providers, telecommunications providers, the travel and tourism industries and the media, in order to prevent sexual exploitation of children in travel and tourism.**

#### **Measures to prevent and address online child sexual exploitation and abuse**

23. While the Committee welcomes that online sexual exploitation of children and child sexual abuse is criminalised, it is concerned about the:

- (a) Reported increase in cases of online child sexual exploitation and abuse;
- (b) Absence of legislation requiring telecommunications operators to prevent clients' access to websites with material depicting sexual violence against a child;
- (c) Fragmentation and limited funding for preventive safety skills, sexual and media skills education;
- (d) Absence of robust programmes for raising awareness and developing skills among parents, children, teachers, businesses, professionals and the general public about the risks of online sexual exploitation and abuse.

24. **Recalling general comment No. 25 (2021) on children's rights in relation to the digital environment, the Committee recommends that the State party:**

- (a) **Develop a national policy to prevent and respond to online child sexual exploitation and abuse through an appropriate legal framework, a dedicated coordination and oversight entity, and specific analysis, research and monitoring capabilities;**
- (b) **Adopt protocols between law enforcement and information, communications and technology companies to combat online child abuse and exploitation;**
- (c) **Develop and strengthen awareness-raising programmes for children on risks related to the use of self-generated content through digital media and information and communications technologies;**
- (d) **Implement a public education programme to raise awareness on online child sexual exploitation and abuse offences and how to report them; and implement a mandatory course on online behaviour and safety for children at all levels;**
- (e) **Take measures to prevent and address the online sexual exploitation and abuse of children and dissemination of child sexual abuse material, including through**

the training of relevant professionals and by ensuring that Internet service providers be required by law to promptly block and remove online child sexual abuse material to report incidents to law enforcement authorities and to develop innovative solutions;

(f) Conduct adequate research on the extent of sexual violence against children in the digital environment;

(g) Provide appropriate support services for children, including integrated services during investigation, prosecution and aftercare; train professionals working with and for children; and develop accessible procedures for complaints, compensation and remedies;

(h) Create a low-threshold reporting channel for children and widely disseminate child-friendly and accessible information on how to act in case of abuse;

(i) Create a dedicated, proactive, responsive and victim-focused criminal justice system with a trained police force, prosecution and judiciary; and a system to manage offenders to prevent reoffending, nationally and internationally;

(j) Report on specific measures on the implementation of the Act on Measures to Prevent the Distribution of Child Sexual Abuse Material (2006).

## **VI. Prohibition of the sale of children, child pornography and child prostitution and related matters (arts. 3, 4 (2) and (3) and 5-7)**

### **Criminal or penal laws and regulations in force**

25. The Committee notes the information provided by the State party on the criminalization of some of the offences under the Optional Protocol. However, it is concerned that not all offences under the Optional Protocol are reflected in the criminal legislation of the State party as a serious offence. In particular it is concerned that:

(a) The Criminal Code does not define or explicitly prohibit the sale of children as a separate crime as defined under the Optional Protocol and considers it only as part of the crime of child trafficking;

(b) Picture or video material portraying sexual violence against a child is not regarded as a serious offence against the child;

(c) The National Bureau of Investigation of Finland and other judicial authorities do not have enough resources for investigating all reported cases.

26. **The Committee recommends that the State party define and criminalize the sale of children, in conformity with articles 2 and 3 of the Optional Protocol, by providing penalties appropriate to the seriousness of these acts, and that it does not limit the definition to cases of trafficking in children. In particular, the State party should explicitly define and criminalize (i) the sale of children, including for the purposes of sexual exploitation and forced labour; and (ii) the production, distribution, dissemination, import, export, offer, sale or possession of child sexual abuse material as a serious offense. Furthermore, the Committee recommends extending the liability of legal persons to all offences covered by the Optional Protocol.**

### **Impunity**

27. **Concerned about the lack of information regarding the number of offences under all areas of the Optional Protocol that are duly investigated and the number of perpetrators who are prosecuted and sentenced, the Committee recommends that the State party:**

(a) **Take all measures necessary to ensure that all cases of sale of children, sexual exploitation of children in prostitution and child sexual abuse material are investigated effectively and that perpetrators are prosecuted and punished with appropriate sanctions commensurate with the gravity of their crimes;**

(b) **Provide specialized training for law enforcement officials, prosecutors and judges regarding all the offences under the Optional Protocol, especially those associated with the digital environment, which may cross national borders, including through international cooperation.**

#### **Extraterritorial jurisdiction and extradition**

28. The Committee welcomes that the Finish Criminal Code has legal provisions for extraterritorial jurisdiction, including for sexual crimes against children, but is concerned that there are no legal provisions governing extraterritorial jurisdiction for all offences under the Optional Protocol. The Committee is also concerned that extraterritorial jurisdiction over, and extradition for, offences prohibited under the Optional Protocol are subject to the criterion of double criminality and that the crime must carry a minimum sentence of over six months in the State party in order to be prosecutable.

29. **The Committee recommends that the State party:**

(a) **Take the necessary measures to remove the requirement of double criminality for extradition;**

(b) **Ensure that its legislation explicitly enables it to establish and exercise extraterritorial jurisdiction over all offences under the Optional Protocol;**

(c) **Consider using the Optional Protocol as a legal basis for extradition in respect of such offences in the absence of a bilateral extradition treaty with the other country concerned, where that country is a party to the Optional Protocol.**

## **VII. Protection of the rights of child victims (arts. 8 and 9 (3) and (4))**

#### **Measures adopted to protect the rights and interests of child victims of offences prohibited under the Optional Protocol**

30. The Committee welcomes a number of legal, policy and practical measures implemented by the State party, including the preparation of the National Referral Mechanism to promote trafficked victims' identification and ensure victims' access to assistance. The Committee is nevertheless concerned that certain challenges remain, including:

(a) The lack of an agreed procedure for identifying child victims and of nationwide services to support victims;

(b) The time-limited funding of the National Referral Mechanism and the pace of its implementation;

(c) The insufficient number of statutory social workers, who are also limited in geographical coverage, and the lack of effective control and monitoring of the services provided by those workers.

31. **In the light of article 9 (3) of the Optional Protocol, the Committee recommends that the State party:**

(a) **Fully implement all the recently introduced legal and administrative measures in order to effectively protect child victims of offences under the Optional Protocol;**

(b) **Establish commonly agreed mechanisms and procedures for the early identification of child victims of offences under the Optional Protocol and ensure that those responsible for such identification, including law enforcement officers, border and immigration authorities, judges, prosecutors, social workers and medical staff, are trained in children's rights, child protection and child-sensitive interviewing skills;**

(c) **Provide all children with free legal aid and the support of child psychologists and social workers, and ensure they have access to child- and gender-**

sensitive complaint mechanisms and appropriate procedures for seeking, without discrimination, compensation and redress;

(d) Ensure that children who are victims of offences under the Optional Protocol are not subject to treatment or sanctions for offences related to their situation;

(e) Continue to implement equal and adequate nationwide services and support for victims, including victims of sexual offences;

(f) Increase the number and geographical coverage of social and health workers and ensure that responsibility for the care and support of child victims lies beyond immigration authorities;

(g) Provide adequate sexual education and advice to asylum-seeking and immigrant adolescents;

(h) Ensure that the new investigation unit specialized in trafficking has the competence in hearing children and investigating offences against children covered by the Protocol.

## **VIII. International assistance and cooperation (art. 10)**

Multilateral, bilateral and regional agreements

32. In the light of article 10 (1) of the Optional Protocol, the Committee encourages the State party to continue to strengthen international cooperation through multilateral, regional and bilateral arrangements, especially with neighbouring countries, including by strengthening procedures and mechanisms for coordinating the implementation of such arrangements, with a view to making progress in respect of the prevention of offences covered under the Optional Protocol and the detection, investigation, prosecution and punishment of those responsible for any such offences.

## **IX. Implementation and reporting**

### **A. Follow-up and dissemination**

33. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented, including by transmitting them to the Head of State, Supreme Court, Parliament, relevant ministries and municipal authorities for appropriate consideration and further action.

34. The Committee recommends that the report and the written replies to the list of issues submitted by the State party and the present concluding observations are fully implemented and that a child-friendly version is disseminated to, and made widely accessible for, children, including those in the most disadvantaged situations, and that it is made widely available, including through the Internet, to the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate on and awareness of the Optional Protocol and its implementation and monitoring.

### **B. Next periodic report**

35. In accordance with article 12 (2) of the Optional Protocol, the Committee requests the State party to include further information on the implementation of the Optional Protocol and the present concluding observations in its next periodic report to be submitted in accordance with article 44 of the Convention.