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Consideration of reports of States parties

Replies of Finland to the list of issues in relation to its report submitted 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*

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* The present document is being issued without formal editing.



Reply to paragraph 2 (a) of the list of issues in relation to the combined fifth and sixth reports of Finland (CRC/C/OPSC/FIN/Q/1)

Victims between 0 and 17 years of age for the following suspected offences:

<i>Suspected offence</i>	<i>Child victims 2021</i>	<i>2020</i>	<i>2019</i>
Rape	588	391	446
Aggravated rape of a child	121	66	34
Sexual abuse of a child	1 948	1 699	1 653
Pandering	5	2	1
Purchase of sexual services from a young person	93	60	43
Other sexual offences	455	442	438

Number of sentences and length of imprisonment for the following offences:

<i>Offence (main)</i>	<i>Number of sentences (2019)</i>	<i>Unconditional imprisonment, average length, months(2019)</i>	<i>Number of sentences (2020)</i>	<i>Unconditional imprisonment, average length, months (2020)</i>	<i>Number of sentences (2021)</i>	<i>Unconditional imprisonment, average length, months (2021)</i>
Aggravated rape of a child	4	78,5	8	79,3	9	86,3
Sexual abuse of a child	126	8,5	129	9	149	8,2
Aggravated sexual abuse of a child	96	27,1	86	29,6	91	32,1
Purchase of sexual services from a young person	2	6	2	3,5	0	0
Solicitation of a child for sexual purposes	4	2,5	2	0	8	2,8
Following a sexually offensive performance of a child	0	0	0	0	0	0
Distribution of a sexually obscene image	29	5,1	-	-	42	3,3
Aggravated distribution of a sexually obscene image depicting a child	5	15	4	11,8	2	10
Possession of a sexually obscene image depicting a child	8	1,8	19	3,1	35	3,5

Reply to paragraph 2 (b) of the list of issues

1. The Assistance System for Victims of Human Trafficking does not gather statistics on the ethnicity or socioeconomic status of the customers. The Assistance System for Victims of Human Trafficking has statistics only on the number of minors taken as customers into the Assistance system:

- 2019: 7 girls, 7 boys

- 2020: 4 girls, 6 boys
- 2021: 11 girls, 17 boys

2. Only one application by children aged 0–13 years for residence permit for a victim of human trafficking was made in 2021. This number does not include those applying for international protection where the grounds for the permit are also examined. In both 2019 and 2020 one residence permit for a victim of human trafficking was granted for a minor. (The statistic does not differentiate the unaccompanied children from children applying together with their guardian).

Reply to paragraph 2 (c) of the list of issues

3. See reply 15 (b) of the appendix to the written replies by the Government concerning the list of issues (CRC/C/Q/FIN/5-6) by the Committee on the Rights of the Child relating to the consideration of the combined fifth and sixth periodic report of Finland (CRC/C/FIN/5-6).

Reply to paragraph 2 (d) of the list of issues

4. See replies 15 (b) and 2 (a) of the appendix to the written replies by the Government of Finland concerning the list of issues (CRC/C/Q/FIN/5-6) by the Committee on the Rights of the Child relating to the consideration of the combined fifth and sixth periodic report of Finland (CRC/C/FIN/5-6).

Reply to paragraph 3 of the list of issues

5. In Finland, sensitive personal data is covered by special protection under data protection provisions, and collecting data on protected characteristics must involve careful consideration.

6. As part of the third National Action Plan on Fundamental and Human Rights (2020–2023), adopted in June 2021, an indicator framework has been developed as a new tool to assess trends in the realization of fundamental and human rights in Finland. The indicators aim to provide systematic data in the long term on the realization of rights of different population groups. For this purpose the indicators produce, when necessary and enabled by the sources, disaggregated data. This project is under preparation at the Ministry of Justice and will be finished in 2023.

7. Statistics Finland’s extensive work on disaggregated data has been explained in the Government’s periodic report of (see paragraphs 50 and 51).

Reply to paragraph 4 (a) of the list of issues

8. The Ministry of Social Affairs and Health appointed a working group to formulate Finland’s first Action Plan for the Lanzarote Convention to prevent sexual violence against children aged 0–17. The formulation of the Action Plan is included in the Programme of Prime Minister Marin’s Government. The Action Plan was prepared through extensive cooperation with a range of operators. The preparation work was closely linked with the preparation of the National Child Strategy, and it also involved a pilot project to include young people in the preparation of the Action Plan (<https://julkaisut.valtioneuvosto.fi/handle/10024/164524>).

9. The objective of the action plan on Non-Violent Childhoods 2020–2025 is to prevent violence against children aged 0–17 in different growth and operating environments. The action plan deals with the rights of the child, inclusion, factors that protect against violence as well as risk factors and their consequences. The aim is to improve the position of the child victim in the current service, care and crime systems, also taking into account those children who are at risk of ending up using or have already used violence. A broad group of experts from various organisations, ministries and NGOs wrote the action plan. A steering group nominated by the Finnish Institute for Health and Welfare is responsible for monitoring and directing the objectives and actions. In 2022, a mid-term review will be carried out concerning the implementation of the action plan’s objectives and actions (<https://julkaisut.valtioneuvosto.fi/handle/10024/162554>).

10. The Committee for Combating Violence against Women and Domestic Violence (NAPE) was tasked with preparing a plan for implementing the Istanbul Convention. The purpose of the Action Plan for 2022–2025 is to promote the national implementation of the Istanbul Convention ratified by Finland in 2015. This Action Plan is the second of its kind. The first Action Plan covered the years 2018–2021. The Committee for combating violence against women and domestic violence monitors the implementation of the Action Plan regularly by means of a separate implementation and monitoring tool. If necessary, the measures of the Action Plan can be specified and complemented (<https://julkaisut.valtioneuvosto.fi/handle/10024/164242>).

11. The preparation of an Action Plan against Trafficking in Human Beings was agreed by the Government of Prime Minister Marin. On 2 April 2020, the Ministry of Justice appointed an intersectoral working group to prepare such an action plan. In the Government Action Plan Finland is committed to develop the activities of authorities towards a proactive approach in reaching and identifying victims of human trafficking. The aim is for the authorities central to anti-trafficking action to be familiar with the basic characteristics of the phenomenon of human trafficking and have the capabilities to intervene and when necessary, to refer the victims to assistance. Vulnerable victims of human trafficking must be better reached and identified. Groups where victims of human trafficking in a position of special vulnerability can be found include, among other, children and young people who have absconded from their substitute care placement. The plan will be implemented in 2021–2023. Its implementation will be monitored and reported by a working group. An external assessment of the implementation of the action plan will also be carried out. (<https://julkaisut.valtioneuvosto.fi/handle/10024/163326>).

Reply to paragraph 4 (b) of the list of issues

12. The offences covered by the Optional Protocol are criminalized under Finnish law.

13. In Finland, a victim of a crime is considered an injured party in the proceedings. The injured party is usually the holder of the legal interest violated or endangered by the offence or a person who has immediately incurred a civil claim through the offence. The injured party has the right to demand punishment for the suspect. The injured party may also present a civil claim, in practice often a claim for damages, to be handled in connection with the criminal charge (Criminal Procedure Act, chapter 3, section 1). The procedural rights are available to all victims who take part in the proceedings as parties to proceedings.

14. Even if the victim would not take part in the proceedings as a party, victim support services are available. Specialized support for victims of the offences covered by the protocol include the services of the Assistance System for Victims of Human Trafficking (see <https://www.ihmiskauppa.fi/en>) and Victim Support Finland. The Ministry of Justice funds Victim Support Finland for carrying out the services. Apart from the general victim support services, Victim Support Finland also provides services specifically developed for victims of human trafficking.

15. The Ministry of Justice has issued a public service obligation to Victim Support Finland for providing general victim support services in Finland during the years 2018–2027. These services should be available free of charge and confidentially in accordance with the needs of the victim and the family members of the victim. The services should be available before, during and for an appropriate time after criminal proceedings.

16. Support for victims of the offences covered by the Optional Protocol is also provided through public healthcare and social services.

Reply to paragraph 4 (c) of the list of issues

17. Prostitution as such is not punishable in Finland, *i.e.* offering sexual services (by an adult or child) for money does not constitute any criminal offence as such. Instead, where the prostitute is a child under 18 years of age or a victim of human trafficking or pandering, the actions of the buyer and, where applicable, the person(s) who got the person into prostitution or benefits from it, can constitute a criminal offence (Criminal Code, Chapter 20, Sections 8 to 15).

Reply to paragraph 4 (d) of the list of issues

18. Action plan covers children up to 18 years.

Reply to paragraph 4 (e) of the list of issues

19. As a part of the Government action plan against trafficking in human beings, Finland will prepare a National Referral Mechanism to promote victim identification and ensure victim access to assistance. The Ministry of Justice has been granted funding for a two-year project in order to prepare the National Referral Mechanism. The project is funded by the European Union Home Affairs Funds (Internal Security Fund, ISF). The project will be launched in January 2023.

Reply to paragraph 4 (f) of the list of issues

20. The Act on Measures to Prevent the Distribution of Child Sexual Abuse Material (1068/2006) entered into force in January 2007. In 2022, the definition of *child pornography site* was amended to reflect terminology used in the Criminal Code. The new wording refers to *an image presenting a child sexually*, instead of *indecent image of a child*.

21. One of the goals of the national youth work and youth policy program is to coordinate efforts to prevent child and youth grooming on social media. As part of the program, an inter-ministerial coordination project was established, and the youth work center of expertise for digital youth work prepared a report on “Sexual harassment, grooming, and sexual violence faced by children and young people in Finland - Situation report September 2020.”

22. Online sexual exploitation of children and child sexual abuse material is criminalised, in particular, under the following provisions in the Criminal Code (723/2022) Chapter 20:

Criminal Code, Chapter 20¹

Section 14 (723/2022) Sexual assault of a child

23. A person who, by touching or otherwise, performs such a sexual act other than that referred to in section 12 on a child under 16 years of age that is conducive to causing damage to the child’s development, or gets the child to engage in such an act, shall be sentenced for *sexual assault of a child* to imprisonment for at least four months and at most six years.

24. A person who performs an act referred to in subsection 1 on a child who has reached the age of 16 years but not the age of 18 years shall also be sentenced for sexual assault of a child, if the perpetrator is the child’s parent or in a position comparable to that of a parent.

25. An attempt is punishable.

Section 15 (723/2022) Aggravated sexual assault of a child

26. If, in a sexual assault of a child:

- (a) serious violence against a person is used or threatened to be used,
- (b) because of the number of the perpetrators or for another reason, the offence causes particularly grave mental or physical suffering or is committed in a particularly humiliating manner,
- (c) the victim is a child whose age or level of development is such that the offence is conducive to causing particular damage to the child, or
- (d) the offence is conducive to causing particular damage to the child due to the special trust the child has placed in the perpetrator or another particularly dependent position of the child in relation to the perpetrator,

¹ Unofficial translation.

(e) and the offence is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *aggravated sexual assault of a child* to imprisonment for at least two and at most ten years.

27. An attempt is punishable.

Section 18 (723/2022) Solicitation of a child for sexual purposes

28. A person who suggests a meeting or another contact with a child so that it is apparent from the contents of the suggestion or otherwise from the circumstances that the person's intention is to produce, in the manner referred to in section 19, subsection 1, an image or a visual recording that depicts the child in a sexual manner, or to commit any of the offences referred to in sections 12–16 of this chapter against the child, shall be sentenced for *solicitation of a child for sexual purposes* to a fine or to imprisonment for at most one year.

29. Unless a more severe punishment for the act is provided elsewhere by law, a person who solicits a person under 18 years of age to engage in sexual intercourse or another sexual act in the manner referred to in section 9 or to perform in an organised performance presenting a child in a sexual manner shall also be sentenced for solicitation of a child for sexual purposes.

30. An attempt at an offence referred to in subsection 2 is punishable.

Section 19 (723/2022) Distribution of an image depicting a child in a sexual manner

31. A person who produces, offers for sale or for rent or otherwise offers or makes available, keeps available, exports from, imports to or transports through Finland to another country, or otherwise distributes an image or a visual recording that depicts a child in a sexual manner, either factually or realistically, shall be sentenced for *distribution of an image depicting a child in a sexual manner* to a fine or to imprisonment for at most two years.

32. An attempt is punishable.

33. What is provided in subsection 1 does not apply if the production or distribution of an image or a visual recording referred to in the said subsection is to be deemed justifiable because of the informative nature or manifest artistic value of the image or visual recording.

34. In this section, a child is defined as a person under 18 years of age and a person whose age cannot be determined but who is, on justified grounds, assumed to be under 18 years of age. An image or a visual recording is factual in the manner referred to in subsection 1 if it has been produced in a situation in which the child has, in actual fact, been portrayed in a sexual manner, and realistic, if it is deceptively similar to an image or visual recording produced through photography or in another equivalent manner in a situation in which the child has been portrayed in a sexual manner.

Section 20 (723/2022) Aggravated distribution of an image depicting a child in a sexual manner

35. If, in distribution of an image depicting a child in a sexual manner:

(a) the child is particularly young,

(b) the image also depicts serious violence against the child or particularly humiliating treatment of the child,

(c) the offence is committed in a particularly premeditated manner, or

(d) the offence is committed as part of the activities of an organised criminal group referred to in chapter 6, section 5, subsection 2,

(e) and the offence is also aggravated when assessed as whole, the perpetrator shall be sentenced for *aggravated distribution of an image depicting a child in a sexual manner* to imprisonment for at least four months and at most six years.

36. An attempt is punishable.

Section 21 (723/2022) Possession of an image depicting a child in a sexual manner

37. A person who:

(a) unlawfully has in his or her possession an image or a visual recording depicting a child in a sexual manner as referred to in section 19, or

(b) for a fee, by other agreement or otherwise for the purpose of obtaining access to the material in question, obtains access to an image or a visual recording referred to in paragraph 1 so that it is available to him or her on a computer or another technical device without being stored on the device,

(c) shall be sentenced for *possession of an image depicting a child in a sexual manner* to a fine or to imprisonment for at most two years.

38. The provisions of section 19, subsection 4 apply to the acts referred to in this section.

Section 22 (723/2022) Following a performance presenting a child in a sexual manner

39. A person who follows an organised performance in which a child performs in a sexual manner shall be sentenced for *following a performance presenting a child in a sexual manner* to a fine or to imprisonment for at most two years.

40. In this section, a child is defined as a person under 18 years of age and a person whose age cannot be determined but who is, on justified grounds, assumed to be under 18 years of age.

41. An attempt is punishable.

Reply to paragraph 5 of the list of issues

42. A proposal for a Regulation of the European Parliament and of the Council laying down rules to prevent and combat child sexual abuse was issued in May 2022, in addition to which the Commission intends to propose revision of the Directive on combating child sexual abuse. The aim of the initiative is to complement the proposed Regulation and together with it to provide a future framework for effective child protection in the EU and consequently also in Finland.

43. In the Government action plan against trafficking in human beings, Finland is committed to develop the activities of authorities towards a proactive approach in reaching and identifying victims of human trafficking. The aim is for the authorities central to anti-trafficking action to be familiar with the basic characteristics of the phenomenon of human trafficking and have the capabilities to intervene and when necessary, to refer the victims to assistance. Vulnerable victims of human trafficking must be better reached and identified. Groups where victims of human trafficking in a position of special vulnerability can be found include, among other, children and young people who have absconded from their substitute care placement.

44. According to the Government action plan, Finland eliminates the barriers to the detection of human trafficking by developing its legislation and administrative practices and develops the activities of authorities towards a proactive approach in reaching and identifying victims of human trafficking. Furthermore, the awareness of key authorities and other actors regarding human trafficking will be increased and their competences strengthened. The Government action plan takes into account all forms of human trafficking, including forced labour, sexual exploitation and child trafficking.

45. The actions to fulfil the aims mentioned above include:

- Numerous actions concerning labour supervision, such as strengthening the resources of foreign labour supervision and develop the supervision to identify labour exploitation and promote its detection, improving information-sharing among authorities and review the effectiveness of the provisions governing rights to disclose and access information, determining the supervisory powers of the authorities in respect of housing conditions of possible victims of human trafficking and the interfaces between the functions of the authorities and developing and updating the

online training materials of the occupational safety and health authority on human trafficking for the purpose of labour exploitation.

- Organising training for staff in the fields of pre-trial investigation, criminal justice and criminal sanctions in order to identify victims of human trafficking and improve their standing. Training to promote the identification of victims will also be provided for staff of Employment and Economic Development Offices (TE Offices) as well as for the staff in legal aid offices.
- Prepare modelling for investigations of human trafficking to increase the effectiveness of the prevention and investigation of human trafficking offences. In the design of the models, particular attention will be paid to child trafficking offences. The modelling will provide support in drawing up investigation plans for human trafficking crime, developing the multi-professional supervision events targeted to various sectors, and increasing the efficiency of tracking and seizing proceeds of crime.
- Put together, on the basis of existing information, a concise information kit on human trafficking and related exploitation to be used in support of education.
- Engaging in cooperation between civil aviation authorities and operators to identify and prevent human trafficking and developing training materials on the identification and prevention of human trafficking for actors in the field of aviation.
- Supporting the construction of a cooperation network between authorities and CSOs and strengthen the capabilities of actors in identifying human trafficking related to gendered violence and sexual abuse, promoting its identification and referring the victims to assistance.
- As a part of implementing corporate social responsibility, increasing awareness of human trafficking and labour exploitation among businesses and labour market organisations and also awareness of the tools to combat these phenomena.

Reply to paragraph 6 of the list of issues

46. The Child Strategy, which was prepared in a parliamentary process, spans government terms. Each Government draws up an implementation plan for the Child Strategy for its term of office. The action plan will specify in more detail the measures to promote the strategic policies during each government term.

47. The first implementation plan was adopted by the Government in October 2021. This plan takes into account the measures and projects already under way that contribute to the strategy's policies. In addition, the plan includes 30 measures. The two-level implementation of the child Strategy supports the monitoring, evaluation and updating of the Strategy's implementation as required by the Committee on the Rights of the child.

48. The Government has agreed on EUR 0.5 million for the establishment of the National Child Strategy function on 01/09/2022. This will ensure the continuity of the National Child Strategy work across government terms.

49. See reply 2 c.

Reply to paragraph 7 of the list of issues

50. The following conduct is criminalized under the Criminal Code (723/2022):

Criminal Code, Chapter 20²

Section 8 (723/2022) Abuse of a person subject to sex trade

51. A person who, by promising or providing payment of direct economic value, gets a person who is the object of an offence referred to in section 10 or 11 of this chapter or in chapter 25, section 3 or 3a to engage in sexual intercourse or another comparable sexual act

² Unofficial translation.

shall, unless the act is punishable under section 9, be sentenced for abuse of a person subject to sex trade to a fine or imprisonment for at most six months.

52. A person who, by taking advantage of payment referred to in subsection 1 promised or provided by a third party, engages in sexual intercourse or another comparable sexual act with a person who is the object of an offence referred to in the said subsection shall also be sentenced for abuse of a person subject to sex trade.

53. Furthermore, a person who commits an act referred to in subsection 1 or 2 even though he or she has had reason to suspect that the person referred to in subsection 1 or 2 is the object of an offence referred to in section 10 or 11 of this chapter or in chapter 25, section 3 or 3a shall also be sentenced for abuse of a person subject to sex trade.

54. An attempt at an intentional offence is punishable.

Section 9 (723/2022) Offering payment for a sexual act on a young person

55. A person who, by promising or providing payment, gets a person under 18 years of age to engage in sexual intercourse or another sexual act shall be sentenced for *offering payment for a sexual act on a young person* to a fine or to imprisonment for at most two years.

56. A person who, with a person under 18 years of age, participates in sexual intercourse or another sexual act for which another person has promised or provided payment shall also be sentenced for offering payment for a sexual act on a young person.

57. An attempt is punishable.

Section 10 (723/2022) Pandering

58. A person who, to obtain economic benefit for himself or herself or for another person:

(a) provides a room or other premises for the purpose of sexual intercourse or a comparable sexual act to be performed in return for payment, for the purposes of sexual intercourse with a child under 18 years of age, or for the purposes of such a sexual act with a child under 18 years of age that is conducive to endangering the child's development,

(b) as an established part of his or her business activities provides accommodation for a person engaging in such an act and thus substantially contributes to such an act,

(c) by providing contact information or otherwise, markets another person's engagement in such an act, knowing that his or her actions will substantially contribute to the commission of such an act,

(d) otherwise takes advantage of the fact that another person engages in such an act, or

(e) entices another person to engage in such an act,

(f) shall be sentenced for *pandering* to a fine or imprisonment for at most three years.

59. An attempt is punishable.

Section 11 (723/2022) Aggravated pandering

60. If, in pandering:

(a) considerable economic benefit is sought,

(b) the offence is committed in a particularly premeditated manner, or

(c) the victim is a child under 18 years of age,

(d) and the offence is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *aggravated pandering* to imprisonment for at least four months and at most six years.

61. An attempt is punishable.

Section 12 (723/2022) Rape of a child

62. A person who has sexual intercourse with a child under 16 years of age shall be sentenced for *rape of a child* to imprisonment for at least two and at most ten years.

63. A person who has sexual intercourse with a child who has reached the age of 16 years but not the age of 18 years shall also be sentenced for rape of a child, if the perpetrator is the child's parent or in a position comparable to that of a parent.

64. An attempt is punishable.

Section 13 (723/2022) Aggravated rape of a child

65. If, in rape of a child:

(a) serious violence against a person is used or threatened to be used or a grievous bodily injury, a serious illness or a state of mortal danger is caused to another person,

(b) the offence is committed by more than one person,

(c) the offence causes particularly grave mental or physical suffering,

(d) the offence is committed in a particularly brutal, cruel or humiliating manner,

(e) the victim is a child whose age or level of development is such that the offence is conducive to causing particular damage to the child, or

(f) the offence is conducive to causing particular damage to the child due to the special trust the child has placed in the perpetrator or another particularly dependent position of the child in relation to the perpetrator,

(g) and the rape of a child is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *aggravated rape of a child* to imprisonment for at least four and at most twelve years.

66. Please see also the reply under 4.f.

67. Trafficking in human beings and aggravated trafficking in human beings are punishable under Chapter 25 of the Criminal Code as follows:

Section 3 (650/2004) Trafficking in human beings

68. A person who:

(a) by taking advantage of the dependent position or vulnerable state of another person or by pressuring another,

(b) by misleading another person or by taking advantage of a mistake made by that person,

(c) by giving payment to a person who has control over another person, or

(d) by receiving such payment,

(e) takes control over another person, recruits, transfers, transports, receives or accommodates another person for the purpose of subjecting the person to sexual abuse referred to in chapter 20, section 9, subsection 1, paragraph 1 or comparable sexual exploitation, forced labour or other conditions that violate human dignity, or to removal of organs or tissues shall be sentenced for *trafficking in human beings* to imprisonment for at least four months and at most six years.

(f) A person who takes control over another person under 18 years of age or recruits, transfers, transports, receives or accommodates such a person for a purpose mentioned in subsection 1 shall also be sentenced for trafficking in human beings, even if none of the means referred to in subsection 1, paragraphs 1–4 have been used. (1177/2014)

69. An attempt is punishable.

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

70. If, in trafficking in human beings:

(a) violence, threats or deception is used instead of or in addition to the means referred to in section 3,

(b) a grievous bodily injury, a serious illness or a state of mortal danger or comparable particularly grave suffering is intentionally or through gross negligence inflicted on another person,

(c) the offence is directed against a child under 18 years of age or against a person whose ability to defend himself or herself is substantially diminished, or

(d) the offence is committed as part of the activities of an organised criminal group referred to in chapter 6, section 5, subsection 2, (564/2015)

(e) and the offence is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *aggravated trafficking in human beings* to imprisonment for at least two years and at most ten years.

(https://www.finlex.fi/fi/laki/kaannokset/1889/en18890039_20210433.pdf)

Reply to paragraph 8 of the list of issues

71. In Finland, offences like these are punishable as trafficking of human beings or aggravated trafficking in human beings. An offence against a person under the age of 18 is, as a rule, aggravated human trafficking. The following Criminal Code provisions are contained in Chapter 25, Sections 3 and 3a of the Criminal Code (https://www.finlex.fi/fi/laki/kaannokset/1889/en18890039_20210433.pdf).

Section 3 (650/2004)

Trafficking in human beings

72. A person who:

(a) by taking advantage of the dependent position or vulnerable state of another person or by pressuring another,

(b) by misleading another person or by taking advantage of a mistake made by that person,

(c) by giving payment to a person who has control over another person, or

(d) by receiving such payment,

(e) takes control over another person, recruits, transfers, transports, receives or accommodates another person for the purpose of subjecting the person to sexual abuse referred to in chapter 20, section 9, subsection 1, paragraph 1 or comparable sexual exploitation, forced labour or other conditions that violate human dignity, or to removal of organs or tissues shall be sentenced for trafficking in human beings to imprisonment for at least four months and at most six years.

(f) a person who takes control over another person under 18 years of age or recruits, transfers, transports, receives or accommodates such a person for a purpose mentioned in subsection 1 shall also be sentenced for trafficking in human beings, even if none of the means referred to in subsection 1, paragraphs 1–4 have been used. (1177/2014).

73. An attempt is punishable.

Section 3a (650/2004)

Aggravated trafficking in human beings

74. If, in trafficking in human beings:

(a) violence, threat or deception is used instead of or in addition to the means referred to in section 3,

(b) a grievous bodily injury, a serious illness or a state of mortal danger or other particularly grave suffering comparable to these is intentionally or through gross negligence inflicted on another person,

(c) the offence is directed against a child under 18 years of age or against a person whose ability to defend himself or herself is substantially diminished, or

(d) the offence is committed as part of the activities of an organised criminal group referred to in chapter 6, section 5, subsection 2, (564/2015)

(e) and the offence is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *aggravated trafficking in human beings* to imprisonment for at least two years and at most ten years.

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

Reply to paragraph 9 of the list of issues

75. Please see the Criminal Code (39/1889), chapter 1: [en18890039_20210433.pdf](#) ([finlex.fi](#))
