

FINLAND

International Instrument	Signature	Ratification, Acceptance (A), Approval (AA), Accession (a), Succession (d)	Entry Into Force
UN Convention on the Rights of the Child	26 Jan 1990	20 Jun 1991	20 Jul 1991
UN Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	7 Sep 2000	1 Jun 2012	1 Jul 2012
Protocol to Prevent, Suppress and Punish Trafficking in Persons	12 Dec 2000	7 Sep 2006 A	7 Oct 2006
UN Optional Protocol on the Involvement of Children in Armed Conflict	7 Sep 2000	10 Apr 2002 ¹	10 May 2002
International Convention for the Protection of All Persons from Enforced Disappearance	6 Feb 2007		
Hague Convention on International Child Abduction	25 May 1994	25 May 1994 ²	1 Aug 1994

In Finland, there are five laws that refer directly or indirectly to missing children:

1. Criminal Code of Finland of 1889;
2. Child Custody and Right of Access Act of 1983;
3. Police Act of 1995;
4. The Act on the Status and Rights of Social Welfare Clients of 2000; and
5. Child Welfare Act of 2008.

General Child Protection

Finnish legislation, policies, and programs related to the protection of children's rights include: the Development Programme for Child and Youth Policy 2007-2011; the Policy Programme for the Well-being of Children, Youth, and Families; the National Action Plan to reduce corporal punishment of children for the period of 2010-2015; Child Welfare Act of 2008; and Acts on Measures for Preventing the Distribution of Child Pornography of 2007.³

¹ See Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, G.A. Res. A/RES/54/263 (May 25, 2000), entered into force Feb. 12, 2002, Status of Ratification, Declaration, at <http://indicators.ohchr.org/> (last visited July 5, 2016) (on file with the International Centre for Missing & Exploited Children).

² See 1980 Convention on the Civil Aspects of International Child Abduction, Oct. 25, 1980, T.I.A.S. No. 11670, 1343 U.N.T.S. 98 Reservations, at <https://www.hcch.net/en/instruments/conventions/status-table/notifications/?csid=617&disp=resdn> (last visited July 5, 2016) (on file with the International Centre for Missing & Exploited Children).

³ Ministry for Foreign Affairs of Finland, *The UN Committee on the Rights of the Child submitted its concluding observations to Finland*, Press release 169/2011, June 22, 2011, at <http://formin.finland.fi/public/default.aspx?contentid=223505&contentlan=2&culture=en-US> (last visited July 23, 2016); Committee on the Rights of the Child, Fifty-seventh session, *Consideration of reports submitted by States parties under article 44 of the Convention*,

In Finland, the Ministry of Justice, Ministry for Foreign Affairs, Ministry of Social Affairs and Health, the Ombudsman for Children, Finnish Bar Association, NGOs, and child protection agencies provide support resources and community engagement programs related to child protection. Prominent child protection NGOs include: Federation of Mother and Child Homes and Shelters, Finnish Association for Abducted Children (Kaapatut Lapset Ry), Association for Mental Health (Suomen Mielenterveysseura ry), SOS-center, and Save the Children (Finland).

General Missing Children's Issues

Finnish legislation protects minors from trafficking, hostage taking, parental abduction, child abduction, negligence, abuse, and deprivation.⁴

The Finnish Association for Abducted Children is an NGO supporting and helping parents prevent international child abductions, returning abducted children back to the country of departure, and providing advice on difficult international custody disputes.⁵

Definition of "Missing Child"

Finnish legislation does not define "missing child." The Missing Person Search and Police Investigation Directive (Kadonneen henkilön etsintä ja poliisitutkinta) enumerates various types of missing person cases in which police are required to start an active search, namely:

1. there is a reason to believe a person is lost, or is a victim of a crime of accident; or
2. by other circumstances there is a reason to believe one is in concrete danger (suicidal behavior, cold weather); or
3. a missing person has not been found in a reasonable time ("reasonable time" should be interpreted individually in every case by police).⁶

Runaways are not recognized by Finnish law as missing children.⁷ According to the Directive of Executive Assistance for Finding Runaway Children of November 2011, runaways shall not be investigated by police unless the situation meets the criteria of a missing person described above.⁸ However, the police may still be engaged in the search for runaways if Social Welfare Authorities request executive assistance from the police according to Chapter 9, Section 1, of the Police Act of 1995, the Act on the Status and Rights of Social Welfare Clients of 2000, and Section 45 of the Child Welfare Act.⁹

Concluding Observations: Finland (Aug. 3, 2011), at <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsuVBUBTyZJAKnGyrgcWDKEH%2bu8GfXGSSKssAAvPSbc66BUMUpB0SmUY2wzSJQ9MURv0ZjUtU0OLjUCqiYUc1j7TRAkf5UBxdYBqzutpvFpF> (last visited July 23, 2016).

⁴ Chapter 25, Sections 1, 2, 3, 3a, 4, 5, 5a and 6 of the Criminal Code of Finland of 1889, at https://www.unodc.org/res/cld/document/fin/the-criminal-code-of-finland_html/Criminal_code_of_Finland.pdf (last visited July 23, 2016) (on file with the International Centre for Missing and Exploited Children); Chapters 4 and 5 of the Child Custody and Right of Access Act of 1983, at http://islandia.law.yale.edu/representingchildren/rcw/jurisdictions/euron/finland/Fin_Ch_Cust_Act_Eng.htm (last visited July 23, 2016) (on file with the International Centre for Missing and Exploited Children).

⁵ Finnish Association for Abducted Children, at http://www.ensijaturvakotienliitto.fi/jasenyhdistykset/kaapatut_lapset_ry/tietoa/in-english/ (last visited August 9, 2016).

⁶ Correspondence with Sami Isoniemi (June 13, 2016).

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*; See also, Child Welfare Act of 2007, Section 45 – Custody of children taken into care (on file with the International Centre for Missing & Exploited Children).

Kidnapping and Abduction

The Criminal Code of Finland of 1889 criminalizes child abduction, which means the removal of the child from or failure to return a child to his or her state of residence against the custodian's will.¹⁰ Child abduction is a crime punishable by a fine or imprisonment for a term of up to two years. In addition, the Criminal Code prohibits the unauthorized taking of the custody of a child under 16 years of age by the parent, foster parent, custodian, or a person close to the child.¹¹ This crime is punishable by a fine or imprisonment for a term of up to six months.¹²

Parental Abduction

Finland is a party to the Hague Convention on International Child Abduction.¹³ The Child Custody and Rights Access Act of 1983, amended in 1994, directly implements the provisions of the Convention related to the return of a child.¹⁴ The Ministry of Justice is the Central Authority and primary contact for cases of international parental abduction.¹⁵

Finland has several laws related to cross-border travel with children that are designed to protect against international child abduction. As previously mentioned, the Criminal Code of Finland of 1889 prohibits removal of a child from or failure to return a child to his or her state of residence in violation of the custody rights of another parent, foster parent, or custodian.¹⁶ According to the Child Custody and Right of Access Act of 1983, when a child is abducted to Finland, the Helsinki Court of Appeals may order enforcement of a decision declaring the removal of a child unlawful if: (1) such decision "has been given in a State that is a Contracting State in the Council of Europe Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children, done at Luxembourg on 20 May 1980 (European Convention)"; and (2) "when the child was removed across an international frontier, there was no decision given in a Contracting State in the European Convention that could serve as a basis for enforcement."¹⁷

Additionally, Finnish passport applications must be submitted with the consent of all of the child's guardians.¹⁸ There are some circumstances when a minor (under 15 years of age) can be issued a passport without such consent, but only if "not issuing a passport would be clearly detrimental to the child's best interests and as long as there is no apparent danger that the child would be taken to another country for any extended period of time against the guardian's wishes."¹⁹

The Finnish Multi-Professional Committee on Cases of Abducted Children operates on the national level as an ad hoc working group in which authorities and ministry representatives discuss cases and problems and exchange information to find solutions and repatriate the child.²⁰

¹⁰ Section 5(a) Chapter 25 of the Criminal Code of Finland of 1889, *supra* note 276.

¹¹ Section 5 Chapter 25 of the Criminal Code of Finland of 1889, *supra* note 276.

¹² *Id.*

¹³ Convention of 25 October 1980 on the Civil Aspects of International Child Abduction: Status Table, *supra* note 47.

¹⁴ Child Custody and Right of Access Act of 1983, *supra* note 276.

¹⁵ HCCH, Finland – Central Authority, at <https://www.hcch.net/en/states/authorities/details3/?aid=89> (last visited August 8, 2016).

¹⁶ Section 5(a) Chapter 25 of the Criminal Code of Finland of 1889, *supra* note 276.

¹⁷ Chapter 4, Section 26 of the Child Custody and Right of Access Act of 1983, at http://islandia.law.yale.edu/representingchildren/rcw/jurisdictions/euro/finland/Fin_Ch_Cust_Act_Eng.htm (last visited July 23, 2016) (on file with the International Centre for Missing and Exploited Children).

¹⁸ Police of Finland, *Applying for a passport*, at <http://www.poliisi.fi/passport> (last visited July 23, 2016).

¹⁹ Police of Finland, *More information on applying for a passport – Issuing a passport to a minor*, at https://www.poliisi.fi/passport/more_information_on_applying_for_a_passport (last visited July 25, 2016) (on file with the International Centre for Missing & Exploited Children).

²⁰ European Commission, *Missing Children in the European Union: Mapping, data collection and statistics 31* (2013), at http://ec.europa.eu/justice/fundamental-rights/files/missing_children_study_2013_en.pdf (last visited July 23, 2016).

Reporting Mechanism

On 25 May 2016, Finland launched the dedicated European missing children hotline 116 000.²¹ It works under the Emergency Response Center Administration (emergency number 112), and all calls from the hotline 116 000 are directed to this emergency number.²² The hotline allows the public to report a missing child, provide leads regarding a sighting of a missing child, or for a child to seek assistance.

The Finnish Police instruct concerned individuals to file an official missing person's report with the local police station (including a recent photograph and personal information/description of the missing child).²³ If children run away from care homes, the Child Welfare Authority can report the child as missing to the police by filing a request for executive assistance.²⁴

Investigation of Missing Child Cases

Although Finnish law does not mandate the immediate search for a missing child, Finnish police policy requires that search and rescue missions begin without delay in cases of missing children, missing elderly persons, or persons with a disease that makes them incapable of caring for themselves.²⁵

In Finland, there are some detailed policies outlining the roles and responsibilities of police when investigating missing child cases. For example, the Finnish Police indicate on its website that it is responsible for investigating missing persons cases on land, while the Frontier Guard is responsible for searches at sea.²⁶ When a missing person is reported, the police request that the concerned individual carefully search for the missing person in familiar places/the vicinity; if the child or person remains missing after this search, the police complete a missing person's form, and interview concerned individuals about the missing person (i.e., personal data such as name, personal identity code, phone number; physical description; clothing description; and description of means of transport).²⁷ The Police Act of 1995 outlines the roles and responsibilities of the Finnish Police and allows them to enter a residence to search for missing persons and ask the public for assistance in the search.²⁸

During the investigative process, the local police may be assisted by Finland's voluntary rescue service (Vapepa), which consists of volunteers who are trained in searching for missing persons.²⁹ The public prosecutor can take the lead for abduction cases or cases that violate criminal law.³⁰ In cases of

²¹ European Commission, *State of Implementation for 116000*, at http://ec.europa.eu/justice/fundamental-rights/rights-child/hotline/implementation/index_en.htm (last visited July 25, 2016); See also *How to use the emergency number 112 in Finland*, at http://www.112.fi/download/33220_Hake_112esittely_englanti.pdf?889f0aea93b4d088 (last visited July 25, 2016).

²² Correspondence with Sami Isoniemi (June 13, 2016).

²³ Police of Finland, *Reporting a missing person*, at http://www.poliisi.fi/public_order/reporting_a_missing_person (last visited July 23, 2016).

²⁴ Correspondence with Sami Isoniemi (June 13, 2016).

²⁵ Police of Finland, *Search for a missing person*, at http://www.poliisi.fi/public_order/search_for_a_missing_person (last visited July 23, 2016); See also Correspondence with Sami Isoniemi (June 13, 2016).

²⁶ *Id.*

²⁷ Police of Finland, *Reporting a missing person*, *supra* note 295.

²⁸ Sections 15 and 45 of the Police Act of 1995, at <http://www.finlex.fi/en/laki/kaannokset/1995/en19950493.pdf> (last visited July 23, 2016) (on file with the International Centre for Missing & Exploited Children).

²⁹ The Voluntary Rescue Service Vapepa, *A network that saves human lives*, at <https://vapepa.fi/en/a-network-that-saves-human-lives/> (last visited July 23, 2016).

³⁰ Finnish Ministry of Justice, *International Child Abduction*, December 2000, at <http://oikeusministerio.fi/en/index/publications/esitteet/kansainvalinenlapsikaappaus.html> (last visited July 23, 2016).

children kidnapped to Europe or North America, the Ministry of Justice is involved, while the Ministry for Foreign Affairs is responsible for other countries around the world.³¹

National Database

Finland has a national police database, which is used by all law enforcement officers to document missing persons cases and executive assistance cases (e.g., runaways cases).³² As a party to the Schengen Agreement, Finnish Police have access to the Schengen Information System II, a European-wide wanted or missing persons' and object alert.³³

Case Management System

ICMEC's research did not identify a case management system specifically dedicated to missing children within the Finnish Police or any NGO.

Alert Mechanism

Finland has no national rapid emergency child alert system in place.³⁴ However, it has a national emergency warning system, which notifies the Finnish public when the public faces threats to life or health or when property is at risk of destruction.³⁵

Law enforcement is responsible for photo distribution; the head of the missing child investigation decides whether it is necessary to disseminate the picture of a missing child.³⁶ When possible, the use of media alerts in runaway cases is avoided so as to preserve the child's anonymity and as a safeguarding procedure.³⁷

Awareness-Raising Initiatives

In December 2000, the Ministry for Foreign Affairs, Ministry of Justice, Ministry of Social Affairs and Health, and the Finnish Association for Abducted Children released a detailed and informative online booklet, which was updated in March 2013, addressing international child abduction.³⁸ The publication provides detailed information on child custody, the legal offense of child abduction, how to prevent child abduction, and what to do if a child is abducted.³⁹ It also covers the Child Custody and Right of Access Act, Child Care Act, and restraining orders.⁴⁰

The Finnish Association for Abducted Children provides information and help to parents on preventing child abduction and assistance retrieving children who are victims of international child abductions.⁴¹

³¹ Police of Finland, *Public Order – Search for a missing person*, at https://www.poliisi.fi/public_order/search_for_a_missing_person (last visited July 25, 2016) (on file with the International Centre for Missing & Exploited Children).

³² Correspondence with Sami Isoniemi (June 13, 2016).

³³ European Commission, Migration and Home Affairs, *Schengen Information System*, at http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/schengen-information-system/index_en.htm (last visited July 23, 2016).

³⁴ European Commission, *Missing Children and child alert mechanisms*, at http://ec.europa.eu/justice/fundamental-rights/rights-child/hotline/index_en.htm (last visited 5 August 2016). Currently only 17 EU countries have child alert systems in place, Finland is not among them, *id.*

³⁵ Ministry of the Interior, *Emergency warnings*, at http://www.intermin.fi/en/security/rescue_operations/emergency_warnings (last visited July 23, 2016).

³⁶ Correspondence with Sami Isoniemi (June 13, 2016).

³⁷ *Missing Children in the European Union: Mapping, data collection and statistics*, *supra* note 292, at 24.

³⁸ Finnish Ministry of Justice, *International Child Abduction*, *supra* note 302.

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ Kaapatut Lapset Ry, *The Finnish Association for Abducted Children*, at http://www.ensijaturvakotienliitto.fi/jasenyhdistykset/kaapatut_lapset_ry/tietoa/in-english/ (last visited July 23, 2016).

Trafficking

The Criminal Code of Finland of 1889 prohibits trafficking in children who are under 18 years of age, namely: taking control over a child, recruiting, transferring, transporting, receiving, or harboring a child for the purposes of sexual abuse, forced labor or other demeaning circumstances or removal of bodily organs or tissues for financial benefit.⁴²

⁴² Subsection 2, Section 3, Chapter 25 of the Criminal Code of Finland of 1889, *supra* note 276.