

20 February 2019

Preventing and combatting sexual crime

On 12 December 2018, the Ministry of the Interior began preparing a package of additional measures to prevent and combat sexual crime in general and offences committed by migrants. The Government convened to discuss the bases of such measures on 15 January 2019. Subsequently, the measures were handled under the direction of the Minister of the Interior Kai Mykkänen in the ministerial working group on internal security and administration of justice and the ministerial working group on migration.

In determining the measures, the Government aimed to enforce the following principles:

- 1) Finland is safe, secure, open and international.
- 2) We protect those fleeing persecution, implement adequate means to maintain public order and security and take a strict approach to aggravated crime.
- 3) Permanent residence is based on integration into the Finnish society (work, studies, basic norms of conduct).
- 4) The authorities have adequate powers and resources to prevent and tackle sexual offences, including online grooming.

The Government is committed to promoting the preparation and introduction of the measures described here without delay. The package comprises measures aimed at preventing offences committed by migrants (nine sets of measures) and measures aimed at preventing sexual offences in general (five sets of measures). The ministerial working group on internal security and administration of justice and the ministerial working group on migration will set more detailed target schedules for the measures and monitor the progress of their implementation.

Many of the measures call for amendments to legislation, and the goal is to prepare these for the next government.

In connection with the first supplementary budget for 2019, the Government will propose additional funding for the measures that require it.

The effective protection of people fleeing persecution and manageability of the asylum system are based, first and foremost, on common EU legislation. A compromise on migration issues in the EU will be prepared in connection with preparations for Finland's Presidency of the Council of the EU.

Preventing and combatting sexual crime – additional measures in 2019

Legislative measures require the usual assessment of feasibility and impact before their enactment.

A) PREVENTING AND COMBATTING CRIME COMMITTED BY PEOPLE WITH A MIGRANT BACKGROUND

1. Crisis-resistant asylum solution of the European Union

The Finnish asylum system is based on the EU's common asylum legislation. The Government's premise is that the EU must protect those fleeing persecution, provide aid to the most vulnerable groups and ensure the manageability of the system. Regarding support measures, emphasis should be placed on efforts carried out jointly with the UN Refugee Agency UNHCR in the countries of origin, aimed at eradicating the root causes of forced migration as well as resettling the most vulnerable groups from crisis areas, which can alleviate the pressure of illegal entry into the country and achieve more controlled and predictable migration patterns. The assessment of the need for asylum of those seeking entry into Europe should be handled centrally at the EU's external borders. A compromise on migration issues in the EU will be prepared in connection with preparations for Finland's Presidency of the Council of the EU.

2. Speeding up the asylum process and the return of rejected asylum seekers

2.1. Adequate resources will be maintained and processes developed so that the Finnish Immigration Service can process asylum applications within the statutory maximum period of 6 months that has been in force since 1 July 2018. (Ministry of the Interior)

2.2. Measures will be taken to enhance seamless cooperation in return procedures with the key countries of origin both on a bilateral basis and through the EU's joint measures. (Ministry for Foreign Affairs, Ministry of the Interior)

3. Attention given to a potentially dangerous criminal background when granting residence permits based on international protection and the possibility to revoke a permit upon the discovery of threat factors

3.1. Measures will be taken to determine and prepare the necessary amendments to the Aliens Act, based on which the status of international protection could be withdrawn for a person who commits an aggravated offence after being granted international protection in Finland. A person who may not be returned to their home country under the principle of non-return (i.e. due to insecure conditions) would remain in Finland on a temporary residence permit. If the person were not subject to the principle of non-return, the person would be deported. (Ministry of the Interior)

3.2. Measures will be taken to determine and prepare the necessary amendments to the Aliens Act in order to make it possible to prohibit a person residing outside Finland from returning to Finland by revoking their residence permit or withdrawing their status of protection, if the person is considered to pose a threat to national security or public order and security. (Ministry of the Interior)

4. Monitoring of potentially threatening persons and persons pending return

The necessary legislative amendments will be made to enable the detention of a person for reasons of public order and security, in compliance with EU directives, and to enable such detention to last for a maximum of 12 months (at present, 6 months) (only possible in the interim between receiving notification of a rejected asylum application and the decision becoming enforceable) (Ministry of the Interior).

4.1. The reporting and residence obligations will be employed more extensively to secure the enforcement of decisions on removal and to control exit from the country. The reporting obligation will be applied to persons who have received a final decision on denial of admittance or stay and are no longer entitled to reception services (4 times a day, if necessary). Persons who have received a final decision on denial of admittance or stay and who are considered to pose a threat to public order and security must adhere to the residence obligation in a separately specified place of residence. Anyone violating these obligations may be detained, subject to the discretion of the police.

5. Combatting illegal stay in the country

5.1. Preparations will be made for an amendment to the Aliens Act to enable the border procedure specified in EU directives to be adopted, as necessary, in connection with the asylum procedure. According to the border procedure, an application for international protection can be processed and decided on in or in the vicinity of the border zone without granting the person entry into the country during this time. The border procedure permits the processing of certain applications to be processed in the accelerated procedure. A decision must be made on the applications within four weeks. (Ministry of the Interior)

5.2. The possibility to issue provisions on imprisonment for illegal stay in the country, based on the pending amendment to the EU's Return Directive, will be examined. (Ministry of the Interior, Ministry of Justice)

5.3. The required legislative amendments will be made to ensure that a person whose residence permit or right of residence has been revoked also loses their right to a municipality of residence in Finland as well as the related services and rights, excluding the right to necessary subsistence and care services, education provided for children of compulsory school age and other special services for children. (Ministry of Finance, Ministry of Social Affairs and Health, Ministry of the Interior)

5.4. A needs assessment will be carried out and used as the basis for preparations for necessary legislative amendments, based on which educational institutions may expel a student on grounds of a final decision on deportation or denial of admittance or stay (excluding education provided for children of compulsory school age) (Ministry of Education and Culture)

6. Preventing the labour exploitation of persons staying illegally in the country

6.1. A link will be created between the income register and the Finnish Immigration Service so that employers receive notification, in compliance with data protection provisions, if they pay wages to a person staying illegally in the country (introduced, at the latest, in 2021). (Ministry of Finance, Ministry of the Interior)

6.2. In addition to the fine imposed on the employer's representative (person), a penalty against the employer company, as specified in the Employers' Sanctions Directive, which current legislation also provides for, will be introduced, taking into account the prohibition of dual punishment. (Ministry of the Interior)

7. Conditions for granting permanent residence and citizenship

7.1. Preparations will be made for the necessary amendments to the Aliens Act and for other required measures in order to add the following conditions for the granting of a permanent residence permit to persons staying in Finland on the basis of international protection: (Ministry of the Interior)

- Completion of a basic course in the norms of Finnish society and successful completion of the course exam (fundamental rules of society, values and attitudes regarding fundamental rights)
- For persons of working age, several years of studies or work during their residence in Finland (taking into account health-related exceptions)

If the person does not meet these criteria for permanent residence but still meets the criteria for international protection, they will be granted a new temporary residence permit based on international protection.

7.2. Measures will be taken to determine and prepare the necessary amendments to the Aliens Act and the Nationality Act and other actions to be taken in order to add the following conditions for the granting of citizenship: (Ministry of the Interior)

- Surveys will be conducted on the practices that other countries have adopted for citizenship tests, and a test suitable for Finland will be introduced (fundamental rules of society, values and attitudes regarding fundamental rights).
- For persons of working age, several years of studies or work during their residence in Finland (taking into account health-related exceptions)
- The required period of residence in Finland will be revised and extended, following the practices adopted in the countries of comparison. A longer than normal period of residence in Finland will be required in cases where the identity of the applicant is impossible to determine or cannot be reliably determined when granting the residence permit (missing documents, incentive to obtain and present identification from the country of origin).
- When evaluating the conditions for granting citizenship, only periods of stay during which the applicant has held a valid residence permit will be counted towards the period of residence.

8. Sexual rights education in reception centres (Ministry of the Interior)

8.1. The binding nature of the basic course in Finnish society will be emphasised, the possibility to reduce the reception allowance (by 20%) in the case of non-attendance in the course will be ensured and a final course examination will be piloted in the state-run reception centres. The goal is to offer the course and a national-level examination on its content to all asylum seekers.

9. Rapid activation and sexual rights education as part of the integration of residence permit recipients (Ministry of Economic Affairs and Employment)

9.1. The framework for the curriculum will be discussed together with the Ministry of Education and Culture and the Finnish National Agency for Education.

9.2 Guidelines on the specification of competitive tendering for integration training will be prepared in cooperation with the Centres for Economic Development, Transport and the Environment.

9.3 Different language versions of the national training material and other uniform material will be prepared for educators.

9.4 A more multidisciplinary approach will be taken in integration training, and an operating model will be drawn up for use in challenging situations and for referring individuals to services as needed.

9.5 More education will be provided for integration trainers.

9.6 Organisational collaboration and work with migrant organisations will be strengthened to increase gender equality and non-discrimination as well as to prevent sexual crime.

Rapid activation to boost employment or studies

9.7. In connection with assessing the need to reform the pay subsidy system, an examination will be made regarding the possibility to grant pay subsidies to persons who have been granted asylum or quota refugee status even if they do not meet the required duration of unemployment.

9.8. Coordination between integration, employment, health and social services, on the one hand, and the national education system, on the other hand, will be strengthened to support employment.

9.9. The multidisciplinary centre of expertise activities will be introduced in other growth centres.

9.10. Migrants will be encouraged to participate in the most effective services linked to the workplace (pay subsidy, work trials, vocational labour market training).

9.11. Sector-specific employment models will be created to meet labour force needs.

9.12. Targeted special measures will be taken to promote the employment of migrant women and people with a refugee background.

9.13. Workplace-oriented early-stage integration will also be strengthened for those not part of the workforce.

9.14. The conditions for family-centred integration will be secured to boost employment among women.

B) GENERAL MEASURES TO COMBAT SEXUAL CRIME

10. Preventing and combatting child sexual offences perpetrated on online platforms (Ministry of the Interior)

10.1. The resources of the local police and the National Bureau of Investigation will be increased to combat sexual crime, especially online (police on the web). (Ministry of the Interior)

10.2. The Criminal Investigation Act and the Coercive Measures Act will be updated to meet the needs of the social media era, within the limits of the principle of proportionality guiding the use of coercive measures and the Constitutional Law Committee's comments regarding the use of coercive measures.

The objective is to provide the police with adequate powers to prevent, detect and investigate crime carried out in information networks. (Ministry of Justice, Ministry of the Interior)

10.3. An assessment will be made of the need to include provisions in the Act on Measures to Prevent the Distribution of Child Pornography or the Act on Electronic Communication Services that would oblige telecom operators to use filtering or to independently remove material related to child sexual abuse as well as of the need to specify the responsibility of hosting service administrators to remove, within a set period of time, indecent material involving children or of the need to sanction administrators who have not appropriately removed indecent material involving children. Finland should also initiate active discussion in the EU to tackle these questions. (Ministry of Transport and Communications, Ministry of Justice)

10.4. Round-table talks will be organised with telecom operators, platform service providers and anti-abuse organisations regarding crime prevention measures. Preparations will be made for the legislative amendments required to more effectively detect and combat online abuse (including the operators' duty to notify). (Ministry of the Interior, Ministry of Transport and Communications, Ministry of Justice)

11. Work against grooming and abuse in services targeted at young people (Ministry of Education and Culture, Ministry of Social Affairs and Health, Ministry of the Interior)

11.1. Enhanced measures will be targeted at schools to ensure that children and young people can better recognise grooming behaviour, know how to use social media safely and get clear instructions for acting in situations where they have experienced something unpleasant, frightening or disturbing on social media. The teaching staff will be offered training, and targeted support material will be produced on how to protect pupils and students from violence, bullying and harassment.

11.2. Youth workers' digital and social media competence will be updated, and they will receive support for developing new operating models.

11.3. Systematic, nationwide measures will be taken against online sexual enticement (grooming) and to prevent children from being sexually abused and falling victim to crime.

11.4. To improve the competence and cooperation of the authorities/personnel, the Ministry of Social Affairs and Health, the Ministry of Education and Culture and the Ministry of the Interior will pool their competence and in collaboration plan and implement cross-sectoral online training for the personnel in health and social services, education, youth work and the police. In future, regular multiprofessional and cross-sectoral training will be organised to maintain special competence and ensure multiprofessional collaboration.

11.5. Regarding the 2019–2025 action plan for preventing violence against children, draft versions of the proposed measures for preventing damage from sexual violence will be published on 18 January 2019. The entire plan will be published in November 2019.

12. Support services for victims of child sexual offences (Ministry of Social Affairs and Health)

12.1. Funding from the Funding Centre for Social Welfare and Health Organisations will be targeted at organisations working to prevent sexual crime.

12.2. The child advocacy centre model developed in the LASTA project will be expanded nationwide, first to the central university hospitals, starting with Oulu and Helsinki, and then to other hospital districts. In the child advocacy centre model, the case of a child or young person who is suspected of being a victim of a sexual offence is handled in a multiprofessional, child-friendly environment to collaboratively ensure the child's safe growth and development. Development will make use of the existing operating models followed in sexual assault support centres as well as the cooperation model and other practices developed in the forensic child psychiatry units of university hospitals. The child advocacy centres are mainly aimed at children and young people under the age of 16.

12.3. A child advocacy centre will be launched in Oulu, with the support of the National Institute for Health and Welfare. The establishment of a sexual assault support centre in Oulu will be accelerated (ready by the beginning of 2020).

13. Strengthening technical surveillance, information exchange and cooperation between the authorities (Ministry of the Interior, Ministry of Social Affairs and Health)

13.1. Personal data legislation must ensure that the police can efficiently carry out crime analysis and combine and compare large data material related to it (incl. automated facial recognition). (Ministry of the Interior)

13.2. An international comparison of the regulation adopted by other EU countries regarding the use of photographs and fingerprints will be prepared and an assessment will be made of the need for a legislative amendment allowing the police to use the driving licence and personal data register (passport photographs and fingerprints) for the crime analysis of aggravated crime. (Ministry of the Interior)

13.3. A preliminary review will be carried out of legislative amendments related to the technical surveillance conducted by the police. These may relate to, for example, the definition of technical surveillance and to surveillance carried out by the police using technical tools. (Ministry of the Interior)

13.4. The spread and establishment of best practices will be ensured regarding the use of city cameras and other existing surveillance cameras located in places popular among young people. (Ministry of the Interior)

13.5. Mutual cooperation between the authorities, early intervention model (Anchor) activities and concrete collaboration will be expanded across the country and the required resources will be secured for all the participants. (Ministry of the Interior)

13.6. Information exchange between the authorities and professionals within the public service system will be improved in order to prevent and combat sexual crime. Municipal guidelines will be issued on the information exchange practices of healthcare and social welfare professionals and the police (Ministry of Social Affairs and Health, Ministry of the Interior).

13.7. The police will increase its communication about criminal phenomena, and statistics on crime will be increasingly compiled to enhance the prevention of criminal activities, lower the threshold for reporting crime and to promote the solving of crime.

14. Increasing the severity of punishments for sexual crime and accelerating the legal process (Ministry of Justice, Ministry of the Interior)

14.1. The Ministry of Justice has launched preparations for an overhaul of legislation on crimes of rape and exploitation. The aim of the reform is to emphasise the importance of the role of consent and the lack thereof as an essential element of rape. Preparations will also be made for amendments that will make sexual intercourse with a young child punishable as a crime of rape. A further objective of the reform is to raise the minimum punishments for sexual crimes against children.

14.2. The resources of the entire legal process, covering the police, courts and the prosecution service, will be secured in order to accelerate the criminal process and to improve the position of victims.