

# FINLAND

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## RULES/GENERAL LAWS

<b>General</b>	<p><b>1. The Criminal Code of Finland (Rikoslaki, 39/1889)(Chapter 11 - War crimes and crimes against humanity, Chapter 20 - Sex offences)</b> <a href="https://www.finlex.fi/en/laki/kaannokset/1889/en18890039_20150766.pdf">https://www.finlex.fi/en/laki/kaannokset/1889/en18890039_20150766.pdf</a></p> <p><b>2. Criminal Investigation Act (Esitutkintalaki, 805/2011)</b> <a href="https://www.finlex.fi/en/laki/kaannokset/2011/en20110805_20150736.pdf">https://www.finlex.fi/en/laki/kaannokset/2011/en20110805_20150736.pdf</a></p> <p><b>3. Coercive Measures Act (Pakkokeinolaki, 806/2011)</b> <a href="https://www.finlex.fi/en/laki/kaannokset/2011/en20110806_20131146.pdf">https://www.finlex.fi/en/laki/kaannokset/2011/en20110806_20131146.pdf</a></p> <p><b>4. Act on Military Discipline and Combating Crime in the Defence Forces (Laki sotilaskurinpidoista ja rikostorjunnasta puolustusvoimissa, 255/2014)</b> <a href="https://www.finlex.fi/en/laki/kaannokset/2014/en20140255.pdf">https://www.finlex.fi/en/laki/kaannokset/2014/en20140255.pdf</a></p> <p><b>5. Military Court Procedure Act (Sotilasoikeudenkäyntilaki, 326/1983)</b> <a href="https://www.finlex.fi/fi/laki/ajantasa/1983/19830326_(not_translated)">https://www.finlex.fi/fi/laki/ajantasa/1983/19830326_(not_translated)</a></p> <p>UN rules on sexual exploitation and sexual abuse are implemented through National Operation Orders that include rules and procedures. The Commanding Officer controls and the legal advisers guide their application.</p>
<b>SEA: military offence?</b>	<p>Sexual exploitation and sexual abuse are not considered as military offences.</p> <p>Sexual exploitation and sexual abuse are considered as sex offences under Chapter 20 on sex offences of <b>the Criminal Code of Finland</b>. If such offences are committed in connection with an armed conflict, they may also be considered under Chapter 11 on war crimes and crimes against humanity of <b>the Criminal Code of Finland</b>.</p>
<b>Powers of the Commanding Officer (CO)</b>	<p>Commanding Officer (CO) is responsible for the general military discipline of a military unit. However CO does not have jurisdiction over sexual exploitation and sexual abuse cases under the <b>Act on Military Discipline and Combating Crime in the Defence Forces</b> as they are not considered as military offences. CO has a duty to report and refer all sexual exploitation and abuse cases for investigation by the civilian police and public prosecutor.</p>

## INVESTIGATION

<b>Who can investigate?</b>	<p>Only civilian police and public prosecutor may investigate sexual exploitation and sexual abuse cases.</p> <p>Common military offences are investigated by the specifically educated military personnel of the military unit and/or police educated Master Detectives of the Defence Command Finland.</p>
<b>National Investigation Officer (NIO)</b>	<p>Sexual exploitation and sexual abuse cases are vested in the civilian police and public prosecutor.</p> <p>Common military offences are investigated by the specifically educated military personnel of the unit and/or police educated Master Detectives of the Defence Command Finland.</p>

## PROSECUTION

<b>Referral</b>	<p>The civilian police is responsible for the referral for prosecution by the public prosecutor of sexual exploitation and sexual abuse cases.</p> <p>Common military offences other than sexual exploitation and sexual cases may be referred to the public prosecutor by the CO or the Defence Command Finland based on the findings of the investigation within the Defence Forces.</p>
<b>Who can charge?</b>	<p>Only public prosecutor may charge cases of sexual exploitation and abuse.</p> <p>Public prosecutor is also responsible for charging military offences referred to him/her.</p>

## JUSTICE

<b>Military justice</b>	<p>There are no specific military courts in peace time. All cases concerning military personnel are handled by civilian courts.</p> <p>In common criminal cases, including cases of sexual exploitation and sexual abuse committed by military personnel, the civilian courts decide the case.</p> <p>Cases of military offences are handled by civilian courts with military members.</p> <p>Court Martials may be established only during wartime if civilian courts do not function in the area of military operations.</p>
<b>Deployable Court Martial?</b>	<p>Currently there are no operational deployable Court Martials. Court Martials may be established during wartime if civilian courts do not function in the area of military operations.</p>

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