

Report of the Counter-Terrorism Committee on its follow-up visit to the Republic of Finland (9–11 April 2019)

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Executive summary

The Counter-Terrorism Committee Executive Directorate (CTED) conducts visits to Member States on behalf of the Counter-Terrorism Committee in order to monitor, facilitate and promote their implementation of Security Council resolutions 1373 (2001), 1624 (2005) and 2178 (2014). The visits are conducted with the consent of the host State and in accordance with the Committee's framework document for visits to Member States. In accordance with this mandate, CTED conducted a follow-up visit to the Republic of Finland from 9 to 11 April 2019.

The Committee conducted an initial visit to Finland in June 2012. Pursuant to the recommendations contained in the Committee's 2012 visit report, Finland has made considerable efforts to comply with the requirements of resolutions 1373 (2001) and 1624 (2005). In accordance with Council resolution 2178 (2014), it has also taken action to address the foreign terrorist fighter (FTF) phenomenon. Certain areas, however, require further action in order for Finland to achieve full compliance with the provisions of the three resolutions.

Counter-terrorism legislation and judicial practice. Finland has taken steps to amend its Criminal Code in accordance with the evolving terrorist threat, and should continue its efforts to regularly review, and expeditiously revise, where necessary, its criminal legislation in order to ensure that all terrorist crimes set forth in the international counter-terrorism instruments and the relevant Council resolutions are proscribed in domestic law. Finland has taken steps to facilitate cooperation between prosecutors and investigators in the investigation of terrorism-related offences. In view of the relatively low number of terrorism prosecutions to date, however, Finland should evaluate its process for determining whether the threshold for opening an investigation into extraterritorial offences has been met and ensure that the requirement for an order of the Prosecutor-General is not an inadvertent impediment to the opening of an investigation. Finland has taken steps to strengthen its measures to protect witnesses and victims of terrorist crimes. It should continue its efforts to strengthen legal cooperation with Member States in and neighbouring conflict zones where FTFs are active.

Counter-financing of terrorism. Finland should build on the progress made in this area since the Committee's previous visit and clarify the scope of its terrorism-financing offence. Finland has ensured that its designation power contains appropriate due process safeguards and has strengthened the human resources available to its supervisory authorities. It should complete its money-laundering/terrorism-financing national risk assessment (NRA) and undertake an NRA of its non-profit organization (NPO) sector.

Law enforcement. Finland has taken steps to strengthen cooperation among domestic law-enforcement agencies involved in counter-terrorism and to clarify the legal framework governing the acquisition and dissemination of information, including intelligence, relating to counter-terrorism. Finland should also consider establishing a single, integrated counter-terrorism database. Finland has put in place a comprehensive legal framework to regulate the legal possession and trade of small arms and light weapons (SALW). It has taken proactive steps to protect its critical infrastructures against terrorist attack and has engaged actively with the private sector in that process.

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Border management. Finland is commended for its ongoing efforts to ensure close coordination between its border, customs, and police officials. It has established a single search interface to facilitate the screening of travellers against a range of relevant domestic and international tools. Finland should gather data, disaggregated by age and gender, on persons who are flagged, while seeking to enter or exit Finland, for suspected links to terrorism, and utilize that data to further refine the border-management measures in place. Finland has implemented a system to collect advance passenger information (API) data, including with respect to passengers travelling by land and sea, and is in the process of expanding its collection of Passenger Name Records (PNR) data. It should explore the possibility of gathering API on passengers entering Finland from other States of the Schengen Zone. Finland has a robust travel-document security system in place. It should consider establishing specialized “exclusion units” within the Asylum Unit of its Immigration Service. Finland continues to refine its aviation-security framework in light of the evolving international standards.

National integrated and comprehensive counter-terrorism strategy. The Committee notes Finland’s good practice in adopting and periodically revising its National Counter-Terrorism Strategy to take into account evolving threats and in recognizing that implementation requires actions by, and engagement with, a broad range of stakeholders.

Countering violent extremism. The Committee commends Finland’s inclusion of local government authorities, civil society, and communities in the drafting of the 2016 Action Plan and for its completion of an independent evaluation of that Plan. Finland has proactively developed plans to address the challenges raised by returning FTFs and their family members. The Committee considers the adaptation of the “Anchor” model of engagement with youth at risk of crime or radicalization as a good practice and commends Finland’s efforts to build the resilience of young people against radicalization within the education system.

Human rights in the context of countering terrorism and violent extremism. Finland has put in place multiple oversight mechanisms and is encouraged to continue its efforts to ensure that those mechanisms are equipped with the necessary resources to ensure their effectiveness in practice. Finland should ensure that any measures taken to revoke citizenship of dual nationals convicted of terrorism offences are applied in compliance with international law, including international human rights law.

Technical assistance. The delegation identified a number of areas in which Finland might be in a position to provide technical assistance and/or advice to other Member States.

I. Introduction

1. The Counter-Terrorism Committee Executive Directorate (CTED), acting on behalf of the Counter-Terrorism Committee, conducted a visit to the Republic of Finland from 9 to 11 April 2019 in follow-up to the Committee's initial visit of June 2012. The follow-up visit focused on progress made by Finland in implementing the Committee's 2012 visit recommendations, as well as on measures introduced to implement Security Council resolutions 2178 (2014) and 2396 (2017) and other relevant Council resolutions. In accordance with the practice followed for the Committee's previous visits, the human rights aspects of Finland's counter-terrorism measures and the roles of gender in countering terrorism and violent extremism were also raised during the discussions, in accordance with Security Council resolution 2242 (2015).

2. The delegation was led by Assistant Secretary-General Michèle Coninx, Executive Director of CTED, and also included CTED experts and an expert of the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime (UNODC/TPB). CTED wishes to express its gratitude to the experts who participated in the visit and to the organizations that supported it.

3. The CTED Executive Director conducted high-level bilateral meetings with Finland's Minister of the Interior, the Permanent Secretary of the Ministry of the Interior, the Permanent Secretary of the Ministry of Justice, the Prosecutor-General, the Deputy Director of the Finnish Security Intelligence Service (SUPO), the Deputy Chief of the Border Guard, the Permanent Under-Secretary for International and Financial Market Affairs, the National Police Commissioner, the Director of the National Bureau of Investigation (NBI), and the Head of Criminal Investigation at the NBI. The Executive Director also held meetings with representatives of the City of Helsinki, Finnish Church Aid, and with civil society groups (including the Network for Religious and Traditional Peacemakers and the Young Muslims Forum of Turku). The delegation held expert-to-expert meetings with representatives of a number of government ministries and agencies, including the Ministry of the Interior, the Ministry of Justice, the Ministry for Foreign Affairs, the Ministry of Finance, the Public Prosecutor's Office, the Finnish Security Intelligence Service, the Border Guard, Customs, the National Police Board, the NBI, and the Ministry of Transport (*see annex for list of host delegation members*). The delegation also conducted an on-site visit to the Helsinki-Vantaa International Airport.

4. CTED's understanding of the current counter-terrorism situation in Finland and the measures taken to address it is based on information collected within the framework of the follow-up visit and the ongoing dialogue conducted with Finland since the 2012 visit, as well as on information received from international and regional organizations and relevant United Nations bodies.

II. Current threats and challenges

5. In June 2017, Finland increased the country's threat level from "low" to "elevated". According to the SUPO, individuals who are sympathetic to the Islamic State in Iraq and the Levant (ISIL, also known as Da'esh), Al-Qaida, and affiliated groups pose one of the most significant threats to Finland. ISIL has produced propaganda in Finnish and has sought to incite attacks in Finland.

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6. In August 2017, a series of stabbings perpetrated by a foreign national in Turku resulted in the deaths of two persons and injuries to eight others. The perpetrator, who at the time of the attack was in the process of appealing against the rejection of his asylum application, was reported to have been inspired by ISIL propaganda. He was sentenced to life imprisonment in June 2018. Finland informed the delegation that individual actors with direct or indirect links to terrorist networks continued to pose the greatest threat. At the time of the visit, Finland had identified 370 “counter-terrorism target persons” (i.e., persons believed to possess a “terrorist intent” manifested in links to terrorist organizations or efforts to spread terrorist propaganda).

7. Finland stated that over 80 Finnish nationals and residents had left the country to join ISIL and related groups in Iraq and the Syrian Arab Republic and noted that this number was relatively high, given the size of the country’s population. Finland estimated that of those who departed, 20 had subsequently died in the conflict zone and 20 had returned. Finland estimates that around 10 children have been born to Finnish citizens/former residents in the conflict zones. It anticipates further returns and highlighted the risk that such individuals might pose, particularly if they had acquired combat training and experience, in addition to further indoctrination.

8. Finland emphasized the significant challenges posed by advances in technology, noting that encrypted communications facilitated communication among terrorist organizations and individuals with terrorist intent and that new methods for transferring money, including virtual currencies, might enable terrorist groups to make immediate and anonymous money transfers.¹

9. Finland also highlighted the threat posed by individuals and groups motivated by violent extreme right-wing ideologies, who often engage in individual acts of violence. Finland has noted that “from the perspective of violent radicalization and extremism, violent right-wing extremists using violence against perceived opponents have the biggest impact on everyday security” and that more than half of all suspected offences with extremist motives reported to the police “involved violent right-wing extremists”.² Finland has cooperated with other European Union member States to strengthen the understanding of, and response to, this threat. In 2017, pursuant to a complaint filed by the National Police Board, a district court ordered the dissolution of the Finnish branch of the Nordic Resistance Movement, a right-wing extremist group, on the basis that its objectives were “incompatible with democratic values”. At the time of the visit, an appeal against the decision was pending before the Supreme Court. Finland noted that the Nordic Resistance Movement had established international links and was active in other Nordic Member States.

10. In response to those threats, Finland continues to engage in multidisciplinary efforts aimed at, inter alia, enhancing its counter-terrorism legislative framework, strengthening its border security, preventing radicalization, developing counter-narratives, and developing and implementing prosecution, rehabilitation and reintegration (PRR) programmes. During the visit, Finland reaffirmed its commitment to continue to work closely with the United Nations to combat terrorism in all its forms and manifestations, including by providing technical assistance and sharing its good practices. Finland also noted that emerging terrorist threats (including those posed by extreme right-wing groups) and effective responses would be among its priorities when it assumed the Presidency of the Council of the European Union in July 2019.

¹ Ministry of the Interior of Finland, *National Counter-Terrorism Strategy 2018-2021*, p. 13.

² Ministry of the Interior of Finland, *Violent Extremism in Finland – Situation Overview 1/2018*, pp. 8-9.

11. During the visit, Finland reaffirmed its commitment to continue to work closely with the United Nations to combat terrorism in all its forms and manifestations, including by providing technical assistance and sharing its good practices.

III. Counter-terrorism legislation and judicial practice

12. *International counter-terrorism instruments.* At the time of the Committee's 2012 visit, Finland had been a party to 14 of the international counter-terrorism instruments. It had informed the Committee that it expected to ratify the 2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the 2005 Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, by 2014.

13. Finland has not ratified any additional international counter-terrorism instruments since the 2012 visit, however. The delegation was informed that, at the time of the visit, Government proposals on the two 2005 instruments (above) were being finalized and would be presented to Parliament later in 2019. In addition, the relevant Ministries had begun preparatory work to consider the feasibility of Finland's ratifying the 2010 Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation, the 2010 Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft, and the 2014 Protocol to Amend the Convention on Offences and Certain Acts Committed on Board Aircraft, as well as to consider any necessary legislative amendments. Finland noted that the delays in ratification were to a large extent due to the careful approach taken by Finland to the ratification of international instruments, whereby the ratification process and the process of amending the relevant national legislation occur simultaneously in order to ensure that the relevant national legislation reflects Finland's new international obligations. *The Committee encourages Finland to expedite ratification of the remaining international counter-terrorism instruments.*

14. *Criminalization of terrorism-related offences.* Terrorism-related offences are proscribed in chapter 34(a) of Finland's Criminal Code. Section 1 of this chapter lists the types of conduct which, if committed "with terrorist intent and in a manner that is conducive to causing serious harm to a State or an international organization", are classified as offences made with terrorist intent. They include: making an unlawful threat, aggravated invasion of government buildings; explosive offences; public incitement of an offence; aggravated theft; aggravated firearms offence; acts relating to chemical or biological weapons; aggravated assault, hostage-taking or hijacking; and killing.

15. "Terrorist intent", in turn, is defined in section 6 of the same chapter as being present where the offender intends: to cause serious fear among the population; unlawfully to force any Government or international organization to perform or abstain from any act; unlawfully to overturn or amend the constitution of any State or destabilize its legal order; or cause particularly extensive harm to the finances or other fundamental structures of an international organization. The Code does not require any particular religious, political or ideological motivation on the part of the offender.

16. *Ancillary offences and modes of participation.* Other sections of the same chapter criminalize various modes of participation in such offences, including preparation of an offence

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committed with terrorist intent and directing or promoting the activity of a terrorist group.³ (The terrorism-financing offence is discussed further below.) Section 4(a) of the Code criminalizes the provision of training for the commission of a terrorist offence. Attempts to commit “offences made with terrorist intent” are criminalized in section 1 of chapter 34(a) of the Code, while general provisions of chapter 5 of the Code proscribe attempt, complicity, instigation, and abetting with respect to any offence.

17. *Criminalization of foreign terrorist fighter (FTF) offences.* Since the Committee’s previous visit, Finland has made a number of amendments to chapter 34(a) of the Code which, since 1 January 2015, has included the offences of: receiving training for the commission of a terrorist offence (section 4(b)) and recruitment for the commission of a terrorist offence (section 4(c)). Further, in December 2016, Finland criminalized the act of travelling for the purpose of committing any of the terrorist offences criminalized in this chapter (section 5(b)).

18. Additional terrorism-related amendments to the Code were made in 2018, pursuant to Directive (EU) 2017/541 of the European Parliament and of the Council on Combating Terrorism. Some forms of cybercrime offences (including aggravated interference with an information system) were included in chapter 34(a); an offence committed with terrorist intent regarding a radiological weapon was criminalized as a distinct terrorist act (section 1(a) of the same chapter); the provision on receiving training for the commission of a terrorist offence was widened to include self-study; the offence of travelling for the purpose of committing a terrorist act (provided for in section 5(b)) was amended to cover all travel for such purposes, regardless of the nationality of the individual or the destination; and facilitation of such travel was criminalized (section 5(c)).

19. The delegation noted that Finland had taken a number of legislative steps in response to the FTF phenomenon. The delegation observed, however, that the legislation criminalizing travel for the purpose of committing a terrorist offence was adopted more than two years after the adoption of resolution 2178 (2014),⁴ by which point the majority of FTFs had already left Finland and - in light of the principle *nullem crimen sine lege*⁵ - could not, therefore, be prosecuted under this law. As with the amendments made to the terrorism-financing offence (discussed below), this delay may have impeded Finland’s efforts to ensure that persons responsible for such conduct are brought to justice. ***The Committee notes Finland’s efforts to review and amend its legislation with a view to addressing the FTF phenomenon, including in light of resolution 2178 (2014). The Committee recommends that Finland continue its efforts to regularly review, and expeditiously revise, where necessary, its criminal legislation in order to ensure that all terrorist crimes set forth in the international counter-terrorism instruments and the relevant Security Council resolutions are proscribed in domestic law in a manner that duly reflects the seriousness of the conduct concerned.***

20. *Jurisdiction.* The jurisdictional scope of Finland’s criminal laws is clarified in chapter 1 of the Criminal Code. In addition to the basic rule that Finnish law applies to an offence committed in Finland, this chapter also provides a number of bases on which Finnish criminal

³ Criminal Code of Finland, chapter 34(a), sections 2-4.

⁴ In which the Council, inter alia, decides that Member States “shall ensure that their domestic laws and regulations establish serious criminal offences sufficient to provide the ability to prosecute and to penalize in a manner duly reflecting the seriousness of the offence: (a) their nationals who travel or attempt to travel to a State other than their States of residence or nationality, and other individuals who travel or attempt to travel from their territories to a State other than their States of residence or nationality, for the purpose of the perpetration, planning, or preparation of, or participation in, terrorist acts, or the providing or receiving of terrorist training; [...]” (S/RES/2178 (2014), para. 6(a).)

⁵ As reflected, e.g., in the International Covenant on Civil and Political Rights, art. 15(1) and in the European Convention on Human Rights, art. 7(2).

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law applies to extraterritorial conduct. These include: an offence connected with a Finnish vessel (section 2); an offence committed directed at Finland or a Finnish national (sections 3, 5); and an offence committed by a Finnish national or resident (including where Finnish nationality/residence is obtained subsequent to the impugned act, but prior to the initiation of court proceedings) (section 6).

21. In addition, Finland's criminal law applies to "international offences", which are defined in section 7 of chapter 1 to include those offences that are to be punished pursuant to an international agreement binding on Finland, as well as certain other offences, including those defined in chapter 34(a) of the Code.⁶ With respect to the first category of "international offences" set forth in section 7, the delegation noted that the Criminal Code, pursuant to a 1996 Decree, listed only 9⁷ of the 14 international counter-terrorism instruments to which Finland is a party. *The Committee notes that Finland has taken steps to extend its criminal jurisdiction over terrorism offences committed outside of Finland, in accordance with the requirements of relevant international instruments. The Committee encourages Finland to regularly review its legislation to ensure that its criminal jurisdiction extends to all conduct falling within the international counter-terrorism instruments to which Finland is party.*

22. Following its 2012 visit, the Committee observed that chapter 1, section 8, of Finland's Criminal Code incorporated the principle *aut dedere aut judicare*, but that the duty to refer a case to Finnish prosecuting authorities, following the refusal of an extradition request pertaining to that case, appeared to be limited to cases where the extradition request in question had been made by the Member State on whose territory the alleged offence had been committed (limitations that are not incorporated in the international counter-terrorism instruments).

23. In this regard, Finland informed the delegation that chapter 1, section 8, of the Code was not relevant to terrorism offences, as those offences were already listed as offences in respect of which Finland asserted extraterritorial criminal jurisdiction, in chapter 1, section 7 of the Code (discussed above). Further, Finland informed the delegation that the *aut dedere aut judicare* duty was instead regulated in the Investigation Act (chapter 3, section 3) and in the Criminal Procedure Act (chapter 1, section 6). Finland stated that extradition based on an international instrument or other rules of international law was an alternative to the duty to investigate and to prosecute but that, as that was self-evident, it was not necessary to state it in domestic legislation. In this regard, Finland noted that international instruments ratified by Finland have the status of law and can be applied directly.

24. The delegation took careful note of Finland's clarifications on this point, while recalling Member States' obligations, pursuant to Council resolutions 1373 (2001) and 2178 (2014), to ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice. The delegation observed that neither of the cited provisions in the Investigation Act or the Criminal Procedure Act referred to the *aut dedere aut judicare* rule, to the relevant international instruments, or indeed to extradition requests at all. The delegation also noted that the *aut dedere aut judicare* rule, as

⁶ Section 15 stipulates that this assertion of extraterritorial jurisdiction is subject to other rules of conventional and customary international law binding on Finland.

⁷ The international counter-terrorism instruments listed in section 7 are: the 1970 Convention for the Suppression of Unlawful Seizure of Aircraft; 1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation; 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons convention; 1979 Convention against the Taking of Hostages; 1980 Convention on the Physical Protection of Nuclear Material; 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation; 1998 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf; 1997 Convention for the Suppression of Terrorist Bombings; and the 1999 Convention for the Suppression of the Financing of Terrorism.

provided for in the relevant international instruments, had a number of interrelated elements. Specifically, the rule prescribes a number of steps which a State party must take: once it becomes aware that an individual allegedly responsible for the conduct in question is present in its territory, the State shall take appropriate measures to secure the presence of that individual for the purpose of prosecution or extradition; the State party shall immediately make a preliminary inquiry into the facts; the State party shall notify any third State having jurisdiction over the alleged offence; and then, if it does not extradite the individual, the State party is obliged “without exception whatsoever and whether or not the offence was committed in its territory”, to submit the case “without delay” to its competent authorities for the purposes of prosecution.⁸ In this regard, the delegation noted that a State party’s obligations under the *aut dedere aut judicare* rule were engaged once the State became aware of the presence of the suspect on its territory. Both the obligation to immediately make a preliminary inquiry into the facts and the obligation to refer the case to its prosecuting authorities existed prior to, and independently of, any extradition request that might subsequently be received from a third State. Where such a request was received, and acceded to, by the State party, this constituted an alternative method of satisfying the obligation to submit the case to its prosecuting authorities. The obligations encompassed in the *aut dedere aut judicare* rule were not, however, contingent upon the receipt of that request.⁹

25. The delegation recalled two additional relevant factors: the limitations in chapter 1, section 8 of the Criminal Code that had been noted by the Committee in 2012, and the rule that investigations by Finland into extraterritorial crimes, including the terrorism-related offences listed in chapter 1, section 7 of the Code, cannot be undertaken without a prosecution order issued by the Prosecutor-General (chapter 1, section 12). In light of these considerations, the delegation reiterated the Committee’s related recommendation of 2012: ***The Committee recommends that Finland clarify, by legislative amendment if necessary, the incorporation into its criminal law of the aut dedere aut judicare rule with respect to the conduct criminalized in the international counter-terrorism instruments.***

26. *Investigation of terrorism-related cases.* In general, terrorism offences are investigated in accordance with the same procedural rules that govern the investigation of all criminal offences. Two procedural rules have an important impact in terrorism cases, however. First, chapter 34(a) of the Criminal Code provides that the Prosecutor-General has the sole right to prosecute a terrorist offence (section 7). The delegation was informed that this provision influenced not only the decision as to whether to ultimately prosecute a terrorism case, but also the prior decisions as to whether or not to commence, and whether to conclude, an investigation in such a case. Before initiating such an investigation, the NBI first seeks the opinion of the Prosecutor-General. The police and the Office of the Prosecutor-General (OPG) cooperate closely during the investigation of terrorism cases, and the prosecutor plays a role in guiding that investigation.

27. Finland noted that this process was followed for a number of reasons: human rights considerations may arise in the investigation of a terrorism-related case; the offences at issue are relatively new and practice remains limited; multiple elements of these crimes are challenging to prove;¹⁰ the possibilities for gathering evidence are often limited, particularly

⁸ See, e.g., 1970 Convention for the Suppression of Unlawful Seizure of Aircraft, arts. 6-7.

⁹ In this regard, the delegation discussed the authoritative interpretation of this rule as provided by the International Court of Justice in *Questions relating to the Obligation to Prosecute or Extradite (Belgium v. Senegal)*, Judgment, I.C.J. Reports 2012, p. 422, paras. 89-95.

¹⁰ E.g., whereas the evidentiary threshold for commencing an investigation (as with any other crime) is “reason to suspect”, in terrorism cases, particular attention must be given to proof of “terrorist intent”.

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where the alleged offence has been committed abroad; investigations typically involve much deliberation as to whether (new) investigation techniques are appropriate; and international legal cooperation requires the participation of a judicial authority. The delegation noted that its discussions with officials of the NBI and the OPG had revealed possible differences of opinion over how much evidence the Prosecutor-General required before authorizing an investigation and whether the threshold for opening an investigation was being applied too restrictively.

28. The second procedural rule that is of significance in terrorism-related cases is chapter 1, section 12, of the Criminal Code (mentioned above), which stipulates that the investigation of extraterritorial crimes cannot be undertaken without an order issued by the Prosecutor General. Finland confirmed that the “reason to suspect” threshold for triggering an investigation was often more difficult to satisfy with respect to offences committed abroad. ***The Committee notes that Finland has taken steps to facilitate cooperation between prosecutors and investigators in the investigation of terrorism-related offences. In view of the relatively low number of terrorism prosecutions achieved thus far, the Committee recommends that Finland evaluate its process for determining whether the threshold for opening an investigation has been met and ensure that the requirement for an order of the Prosecutor-General is not an inadvertent impediment to the opening of an investigation.***

29. *Special investigative techniques (SITs)*. Finland has taken a number of steps to strengthen its investigative capacities, generally. In January 2014, a new Coercive Measures Act entered into force (806/2011), together with a new Criminal Investigation Act (805/2011) and a new Police Act (872/2011). The Coercive Measures Act includes provisions on a range of criminal procedures, including: apprehension, arrest, and remand; restriction of contacts; seizure of documents; and searches of premises. The Act also stipulates procedures and safeguards relating to a range of SITs, including covert means, in its chapters 9 and 10.

30. Finland acknowledged that the use of certain SITs could raise human rights concerns and noted that one rationale for its adoption of the above legislation was to better address those concerns. In this context, Finland underlined that chapter 1 of the Act stipulates the principles to be used in applying these measures, including the principles of proportionality, of minimum intervention, and of sensitivity. Further, the Act stipulates the precise procedural requirements applicable in respect of each investigative technique, including that: judicial authorization must be obtained¹¹ with respect to the more intrusive methods (e.g., interception of communications, obtaining location data, surveillance of electronic devices), is time-limited, and can be challenged by the affected person; the use of the covert measures listed in chapter 10 must be necessary for the clarification of an offence; and their use shall cease prior to the authorized period where the purpose has already been achieved (section 2). Also, those measures that may “deeply interfere” with human rights (e.g., the interception of telecommunications) are permitted only with respect to particularly serious crimes (including offences committed with terrorist intent) (chapter 10, section 3(2)). The Act includes provisions on “surplus information” (i.e., information that is collected through use of an SIT, but is unconnected to the offence at issue) and its use, retention, and destruction (chapter 10, sections 55-57). Even though chapter 10, section 65 provides for oversight of the use of covert measures (specifically, supervision by the National Police Board of the use of such measures by the police), the delegation highlighted the need to ensure independent, effective review of the use of such measures. ***The Committee notes that Finland has taken steps to clarify the legal framework regulating SITs, including safeguards to protect the rights of affected persons. The Committee recommends***

¹¹ The Act also lists the information which the officials with power of arrest must provide when seeking this authorization (see, e.g., chapter 10, section 5(3), regarding telephone interception).

that Finland continue its efforts to ensure that SITs are employed in a manner consistent with international human rights law, including through effective oversight mechanisms.

31. *Prosecution of terrorism cases.* Finland has undertaken relatively few terrorism prosecutions, to date. The delegation was informed that, at the time of the visit, the OPG was aware of 10-15 pre-trial investigations, of which four had resulted in prosecutions. The only successful prosecution for terrorism had related to the August 2017 attack in Turku ('Case Aura', discussed above). The delegation was informed that this prosecution had been facilitated by information received — via the International Criminal Police Organization (INTERPOL), Europol, and Member State legal attachés — from other Member States, and included data provided by the perpetrator's country of origin. The perpetrator had ultimately pled guilty to the two counts of murder committed with terrorist intent and to eight counts of attempted murder with terrorist intent. A detailed assessment of the events leading up to this attack, with recommendations for future action, was conducted by the Ministry of Justice and published in July 2018.¹²

32. Finland also briefed the delegation on "Case Akilles", which related to alleged terrorism financing by three persons who, between 2008 and 2010, had transferred funds from Finland to Kenya and Somalia, to be used by Al-Shabaab. At the time, however, Finland's terrorism financing offence required a link to a specific act of terrorism (rather than just to a terrorist organization). Thus, even though the accused had been convicted at first instance (by the District Court of Helsinki in March 2014), that decision had been reversed on appeal in March 2016. This had triggered the legislative amendment to the terrorism-financing offence discussed below.

33. The delegation was also briefed on a third case, which related to three individuals who had travelled from Finland to the Syrian Arab Republic. Upon their return, Finland had prosecuted them for participation in terrorist offences,¹³ but in January 2018 the District Court of Helsinki had dismissed the charges for lack of evidence. Ultimately, the three had been convicted of tax fraud. The delegation was also briefed on a fourth case, which is discussed further below.

34. Finland has taken steps to strengthen its capacity to prosecute terrorism cases. In 2017, the OPG initiated a project to train five prosecutors to be specialists in terrorism and war crimes cases. This project is ongoing. The OPG has also strengthened its cooperation with other domestic authorities, including the police and the Immigration Service, as well as with international partners, including the United States of America and Germany with respect to obtaining and utilising evidence obtained in the conflict zones in Iraq and the Syrian Arab Republic. ***The Committee notes that Finland has taken steps to strengthen its capacity to prosecute terrorism cases and has strengthened cooperation between the relevant domestic agencies and with international partners.***

35. *Protection of witnesses.* Following its 2012 visit, the Committee recommended that Finland adopt a law to give its witness-protection programme the legal safeguards needed to ensure its independence from the investigative and prosecutorial authorities.

¹² Safety Investigation Authority, *Turku Stabbings on 18 August 2017*, Doc. P2017-01.

¹³ Specifically, "preparation of an offence to be committed with terrorist intent", "provision of training for the commission of a terrorist offence", and "recruitment for the commission of a terrorist offence".

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36. The delegation was briefed on the measures currently in place to protect witnesses in criminal proceedings, including the national-level Witness Protection Unit within the NBI Special Operations Department, measures taken by local police districts where necessary, and support services provided by Victim Support Finland and other NGOs. The Witness Protection Unit is also the national point of contact for issues regarding international relocation. Regarding the Committee's 2012 recommendation, Finland noted that legislation on witness protection had entered into force in 2015 (88/2015). Pursuant to this legislation, where a person's life or health, or that of their close family members, is at serious risk as a result of a hearing in a criminal procedure or for some other reason, and the threat cannot be effectively prevented by other means, this person may be included in a witness-protection programme. The delegation was further informed of international cooperation undertaken by Finland in this area, including through the European Union Agency for Law Enforcement Cooperation (Europol) network (and use of the Europol 2013 Handbook on Witness Protection), regular meetings of the Nordic Network, and agreements that Finland has concluded with international criminal tribunals.¹⁴ ***The Committee commends Finland for taking steps to strengthen the measures in place to protect witnesses, through legislative amendments and international cooperation.***

37. *Assistance for victims of terrorist acts.* Finland's assistance to victims of crime is coordinated by the Ministry of Justice, the Ministry of Social Affairs and Health, and the Ministry of the Interior. Victims of crime, including victims of terrorism, are provided with legal aid, compensation, social and health support, and interpretation services.

38. The delegation was briefed on the strong victims-assistance legal framework provided for in the relevant European Union instruments, including the 2107 Directive on Combating Terrorism, which provides that States should adopt measures of protection, support and assistance responding to the specific needs of victims of terrorism.¹⁵ Finland informed the delegation that, although it had not been deemed necessary to introduce legislative amendments to give domestic effect to these provisions, the discussions held concerning the Directive had nevertheless led to the identification of areas where improvements were required, including: the coordination of victim support services as part of contingency planning; the integration of models for assisting victims of terrorism into general victims services; and the use of nationwide communication to ensure that information for victims of terrorism would be readily available. In view of that assessment, Finland had introduced amendments to its Criminal Investigation Act, which had entered into force in 2016. Finland also noted that one of the recommendations of the report by the Safety Investigation Authority into the 2017 Turku attack (discussed above) had related to the provision of psychosocial support to victims. Other recent developments in this area included the nomination of national focal points for the provision of information on, and support to, victims.¹⁶

39. Regarding the possibility of compensation, Finland noted that victims of a crime were eligible for compensation paid from State funds for injury or damage caused by a criminal offence. That compensation covered, inter alia, medical costs and loss of income, as well as intangible damages and personal property damaged in connection with the injury in accordance with the Act on Compensation for Crime Damage. Compensation had been awarded for the

¹⁴ Specifically, the International Criminal Tribunal for the former Yugoslavia, the International Criminal Court, and the Special Court for Sierra Leone.

¹⁵ Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA, recital 27-30, arts. 24-26. Finland also cited Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime and replacing Council Framework Decision 2001/220/JHA. ¹⁶ Pursuant to the European Union Justice and Home Affairs Council Conclusions, 4-5 June 2018.

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victims of the 2017 terrorist attack in Turku. *The Committee commends Finland for taking a range of measures, both legislative and practical, to strengthen the measures in place to assist victims of crime, including terrorism.*

40. *International judicial cooperation.* Finnish judicial authorities cooperate routinely with their foreign counterparts, both formally and informally. All law enforcement agencies have been given legal mandates to provide international cooperation. Bilateral or multilateral agreements are not needed. Reciprocity is not a requirement. Nor is dual criminality a requirement, unless coercive measures have been requested. Foreign authorities can approach their counterparts directly without needing to go through the central authority (the Ministry of Justice). Requests to Finland can be made in English.

41. Finland has also demonstrated the ability to engage in judicial cooperation with Member States located in conflict zones, for the purposes of prosecuting terrorist acts. The delegation was briefed on one case (“Case Exit”) involving two Iraqi nationals who had come to Finland as asylum seekers. While residing in a Refugee Reception Centre, they had been identified (by other asylum seekers) as having appeared in an ISIL video that had recorded mass killings perpetrated at “Camp Speicher” in Tikrit, in 2014. The NBI had been informed and had in turn informed the Iraqi authorities. Iraq had then requested their extradition (in December 2015), but that request had been rejected by Finland owing to the possibility that the death penalty might be imposed by Iraq. Upon the order of the OPG, the NBI had launched preliminary investigations into the case, in November 2015. A prosecution had been initiated, for both terrorism offences and war crimes, but in May 2017 the District Court of Pirkanmaa had dismissed the charges for lack of evidence. At the time of the visit, an appeal against the dismissal was pending before the Court of Appeal of Turku. Finland noted that its prosecution of the case had been heavily reliant on cooperation with the Iraqi authorities. Because Finland had never previously engaged in judicial cooperation with Iraq, opportunities to gather evidence and gain access to witnesses had been limited. Because of the potential risks involved, Finland had made arrangements for witnesses to testify anonymously (an exception to the normal rule) and for testimony to be delivered via video link to the trial, under the supervision of an Iraqi judge. It had also engaged with a non-governmental organization (Adalmaz), which had used social media in an effort to facilitate the gathering of evidence. The Adalmaz social media campaign had reached over a million people (primarily individuals who had left Iraq and the Syrian Arab Republic), but had not led to the identification of any witnesses willing to give evidence regarding the case. Finland noted that the case had illustrated the continued reluctance of potential witnesses to give evidence against ISIL, despite its military setback, and thus the importance of utilizing battlefield evidence in bringing prosecutions for acts committed in the conflict zones. *The Committee commends Finland for taking steps to strengthen its cooperation with Iraq and for exploring the possibilities of using other tools to gather evidence necessary to prosecute terrorist crimes. The Committee recommends that Finland continue its efforts to strengthen legal cooperation with Member States in and neighbouring conflict zones where FTFs are active.*

42. *Extradition and mutual legal assistance (MLA).* At the time of the 2012 visit, the delegation noted that Finland had established an adequate legal basis for assisting other States through extradition or through the provision of mutual legal assistance (MLA). Finland had entered into treaty-based extradition and MLA arrangements with other Nordic States and with members of the European Union and the Council of Europe. An expedited extradition process was available for other Nordic States, based on the Convention for Extradition among Nordic

States. Extradition between European Union States occurred pursuant to the Framework Decision on the European Arrest Warrant and Surrender Procedures of the member States of the European Union. Dual criminality was the basic rule for extradition. The “political offence” exception was not a ground for denying a request for extradition to other Nordic States or to States of the European Union. Finland extradited its own nationals only to other Nordic or European Union States.

43. During the follow-up visit, the delegation was informed that routine requests for mutual legal assistance and extradition were executed quickly. However, the delegation noted that only one terrorism-related extradition request had been made and that the request had been declined because of the potential application of the death penalty in the requesting State. (See discussion of “Case Exist”, above.)

44. The Committee recommended in 2012 that Finland consider amending its legislation to make it clear that extradition in terrorist cases would not be refused on the ground that the crime was considered to be a political offence. During the follow-up visit, Finland stated that it had not yet amended its legislation in that regard, noting that Finland was a party to many counter-terrorism instruments that considered counter-terrorism offences to be outside the scope of any political offence exceptions to extradition. Finland also drew the attention of the delegation to section 6(2) of the Extradition Act, which states that intentional killing (or an attempt) cannot be considered a political act. The delegation acknowledged that the relevant instruments were directly incorporated into Finnish law and must be read in conjunction with the Extradition Act, but nonetheless noted that those treaties covered specific terrorist offences, not the broader obligations contained in resolution 1373 (2001). The delegation also noted that, whereas Section 6(2) of the Extradition Act would likely cover most terrorist acts, it would not cover terrorist acts that do not extend to intentional killing, such as hijacking or kidnapping with terrorist intent. *The Committee recommends that Finland ensure that legislative amendments are introduced to address the Committee’s 2012 recommendation regarding the “political offence” exemption in order to ensure that all terrorist offences are excluded from the possibility of being considered political acts.*

IV. Counter-financing of terrorism

45. The Financial Action Task Force (FATF) conducted a Mutual Evaluation of Finland in 2018. The report, published in April 2019,¹⁶ identified several shortcomings in Finland’s anti-money-laundering/counter-financing of terrorism (AML/CFT) regime, especially relating to resources and supervisory activities. It noted that Finland’s 2015 money-laundering/terrorism-financing national risk assessment (NRA) was out of date; that supervisory measures relating to designated non-financial businesses and professions (DNFBPs) remained weak; and that the supervisory authorities (especially the Financial Supervisory Authority and the Regional State Administrative Agency) were significantly under-resourced, given the breadth and depth of their AML/CFT responsibilities and workload. Finland acknowledged that there was a need to strengthen its inter-agency cooperation and information-exchange.

46. *Criminalization of terrorism financing.* Finland updated the sections of its Criminal Code criminalizing terrorism financing in 2014, 2016 and 2018. Those legislative amendments de-linked the terrorism-financing offence from a specific terrorist act. The offence now applies to individuals who fund the activities of a terrorist group, irrespective of whether those

¹⁶ <http://www.fatf-gafi.org/media/fatf/documents/reports/mer4/MER-Finland-2019.pdf>.

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activities lead to a terrorist act. In particular, the offence now covers providing or collecting funds to finance one of the terrorist offences listed in the Criminal Code (see above) and the provision or collection of funds for a terrorist group with awareness of its nature as a terrorist group. The offence is not limited to natural persons. Legal persons can also be liable. Criminal liability exists for attempts, complicity, and aiding and abetting the financing offence. Finland has also assumed extraterritorial jurisdiction over terrorist offences.

47. The delegation noted that the offence now met most of the criteria required by resolution 1373 (2001), but that some small technical deficiencies remained. In particular, the offence did not criminalize the financing of an individual terrorist without a link to the use of funds to finance a specific offence, and the available penalty for financing a terrorist group (three years' imprisonment) was relatively light. ***The Committee encourages Finland to clarify the terrorism-financing offence to ensure that it also applies to the financing of an individual terrorist who may not be connected to a particular terrorist group, irrespective of whether the individual subsequently perpetrates a terrorist act.***

48. *Prosecution of terrorism-financing cases.* Finland has acquired relatively little experience in investigating and prosecuting terrorist offences. Only a small number of investigations relating to terrorism-financing have proceeded to prosecution, and none has result in a final conviction. No cases have been prosecuted since 2016, when the terrorism-financing offence was broadened. Finland noted that most Finnish FTFs had left the country prior to 2016, when travelling for the purposes of terrorism (and the financing of such travel) were not yet offences.

49. *Freezing of terrorist assets.* In 2013, Finland adopted the Act on the Freezing of Funds with a View to Combating Terrorism (Act 325:2013), which empowers the NBI to designate a person or an entity as being suspected of, charged with, or convicted of a terrorist offence. Any person or entity designated pursuant to this power is subject to an asset freeze. The financial intelligence unit (FIU) is responsible for establishing grounds for decisions to freeze funds and for making proposals for decisions to freeze funds to the NBI.

50. The assets of designated persons are frozen *ex parte*, and the freeze becomes binding on all persons immediately upon its publication in the Official Journal and on the NBI website. Any violation of the asset freeze is a violation of chapter 46 of the Criminal Code. Designations are reviewed every six months, and designated individuals or entities can appeal the designations directly to the NBI or to the Helsinki Administrative Court. Decisions are appealable to the Administrative Supreme Court. Humanitarian exemptions are permitted on a case-by-case basis. ***The Committee commends Finland for ensuring that the designation power contains appropriate due-process safeguards.***

51. The delegation was informed that 14 persons and eight entities had been designated pursuant to the Act. As of the time of the visit, seven persons and three entities remained designated. Around half of that number are FTFs. A relatively low amount (c.10,000 euros) was frozen. (An additional 38 persons and entities are subject to asset freezes pursuant to EC Regulation 2580/2001, which applies to persons or entities who are outside the European Union.)

52. Finland has not yet informed the Council of the European Union or the Security Council of its national designations pursuant to the Act, which is a requirement pursuant to section 9 of the Act. ***The Committee recommends that Finland review its practices relating to the***

designation of persons or entities pursuant to the Act on the Freezing of Funds with a View to Combatting Terrorism, including to address why no asset-freezing designations have yet been communicated to the Council of the European Union or to the United Nations Security Council, as required by section 9 of the Act.

53. The NBI may also act to designate individuals or entities at the request of another State. Requests sent by another State must be individualized and reasoned. Freezing of funds is possible on the basis of credible evidence, when a criminal investigation has been initiated, or when a person has been convicted. If committed in Finland, the act must have the essential elements of an offence pursuant to chapter 34a of the Criminal Code. A foreign conviction is not sufficient to meet the criteria for designation pursuant to the Act. ***The Committee recommends that the relevant Finnish authorities continue to engage with their counterparts in other States to ensure that requests for designation are made by States that have convicted Finnish citizens.***

54. *Financial intelligence unit (FIU).* In 2012 the Committee recommended that Finland provide further outreach and terrorism-financing-related guidance, especially to DNFBPs, in order to enhance reporting on terrorism financing. The 2013 Act on the Freezing of Funds with a View to Combating Terrorism requires the relevant authorities to undertake awareness raising. Finland informed the delegation that, since 2016, the FIU had organized training seminars for reporting entities on topics relating to identifying terrorism financing. Thirty companies (including banks, money value transfer service providers, and gambling companies) had participated in the seminars. The FIU has also disseminated a list of CFT risk indicators to registered reporting entities.

55. Finland informed the delegation that the FIU had developed its own indicators tailored to the Finnish financial sector, building on the generic indicators provided by FATF. However, that the 2019 FATF Mutual Evaluation Report notes uneven improvement in this respect. Although financial institutions have an adequate understanding of money-laundering risks, there remains a lack of knowledge concerning terrorism financing risks. Many financial institutions reported to FATF assessors that they would have difficulty in detecting suspicious transactions relating to terrorism financing and that they would welcome more information from the FIU in relation to terrorism-financing typologies and risks.¹⁷ ***The Committee recommends that Finland provide additional guidance and training to financial intuitions and DNFBPs, focused on terrorism-financing risks, indicators and typologies, targeting those at high risk, in particular.***

56. *Preventive measures and supervision of the financial sector and DNFBPs.* Finland passed a new Act on Preventing Money-Laundering and Terrorism Financing in 2017 (Act 444/2017). The Act introduced new obligations for the Government to undertake an NRA; new obligations for supervisory authorities, financial institutions and DNFBPs to undertake sectoral risk assessments and apply risk mitigation measures; extended beneficial ownership requirements (beneficial owners must be recorded in the register maintained by the Finnish Patent and Registration Office); and strengthened internal control requirements.

57. Finland informed the delegation that several measures had been taken to improve supervision and oversight of the financial sector and DNFBPs. The Regional State Administrative Agency, which supervises DNFBPs, has produced an anti-money-laundering

¹⁷ FATF Mutual Evaluation Report 2019, paras. 324, 361 and 366.

guideline and a counter-financing of terrorism guideline for its supervised entities. The FIU has produced a set of terrorism-financing indicators, which are tailored to the specific risks of Finland and are available in Finnish and Swedish. The Regional State Administrative Agency has also begun to undertake on-site inspections of supervised entities to assess compliance with AML/CFT obligations.

58. With respect to coordination and cooperation between supervising entities, a formal Working Group for supervisors was established in 2018. The Chair of the Working Group is the Ministry of the Interior. Finland informed the delegation that the Working Group had met every two-to-three months since its establishment.

59. Finland informed the delegation that significant increases in funding had been approved and that recruiting was already underway as an immediate response to the FATF finding that the supervisory authorities were under-resourced. Five additional staff were being recruited to both the Financial Supervisory Authority and the Regional State Administrative Agency to work on AML/CFT. That represented a doubling of human resources on those teams. Five additional staff were also being recruited to join the FIU, bringing the total staff to 36. The Ministry of Finance had also added 2.5 full-time positions to its AML/CFT team. ***The Committee commends Finland for the significant increase in the human resources available to the supervisory authorities (especially the Finnish Financial Supervisory Authority, the Regional State Administrative Agency for Southern Finland, the FIU, and the Ministry of Finance).***

60. With respect to money-laundering and terrorism-financing risk assessments, Finland informed the delegation that all supervisory authorities had completed up-to-date risk assessments, with the exception of the Financial Supervisory Authority, which had recently completed an extensive data-gathering exercise as part of the risk assessment process. The NRA required by chapter 2, section 1 of the Act on Preventing Money-Laundering and Terrorism Financing had not yet been updated. Finland noted that it was waiting for an amendment to the Act implementing the fifth European Union Money-laundering Directive to enter into force. The amendment requires the NRA to take into account new provisions on virtual assets. ***The Committee encourages Finland to update the money-laundering/terrorism-financing NRA, as required by the Act on Preventing Money-Laundering and Terrorism Financing (taking into account, in particular, new and emerging technologies such as virtual asset managers) and to publish a revised national action plan that addresses the updated risks.***

61. *Non-profit organizations (NPOs)*. The 2019 FATF Mutual Evaluation Report noted that Finland had not yet conducted a national review of its NPO sector.¹⁸ Finland observed that, in the preparations for the 2015 NRA, it had been decided that there was not enough national data to include NPOs as a sector. However, an NRA would be conducted in the future.

62. Finland has, however, conducted partial assessments of the sector. In 2009, the police, the SUPO and the OPG prepared a report identifying the methods used to abuse NPOs for terrorism-financing purposes. The report aims to raise NPOs' awareness of the risks. The NBI carried out a focused analysis of the potential for abuse of development aid in the NPO sector in 2015. The analysis identified NPOs receiving State subsidies, NPOs active in conflict zones, and immigrant-based NPOs as the subset of NPOs most at risk of terrorism-financing abuse.

¹⁸ FATF Mutual Evaluation Report 2019, Technical Annex, Recommendation 8, Criterion 8.1.

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In addition, the National Counter-Terrorism Strategy identifies protection of the NPO sector as key to preventing terrorism financing. Its Action 12 identifies preventing the abuse of State subsidies for NPOs as a focus of action.

63. The FATF Mutual Evaluation Report acknowledged these assessments, but noted that Finland's related analysis was not up-to-date.¹⁹ It also noted that the level of awareness of the risks of abuse for terrorism-financing purposes among medium and small-scale NPOs might be low, noting that Finland had not provided guidance, conducted outreach activities, or developed focused actions with respect to potentially vulnerable NPOs.²⁰

64. Finland informed the delegation that oversight of NPOs would be strengthened by planned amendments to the Money Collections Act (Act 255/2006). A related draft law had been approved by parliament in March 2019 and would enter into force in 2020. The amendments required NPOs to obtain a permit from the police to collect money if collections would be made on an ongoing basis or to notify the local police department if the amount was small and limited in time or scope. There were also post-collection reporting obligations and monitoring might be carried out during the collection process. A public register of money collections would be created to ensure transparency.

65. Although these new requirements are likely to improve oversight of money collection, overall governance of the NPO sector appears to be fragmented. There is no central authority (e.g., a national charities office) with overall responsibility for supervising NPOs. NPOs would be required to report their fundraising activities to the police, but they would be required to register with the Finnish Patents and Registration Office, which does not have an explicit CFT function. The Office will not begin registering beneficial owner information for NPOs until 1 July 2019. ***The Committee recommends that Finland conduct an NRA of the NPO sector as a whole, including governance measures, taking into account supervision and reporting requirements as well as Finland's commitment to safeguarding the right to freedom of association and related rights.***

66. In this regard, the delegation recalled Security Council resolution 2462 (2019), in which the Council "urges States, when designing and applying measures to counter the financing of terrorism, to take into account the potential effect of those measures on exclusively humanitarian activities, including medical activities, that are carried out by impartial humanitarian actors in a manner consistent with international humanitarian law". Finland informed the delegation of one case in which it had been determined that an individual who had claimed to have collected funds (through an NPO) for the purpose of providing humanitarian aid in the Syrian Arab Republic had used the funds for personal ends. Although the individual concerned was suspected of having links to individuals associated with terrorism, it had ultimately been determined that there was insufficient evidence that the funds collected were to be diverted to such persons. The individual concerned was therefore convicted of fraud, rather than terrorism financing. ***The delegation requested that Finland keep the Committee informed of further developments in this area and of any good practices that could be shared with other Member States.***

67. *New technologies.* Finland informed the delegation that it had in recent years developed a market for virtual asset service providers. This was principally because a small number of Finnish entrepreneurs had developed companies early in the creation of that new sector and

¹⁹ FATF Mutual Evaluation Report 2019, para. 289.

²⁰ FATF Mutual Evaluation Report 2019, para. 292.

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were now providing services internationally. A majority of incoming MLA requests to Finland now relate to virtual assets, demonstrating the relatively rapid growth of this sector in Finland *vis à vis* other Member States.

68. Finland's new Act on Preventing Money-Laundering and Terrorism Financing requires supervised entities to conduct money-laundering and terrorism-financing risk assessments and to ensure that they are updated. Finland considers that this requirement includes the assessment of new payment technologies. It informed the delegation that supervised entities were including virtual assets in their risk assessments, and that virtual asset service providers will become supervised entities with AML/CFT reporting obligations pursuant to the Act from 1 December 2019. Finland also stated that virtual assets would also be included in the forthcoming NRA.

69. In addition, the FIU has launched a project – the Black Wallet Project – to research possible links between payment service providers and terrorism financing. *The Committee requests that Finland keeps it informed of the results of the Black Wallet Project and risk typologies of virtual assets, as they are developed.*

70. *Money-transfer services.* The Committee's 2012 visit report noted an increasing amount of remittances to Africa, as well as certain gaps in Finland's supervisory requirements. It also noted that money remitters were not obligated to report remittance volumes to the relevant authorities.

71. The AML/CFT obligations for money-service providers were amended in 2017, including through the reduction of the threshold for submitting transaction reports to 1,000 euros or more. These reports are referred to as "threshold reports" and are not analysed individually because of the volume of reports involved. They can serve as an additional source of information for the FIU when building a case.

72. The Financial Supervisory Authority reviewed the policies and procedures of money-transfer services in late 2018 and early 2019. It found that there were deficiencies in the monitoring of sanctions and asset-freeze lists and that such services were highly vulnerable to terrorism financing. Finland informed the delegation that the next steps would be removal or de-registration of providers that were not compliant with AML/CFT requirements, along with subsequent follow-up, in cooperation with the FIU, to ensure that de-registered providers did not continue to provide services. *The Committee requests Finland to provide updates on how many providers have been de-registered and on progress made in improving the monitoring of money-transfer service providers.*

73. *Cash couriers.* Finland has implemented a declaration system for incoming and outgoing transportation of cash and bearer negotiable instruments (BNI) by physical persons leaving or entering the European Union with 10,000 euros or more. Customs officers have the right to stop and search a person suspected of breaching the obligation to declare. Customs also has the right to detain the cash.

74. The 2015 money-laundering/terrorism-financing NRA found the use of cash couriers to be one of the main money-laundering methods used (along with wire transfers, front companies, and complex corporate structures). The relatively low use of cash in Finland is, however, a limiting factor to this risk. The main use of cash couriers is to move the proceeds of crime out of the country. The eastern border, which forms a border of the European

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Economic Area (EEA) and the European Union, is a particular focus for cross-border movement of undeclared cash.

75. The Customs Service sends cash declaration information to the FIU every month in an Excel file. There were 283 declarations in 2016 and 244 in 2017.²¹ The Customs Service and Border Guards also file suspicious transaction reports (STRs) relating to the transport of cash. The delegation was informed, however, that Customs did not receive any feedback from the FIU regarding the information it transmits. *The Committee encourages Finland to strengthen information-sharing between the FIU and Customs in order to ensure that trends can be quickly identified and lessons quickly learned.*

76. Finland participates in the joint European Union Customs Information System, which collates information about cash infringements reported by European Union customs agencies. Finland reported 33 cases in 2015 and 32 in 2016. Customs and the police have also established good cooperation with their counterparts in the Russian Federation, and the two States swap liaison officers. There have been several cross-border enforcement operations in recent years.

77. Given the risks that cash represents, the definition of assets covered by AML/CFT measures include all moveable and immovable property that can be easily converted into cash. This covers cultural and art objects. Furthermore, Finland informed FATF in January 2018 that the Customs Service provided training for its officers in cash control and the applicable legislation.²² Customs cooperates in practical ways, including joint planning, and seeking agreement on objectives, targets, and which States represent a high risk. Cash-detector dogs are also used. During its on-site visit to Helsinki-Vantaa International Airport, the delegation noted signs, placed in arrival areas, advising passengers of their declaration obligations. *The Committee notes that the definition of assets includes all property that can be easily converted into cash and requests that Finland keep it informed about training and practical tools provided to enable customs officers to detect the illicit movement of such property.*

V. Law enforcement

78. *Structure and coordination.* Finland's national police force is part of the Ministry of the Interior. Its activities are planned and supervised by the National Police Board (NPB). The national police maintain two national command and control centres (Helsinki and Oulu), which are operational 24/7. The Ministry of the Interior includes other departments whose primary responsibilities include counter-terrorism: the SUPO, the NBI and the Border Guard (discussed further below). The SUPO is the main authority responsible for counter-terrorism. Its responsibilities are to prevent threats to State security; produce security intelligence that can support decision-making; and exchange information with security and intelligence services of other Member States. The SUPO produces regular terrorism-threat assessments and participates in pre-trial investigations where necessary. For its part, the NBI conducts pre-trial investigations. As discussed above, in terrorism cases it works closely with the OPG. This framework is stipulated in the Police Administration Act.

79. The delegation was briefed on measures put in place to ensure effective cooperation among the law-enforcement agencies involved in counter-terrorism, whether within the Operative Cooperation Group of the Ministry of the Interior (which includes the Directors

²¹ FATF Mutual Evaluation Report 2019, para. 163.

²² FATF Mutual Evaluation of Finland, Technical Compliance self-assessment, contribution of Finland, undated.

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General of all relevant Ministry Departments, the National Police Commissioner, and the Director of the SUPO) or through the Counter-Terrorism Cooperation Group (which is chaired by the Ministry of the Interior and includes a large number of ministries, and seeks to connect the strategic and operational levels). The ministries that participate in the latter Group in turn share information with the relevant officials across the country. The delegation was further informed that the Counter-Terrorism Cooperation Group plays a role, in practice, in overseeing implementation of the National Counter-Terrorism Strategy and in reporting on its progress. Finland has also put in place clear procedures for engaging its defence forces in counterterrorism operations²³ and has engaged in exercises to raise officials' awareness of these processes. The delegation was briefed on the proposal, included in the National Counter-Terrorism Strategy 2018-2021,²⁵ to establish a National Counter-Terrorism Centre, which would be responsible for situational analysis, rather than for operational response. ***The Committee notes that Finland has engaged in efforts to strengthen cooperation among domestic law-enforcement agencies involved in counter-terrorism, including in the context of implementing the revised National Counter-Terrorism Strategy. Finland is encouraged to keep the Committee informed of further developments in this area, including with respect to the establishment of the proposed National Counter-Terrorism Centre. The Committee also recommends Finland to build on progress already made in facilitating broad-based participation in its National Counter-Terrorism Strategy and to directly engage civil society actors in future revisions of the Strategy.***

80. *Information-sharing.* In its resolution 2396 (2017) the Security Council decides that Member States shall develop watch lists or databases of known and suspected terrorists, including FTFs, for use by law-enforcement, border-security, customs, military, and intelligence agencies to screen travellers and conduct risk assessments and investigations, in compliance with domestic and international law, including human rights law. Additionally, Member States are encouraged to share this information through bilateral and multilateral mechanisms. Finland does not have a unified database for counter-terrorism. Instead, law enforcement entities maintain separate databases, with cross-agency access depending on the particular functions of the unit/official in question. ***The Committee encourages Finland to consider establishing a single, integrated counter-terrorism database, accessible to all relevant officials, to further strengthen information-sharing among agencies involved in counter-terrorism.***

81. Finland stated that, whereas the investigative work of the police is offence-based, that of the SUPO is threat-based. This is clarified in the new Civilian Intelligence Act. Thus, where a particular individual is suspected of being a member of a particular terrorist organization, the fact that mere membership is not a criminal offence means that the activities that could be undertaken by the NBI with respect to that person would be limited. Conversely, if that membership is deemed to create a threat, the SUPO would be authorized to gather intelligence regarding the case.

82. The delegation recalled that, in its resolution 2322 (2016), the Security Council calls on States "to consider, where appropriate, downgrading for official use intelligence threat data on FTFs and individual terrorists, to appropriately provide such information to front-line screeners, such as immigration, customs and border security, and to appropriately share such information with other concerned States and relevant international organizations in compliance with international and domestic national law and policy". In that regard, the delegation was

²³ Notably in the Act on the Openness of Government Activities. ²⁵ Strategic Action 10.

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informed that SUPO regularly shared threat-assessment data with the relevant domestic authorities through intelligence memos and that recent legislative amendments allowed for the sharing of intelligence with investigators in the early stages of their work (i.e., rather than only with higher-ranking officials).

83. Intelligence-threat data gathered by the SUPO is generally not used in criminal proceedings, but rather where appropriate intelligence can be passed to the NBI as an investigative lead. Finland clarified that the same intelligence- and information-gathering procedures were employed with respect to individuals and groups motivated by extreme right-wing ideologies. ***The Committee notes that Finland has taken steps to clarify the legal framework governing the acquisition and dissemination of information, including intelligence, regarding persons and organizations suspected of links to terrorism. The Committee recommends that Finland continue its efforts to ensure that such measures are conducted in a manner consistent with international human rights law.***

84. *Use of INTERPOL tools.* The Finnish National Central Bureau (NCB) is part of the NBI Criminal Intelligence Division. The NBI provides national law-enforcement authorities with expert support services such as forensic examination, criminal intelligence and analysis, intelligence-gathering, and access to the INTERPOL I-24/7 secure global police communications network. The delegation was informed that Finland utilizes both the Fixed and Mobile INTERPOL Network Databases (FIND and MIND). The NBI also utilizes Europol communication channels (the Siena platform). INTERPOL and Europol tools are directly accessible by Finnish law-enforcement officials. ***The delegation commends Finland for its ongoing cooperation with INTERPOL and encourages Finland to continue to actively use and contribute to all INTERPOL databases relevant to terrorism.***

85. *Information and communications technologies (ICT).* Finland's National Counter Terrorism Strategy 2018-2021 notes that advances in technology impact both terrorism and counter-terrorism: encrypted communications and encryption software facilitate communication with terrorist intent, while also hampering authorities' efforts to address the issue.²⁴ Finland's National Cybersecurity Strategy was adopted in 2013. The Implementation Programme for Finland's Cybersecurity Strategy for 2017-2020 was published in 2017.

86. The Finnish police increasingly engage in online activity as part of their community policing initiatives (discussed further below). The delegation was also informed that the NBI's International Affairs Unit transmitted information requests, including emergency requests, to foreign Internet Service Providers (ISPs), including Google, Facebook and Microsoft, and also shared with foreign counterparts any information that Finnish authorities had obtained online regarding potential threats against third countries. ***The Committee commends Finland for establishing a national entity responsible for transmitting information requests to ISPs.***

87. *Control of small arms and light weapons (SALW).* The delegation was informed that Finland had a long tradition of privately owned firearms. (There are around 1.5 million legally owned weapons among a population of five million persons.) Whereas the Ministry of Defence supervises the export of firearms for military use, the Ministry for Foreign Affairs is responsible for international arms control and disarmament cooperation. The responsibility for granting permits for the acquisition and possession of ordinary firearms rests with local police departments. The Firearms Administration in the National Police Board grants trade permits

²⁴ Ministry of the Interior, National Counter-Terrorism Strategy 2018-2021, p. 13. Pursuant to sections 45 and 67 of the Firearms Act, respectively.

for dealing in firearms; permits for commercial export, import, transfer and transit; permits for weapons collectors; and permits for acquiring especially dangerous firearms. In these capacities, the police conduct background checks, whereby those seeking permits are checked against criminal registries and interviewed where necessary. Finland maintains a centralized registry for SALW. Finland was not aware of cases in which applications for permits had been denied or existing permits revoked²⁹ owing to suspected links to terrorism. All cases involving the illegal possession or sale of firearms had involved organized crime, rather than terrorist organizations.

88. The delegation was informed that Finland's major concerns in this area stemmed not from the use of legally owned firearms, but rather from the growth in illegal possession. Of the 3,200 cases reported in 2018, 35 per cent had involved "grave weapons" (i.e., machine guns or military weapons) and the illegal manufacture of "grave weapons" using illegally obtained parts. For the tracing SALW, Finland uses both the INTERPOL iArms database and the Europol SIS system. Finland informed the delegation that greater efforts to combat illegal arms trafficking would be required and that a clear national strategy in this area had not yet been implemented. ***The Committee notes that Finland has in place a comprehensive legal framework to regulate the legal possession and trade of SALW. The Committee recommends that Finland further strengthen its efforts to combat the illegal transfer of SALW, including through cooperation with regional and international partners.***

89. *International and regional cooperation.* The delegation was informed that both the SUPO and the NBI (on behalf of the police) exchange information with foreign counterparts and that the related activities of the SUPO had been strengthened by recent revisions to the Police Act. The SUPO cooperates with its international law-enforcement partners. In addition to having access to all relevant domestic databases, the SUPO may also feed and search international databases. Similarly, the NBI engages in international cooperation with various partners (Europol, INTERPOL, Eurojust, European Judicial Network) and utilizes a number of tools, including Europol EIS, SIENA, SIS, INTERPOL's notice system, and I24/7. Under the Prüm system,²⁵ Finland also shares DNA and/or fingerprint data with a number of European Union member States.²⁶

90. Finland noted that, while did not post many law-enforcement liaison officers to third countries, it often utilized officers posted by other Nordic Member States or by other European Union member States. With respect to Member States in or neighbouring the conflict zones where FTFs are active, Finland noted that it would soon reopen its embassy in Baghdad with a view to facilitating cooperation with the Iraqi authorities. For cooperation relating to the Syrian Arab Republic, Finland works through its embassy in Beirut. ***The Committee commends Finland for taking a number of steps to strengthen its cooperation with its European partners. The Committee recommends that Finland strengthen its cooperation with law enforcement counterparts in Member States in or neighbouring the conflict zones of the Middle East where FTFs are active.***

²⁵ The 2005 Prüm Treaty is aimed at improving cross-border cooperation, particularly in combating terrorism, cross-border crime and illegal immigration. In 2008, the European Union Council of Ministers adopted two Decisions incorporating much of the 2005 Treaty into European Union law. These decisions require Member States to allow the reciprocal searching of each other's databases for DNA profiles (required in 15 minutes), vehicle registration (required in 10 seconds), and fingerprints (required in 24 hours). Searches of DNA profiles and fingerprints are on a 'hit/no hit' basis. A hit can be followed by a request for the personal details of the person concerned.

²⁶ At the time of the visit, Finland shared DNA data (only) with France, Romania and Sweden; fingerprint data (only) with Belgium, Bulgaria, Cyprus and Luxembourg; and both types of data with Austria, Czech Republic, Estonia, Germany, Hungary, Latvia, Lithuania, the Netherlands, Poland, Portugal, Slovakia, Slovenia, and Spain.

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91. *Oversight.* The delegation was briefed on the work of Finland’s oversight mechanisms (including the Parliamentary Ombudsman, the Intelligence Supervisory Ombudsman, the Office of the Chancellor of Justice, and the district courts). With respect to the work of the SUPO, Finland noted that the Intelligence Supervisory Ombudsman had real-time access to all intelligence-gathering measures and could order the cessation of such measures if they did not comply with the applicable legislation.

92. The delegation welcomed the establishment of multiple oversight mechanisms, while also noting the concern expressed by United Nations human rights mechanisms that insufficient financial or human resources had been allocated to the Parliamentary Ombudsman and that the mechanism might not have sufficient human resources to carry out its mandate effectively.²⁷ Finland stated that the Office of the Parliamentary Ombudsman included four officials who were responsible for conducting oversight of suspected offences by police officers.

93. The delegation was also briefed on the procedures in place to investigate (and prosecute, where necessary) alleged misconduct by law-enforcement officials, including with respect to detained persons. Pursuant to chapter 2, section 4, of the Criminal Investigation Act, the prosecutor directs the pre-trial investigation in such cases. The OPG plays a nationwide coordinating role and pre-handles cases before they are sent to prosecutors if the “reason to suspect” prerequisite is met. Finland emphasized the independence of the OPG in such matters and noted that investigators in such cases (i.e., police officers acting under the supervision of either the OPG or a prosecutor) were brought in from police departments other than those in which the suspected officer was based. The delegation was informed that, as of the time of the visit, there was one pending case in which a person suspected of involvement in terrorism had challenged the legality of a police search, but no pending cases regarding alleged mistreatment of such persons in detention. ***The Committee notes that Finland has put in place multiple oversight mechanisms and encourages Finland to continue its efforts to ensure that those mechanisms are equipped with the necessary resources to ensure their effectiveness in practice.***

94. *Critical-infrastructure protection.* In its resolution 2341 (2017), the Security Council underlines the need for States to develop the capacity to prevent and disrupt terrorist plots against critical infrastructure, where possible, minimizing impacts and recovery time in the event of damage from a terrorist attack, identifying the cause of damage or the source of an attack, preserving evidence of an attack, and holding those responsible for the attack accountable.

95. One of the Strategic Actions listed in Finland’s Counter-Terrorism Strategy for 2018-2021 is to strengthen the resilience of important sites, actors and functions. Finland noted that responsibility for protecting critical infrastructure was shared by a number of ministries, each of which included a designated head of preparedness. Domestic legislation in that area had been revised in December 2018. Finland updated its National Risk Assessment every three years in accordance with the European Union framework on critical infrastructure (which will soon be revised). Its most recent NRA had been submitted to the European Commission in December 2018. Regional risk assessments that took better account of the threats or disruptions characteristic of the regions had been prepared simultaneously with the NRA.

²⁷ Committee against Torture, Concluding observations on the seventh periodic report of Finland, CAT/C/FIN/CO.7, 20 January 2017, para. 14.

96. Finland highlighted the importance of detailed regulation in this area, including as pertained to the private sector. Finland briefed the delegation on a number of measures put in place with respect to threats to communications networks, including the Act on Electronic Communications (which sets forth the requirements for contingency planning); the National Emergency Supply Agency (which is responsible for the functioning of communication networks); the work of the State Security Networks Group; and the National Cybersecurity Centre. In addition, the NRA reflects the critical importance of energy and water supply and identifies the authorities responsible for ensuring the continued functioning of each supply. Finland has also adopted a Strategy for Rescue Services 2016-2025, which is implemented by the Department of Rescue Services in the Ministry of the Interior and seeks to improve preparedness for preventing hazardous situations. The delegation was also briefed on Finland's efforts to combat insider threats to critical infrastructure, through the Security Clearance Act, under which the SUPO carries out background checks of public and private sector employees. Specific measures are in place with respect to nuclear power plants and chemical- and explosive-substance facilities.

97. Finland emphasized that the State was not the sole owner of critical infrastructure and that public-private partnerships were therefore of particular importance in this area. Finland had taken a number of steps to strengthen such partnerships, including through meetings held by the SUPO with private-sector entities, aimed at advising them on current threats and learning about their needs, and regular dialogue between local police officials and companies responsible for certain critical installations. *The Committee commends Finland for taking proactive steps to prevent its critical infrastructure from terrorist attack and for its active engagement with the private sector in this regard.*

VI. Border management

98. Finland has 3,940 kilometres of borders (including a 1,250 km sea border, a 1,340 km land border with the Russian Federation, a 736 km land border with Norway, and a 614 km land border with Sweden). It has 11 border crossing points (BCPs) on its border with the Russian Federation, 24 airport BCPs, 41 maritime crossing points for commercial vessels, and a further 9 coastguard stations operating as BCPs for pleasure craft and/or seaplanes.

99. As a member State of the European Union, Finland cooperates closely with other European Union member States and with other participating States in the context of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX) and the Schengen Agreements. It is responsible for one of the external borders of the Schengen Area. In 2018, a total of 15.8 million individuals crossed Finland's external Schengen borders. (Around 6.5 million of those individuals travelled by air and 9 million crossed the border with the Russian Federation). Passengers travelling to Finland from another Schengen State are generally not subject to screening, but screening can be carried out in particular cases, when dictated by security considerations.

100. Pursuant to the National Counter-Terrorism Strategy 2018-2021, counter-terrorism is supported by the resources and expertise allocated to border security. Border controls at airports, ports, and land border-crossing points play a key role in the detection and monitoring of counter-terrorism target individuals.²⁸ In accordance with the European Union's Integrated

²⁸ Ministry of the Interior, National Counter-Terrorism Strategy 2018-2021, p. 15.

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Border Management (IBM) model, Finland operates a four-tier access control model, which involves its diplomatic missions abroad; collaboration with the authorities of neighbouring States; its own border control; and the in-country work of its Immigration Service and police. The Aliens Act, adopted in 2004 and subsequently revised several times, regulates the rights of foreign nationals; entry; visas; residence; right to work; travel documents; removal; and international protection.

101. *Coordination and information-sharing.* The main duties of the Border Guard include border surveillance and border checks, maintaining security of territorial waters, international cooperation, and national defence. Border Guard officials are assigned to 34 guard stations. The Finnish Immigration Service maintains a register of aliens, decides on immigration status and Finnish nationality, issues residence permits to aliens residing in Finland, and decides on the removal of persons from the country. It also makes decisions on the granting and withdrawal of refugee status.

102. Following its previous visit, the Committee noted the close cooperation between the Police, Customs and Border Guard (PCB) authorities, pursuant to the Act on Cooperation between the Police, Customs and the Border Guard. That Act established cooperation mechanisms which, inter alia, permit any of the PCB Authorities to carry out crime-control measures on behalf of another PCB Authority in the area of responsibility of the latter Authority, upon its request. Other forms of cooperation, including border control of merchant vessels conducted simultaneously with customs control, are authorized pursuant to separate regulations. The PCB framework also allows for the establishment of joint criminal intelligence units and joint investigation teams. There are three national PCB units: Sea; Air and Land; and a Central Unit. Officers across Finland meet every morning by video-link to, share information and intelligence, and coordinate on operational issues and threat assessments throughout the country. Following its previous visit, the Committee highlighted this close cooperation as a good practice that might be adopted by similarly situated Member States.

103. The delegation was informed that these coordination measures were still in place and had the opportunity to witness some of them in practice during its on-site visit to Helsinki Vantaa International Airport (discussed below). ***The Committee commends Finland for its ongoing efforts to ensure close coordination between its border, customs and police officials.***

104. The delegation was briefed on Finland's single search interface, which is used both at Schengen external border checks and for in-country screening. ***The Committee notes that Finland has established a single search interface enabling the screening of travellers against a range of relevant domestic and international tools.***

105. *Special measures to prevent FTF travel.* Finland has introduced a range of border management measures in response to the FTF phenomenon. These include enhanced border checks and immigration monitoring; awareness-raising for Border Guards; tactical risk analysis (notably, the use of common risk indicators developed by FRONTEX and by Europol); and the use of databases, pre-arrival information, and inter-agency cooperation. The delegation noted, however, that many of these measures had not been introduced until late 2015 or 2016, by which time many of those who travelled from Finland to join ISIL and affiliated groups in Iraq and the Syrian Arab Republic had already departed. Information on the number of individuals who had been flagged at border points as suspected FTFs was not available at the time of the follow-up visit. ***The Committee recommends that Finland continue its efforts to ensure that its border-management measures are attuned to the evolving methods and travel***

routes used by terrorists, including FTFs, to cross international borders. The Committee further recommends that Finland gather data, disaggregated by age and gender, on persons who are flagged, while seeking to enter or exit Finland, for suspected links to terrorism, and utilize this data to further refine the border-management measures in place.

106. The Strategic Actions listed in the National Counter-Terrorism Strategy 2018-2021 include: “Determining the need to amend legislation on foreign nationals and citizenship”. In this regard, the Strategy states: “the needs and potential will be examined for amending the Aliens Act to allow persons residing abroad to be prohibited from entering Finland and a permanent residence permit to be withdrawn in certain cases on national security grounds. The preconditions for amending the Nationality Act to allow Finnish citizenship to be withdrawn from persons who have taken part in terrorist activities and who hold dual citizenship will be explored, with due consideration given to fundamental and human rights issues”. As of the time of the visit, this new legislation had not yet entered into force. The delegation was informed that revocation of citizenship would be possible only where (i) the individual held a second nationality, and (ii) s/he had been convicted, in Finland, of a terrorist crime carrying a sentence of more than five years’ imprisonment. The delegation noted that Finland was a party to the 1954 Convention relating to the Status of Stateless Persons and to the 1961 Convention on the Reduction of Statelessness and that the latter instrument provides that a contracting State “shall not deprive a person of its nationality if such deprivation would render him stateless”.²⁹ *The Committee recommends that Finland ensure that any measures taken to revoke citizenship of dual nationals convicted of terrorism offences are applied in compliance with international law, including international human rights law, and in particular the applicable instruments on statelessness. The Committee would appreciate receiving further information on the safeguards in place to ensure that implementation of new legislation would not result in statelessness and further requests that Finland keep it informed of its implementation in practice.*

107. With respect to the issue of FTFs and family members who remain in the conflict zones, the delegation was informed that Finnish nationals would always be allowed to re-enter Finland, but that it was believed that many who had travelled to join ISIL and affiliated groups had either destroyed their travel documents or had had them confiscated and so would need to apply to a Finnish embassy or consulate in the region (most likely, in Ankara) to obtain new travel documents. Alternatively, an emergency travel document to Finland could be issued by another European Union member State, after consultations with Finland. The delegation was informed that there was good information exchange between embassies and consulates in Ankara, particularly among the Nordic States. *The Committee requests that Finland keep it informed of developments in this regard, in particular with respect to any good practices identified with respect to returning FTFs and their family members.*

108. *Gender.* The delegation discussed with Finland the multiple roles played by women in terrorism and counter-terrorism, the importance of ensuring gender balance in the staffing of law-enforcement and border-management entities, and the need to raise awareness of gender considerations in training programmes. The delegation noted that the inclusion of women in the delivery of security was essential to the promotion of gender equality and also often enhanced the effectiveness of law-enforcement efforts. The inclusion of women diversified the perspectives and expertise that could inform policies and responses. Women could engage with a broader range of stakeholders and enter spaces that might be restricted by cultural or religious

²⁹ Convention on the Reduction of Statelessness, art. 8(1).

sensitivities. The inclusion of women also increased the chances that other women would report crimes or concerns or relay information that might be critical to law-enforcement operations.

109. Finland has adopted three consecutive national action plans on women, peace and security. The most recent is the Women, Peace, and Security National Action Plan 2018-2021, which includes recommendations from the Global Study on Security Council resolution 1325 (2000), commissioned by the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women).³⁰ Finland has stated that the SUPO was one of the first security organizations in the European Union to draw attention to the phenomenon of women travelling to ISIL-controlled areas in Iraq and the Syrian Arab Republic. Women account for more than 20 per cent of all individuals that have left Finland for those areas. Around 20 adult women and about 30 children have travelled to the conflict zones in Iraq and the Syrian Arab Republic, and around half of those children have been girls. Finland has also stated that women who have travelled to Iraq and the Syrian Arab Republic from Finland networked with each other before their departure from Finland, noting that peer to-peer recruiting has therefore also been significant with respect to women. Some of the women travelling to these areas were already married, and took their families with them.³¹ The delegation was informed that gender-sensitive border-screening was incorporated into the basic training of Border Guards and that additional training was provided at each BCP, reflecting any particular screening processes (e.g., at international airports). ***The Committee notes Finland's awareness of the multiple roles played by women in terrorism and counter-terrorism. The Committee requests that Finland provide further information on the methods by which it has incorporated gender-sensitivities into training programmes for its law-enforcement and border-management officials, including any good practices identified.***

110. *Screening of visa applications.* The delegation was informed that in 2018, Finland's 73 embassies and consulates³² had received more than 750,000 applications for Schengen visas. After the visa application (together with biometric data) had been received by an external service provider, the initial screening was conducted by local staff at the Finnish consulate and a second-level screening was conducted by a visa officer. That process involved checking the passport and purpose of visit; automated background checks (against national databases, as well as VIS and SIS II); the examination of supporting documents (e.g., birth certificates, letters from employers, and flight and hotel bookings); and, lastly, a profiling exercise (which took into consideration the applicant's previous travel to Schengen, any previous rejections of visa applications, social background and ties in the country of residence, and a personal interview, where necessary). The delegation was informed that officials processing visa applications at Finland's consulates and embassies received regular training and also benefited from information-sharing among Schengen State representations in the city in question. Where suspicions were raised, the case was forwarded to the central authorities in the Ministry for Foreign Affairs, the Border Guard, and the national police. However, information concerning applications rejected owing to suspected links to terrorism were not available at the time of the visit. Finland noted that all collection of personal data must be done in compliance with European Union and national regulation on data protection. ***The Committee notes that Finland has put measures in place to ensure that visa applicants are subjected to security screening. The Committee encourages Finland to gather data, disaggregated by age and gender, on***

³⁰ [https://www.peacewomen.org/sites/default/files/UNW-GLOBAL-STUDY-1325-2015%20\(1\).pdf](https://www.peacewomen.org/sites/default/files/UNW-GLOBAL-STUDY-1325-2015%20(1).pdf).

³¹ Ministry of the Interior, *Violent Extremism in Finland - Situation Overview 1/2018: Threat assessment of violent extremism in Finland in 2017 and trends*, pp. 28-29.

³² In addition, Finland is represented by other European Union member States in 72 locations.

visa applications rejected owing to suspected links to terrorism and to use this information to identify any relevant trends and advise officials accordingly.

111. *In-country screening measures.* The delegation was briefed on the work of the Illegal Immigration Intelligence, Analysis and Threat Assessment Unit (TUPA) in the NBI, which is charged with collecting tip-offs concerning foreign nationals, including asylum seekers, regarding a range of conduct (including human trafficking, illegal immigration, terrorism, and other public-order offences). The TUPA works closely with the SUPO, as well as with the Immigration Service, the Border Guard, the defence forces, and the national police. It also exchanges information with international partners (including Europol and INTERPOL). Where it identifies potential security threats, it transmits the relevant information to law-enforcement authorities. (In this role, the TUPA was involved in “Case Aura” (discussed above).) The delegation was informed that the TUPA had received over 5,000 tip-offs, relating primarily to illegal immigration and forged documents, but also to alleged war crimes, terrorism offences,³³ and other violent crimes. The TUPA also screens persons whose asylum applications have been rejected following a final decision in an effort to identify those who may pose a risk to Finnish security, so that their removal from Finland can be prioritized.³⁴ ***The Committee recommends that Finland take active steps to ensure that law-enforcement and intelligence-gathering efforts targeted at immigrant communities are conducted in a manner consistent with international human rights law and avoid stigmatizing migrant communities.***

112. *Advance passenger information (API) and Passenger Name Records (PNR).* In its resolution 2396 (2017), the Security Council decides that Member States shall require airlines operating in their territories to provide API to the appropriate national authorities, in accordance with domestic law and international obligations, in order to detect the departure from their territories, or attempted travel to, entry into or transit through their territories, of terrorists, including FTFs. In the same resolution, the Council decides that States shall develop the capability to collect, process and analyse PNR data, in furtherance of International Civil Aviation Organization (ICAO) standards and recommended practices, and ensure that PNR data is used by and shared with all their competent national authorities, with full respect for human rights and fundamental freedoms, for the purpose of preventing, detecting and investigating terrorist offences and related travel.

113. Finland has utilized API data to inform its border-management measures since January 2014. At the time of the visit, Finland received API data on almost all air passengers travelling to Finland from outside the Schengen zone, but did not receive such data with respect to intra-Schengen travel. The delegation was informed that Finland did, however, collect API data from certain passengers travelling by rail and by sea. In accordance with Council resolution 2396 (2017), and related European Union legislation,³⁵ Finland is currently expanding its collection of PNR data.

114. The received API and PNR is automatically screened. The analysis is conducted by the Passenger Information Unit (PIU) in the special PCB Crime Intelligence and Analysis Unit. The API and PNR data is currently retained for 24 hours. From 1 June 2019, PNR data will be retained for five years. Finland stated that, whereas API data was helpful primarily for border-

³³ In 2017, 64 terrorism-related tip-offs were received. In 2018, that number increased to 184.

³⁴ At the time of the visit, the TUPA had screened 11,591 persons, of whom 274 had been prioritized for removal.

³⁵ Directive (EU) 2016/681 of the European Parliament and of the Council on the use of Passenger Name Records (PNR) data for the prevention, detection and investigation of terrorist offences and serious crime and the prosecution of such offences. Finland adopted domestic legislation on PNR in March 2019.

management purposes, PNR data was also beneficial for criminal-investigation purposes because it could help identify links with other individuals who might not be travelling. *The Committee notes that Finland has implemented a system to collect API data and utilizes this data to inform its border-management processes. The Committee commends Finland for also collecting API data on passengers travelling by land and sea. The Committee further notes that Finland is currently expanding its collection of PNR data, also with respect to passengers travelling within the Schengen zone. With reference to Security Council resolution 2396 (2017), the Committee encourages Finland to explore the possibility of gathering API on passengers entering Finland from other States of the Schengen Zone and to continue its efforts to gather and utilize PNR data in respect of all travellers entering Finland.*

115. *Travel-document security.* Finland noted that its passports and ID cards incorporated security features to prevent fraud and comply with ICAO standards and with European Union regulation (EC) 2252/2004. In accordance with European Union requirements, a facial photograph and fingerprints are stored on all passport chips (and in the issuance system). The chip complies with the relevant international standard developed by ICAO and contains the information contained on the identity page: facial photograph, personal details, and passport details. The chip also contains fingerprints, which are not shown on the identity page. The biometric data and other personal information contained on the chip are encrypted to prevent abuse, and the security measures utilized are updated regularly. The facial image of a passport or ID card applicant (plus the fingerprints for a passport applicant) are automatically compared with the previous images of the same person that are held on file. Finland stated that its travel documents were very rarely counterfeited.

116. With respect to residence permits and residence cards, Finland noted that the facial image of every applicant was stored in the immigration database and on the chip. Fingerprints were taken for all residence permit applicants aged 12 or over (and for all residence-card applicants aged 6 or over). Two fingerprints are stored on the chip, and 10 are stored in the immigration database. Finland briefed the delegation on its plans to expand the use of biometrics, including through the use of facial recognition technology to compare images of applicants for new passports to those of existing passport holders in order to prevent the creation of illegal double identities. Finland noted that any new measures in this area would need to comply with European Union legislation on privacy.

117. The delegation was informed that document examination was part of basic Border Guard training and that all BCPs were equipped with document-examination devices and reference databases (including the FRONTX manuals example). Finland joined the ICAO Public Key Directory (PKD) initiative³⁶ in 2016. When issuing travel documents, it utilizes, not breeder documents, but the national population register, for verification purposes. The delegation was further informed that, in the event of the loss of any Finnish passport, alerts were entered into the INTERPOL SLTD database and the SIS. *The Committee notes that Finland has a robust travel-document security system in place. The Committee notes Finland's use of biometric technology to strengthen identification and border-management*

³⁶ The PKD is a central repository that enables ICAO member States to exchange the information required to authenticate ePassports. Participation in the PKD strengthens States' capacity to verify that passports being used by travellers are not counterfeit. It provides an efficient means for States to upload information regarding their own e-Passports and to download that of other States. It thus ensures that Member States do not need to exchange such information bilaterally (a process that is more resource intensive and susceptible to error).

measures and encourages Finland to continue its efforts to ensure that such measures are implemented in accordance with international human rights law.

118. *Refugees and asylum.* Finland is a Contracting Party to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, as well as to the 1961 Convention on the Reduction of Statelessness. The principle of *non refoulement* is enshrined in section 9(4) of the Constitution of Finland.³⁷ In addition, Finland has received refugees proposed by the United Nations High Commissioner for Refugees (UNHCR) for resettlement since 1979 and put in place a resettlement programme in 1985.³⁸ Its related legislative framework, developed in the context of the Common European Asylum System, includes the Aliens Act and the 2011 Act on the Reception of Applicants of International Protection and the Identification and Assistance of Victims of Trafficking.

119. The number of persons seeking asylum in Finland increased sharply in 2015 to over 32,000 persons.³⁹ In conclusions adopted in 2017, the United Nations Committee against Torture expressed concern that the legislative amendments adopted in response might have reduced the legal safeguards available to asylum seekers and increased the risk of *refoulement*.⁴⁵ Both the United Nations Human Rights Committee and the United Nations Committee against Torture have expressed concerns regarding the accelerated asylum procedure established by the Aliens Acts and regarding the lack of suspensive effect of appeals against negative decisions.⁴⁰ In the aftermath of the Turku attack, concerns were expressed regarding a possible adverse reaction to refugees and asylum seekers. In 2017, the United Nations Committee for the Elimination of all forms of Racial Discrimination (CERD) expressed alarm at the number of violent attacks against asylum seekers that had been recorded in 2015 and 2016. It also expressed concern at the rise in anti-immigrant discourse amounting to racism and xenophobia among political figures.⁴¹

120. Following its previous visit, and noting concerns expressed by UNHCR regarding the detention of migrant families with children, the Committee had requested that Finland keep it informed about its proposal to revise legal provisions relating to the detention of foreign nationals. During the follow-up visit, the delegation was informed that, since the Committee's previous visit, Finland had made significant efforts to develop alternatives to detention and that the threshold for detaining unaccompanied minors had been raised. Pursuant amendments to the Aliens Act, the detention of unaccompanied minors under 15 years of age had been prohibited since July 2015. Moreover, unaccompanied children aged between 15 and 17 who were seeking asylum could not be detained while the procedure is ongoing. Detention was permitted only if the child had already received a negative decision; that decision had become enforceable; and other, less restrictive precautionary measures were insufficient.⁴² Legislation

³⁷ Under which, "A foreigner shall not be deported, extradited or returned to another country, if in consequence he or she is in danger of a death sentence, torture or other treatment violating human dignity".

³⁸ In view of the migration crisis, Finland allocated additional resettlement places in 2014 and 2015.

³⁹ The most common countries of origin since 2015 have been Afghanistan, Iraq, Somalia and the Syrian Arab Republic. ⁴⁵ Committee against Torture, Concluding observations on the seventh periodic report of Finland, CAT/C/FIN/CO.7, 20 January 2017, para. 12.

⁴⁰ Human Rights Committee, Concluding observations on the sixth periodic report of Finland, CCPR/C/FIN/CO/6, 22 August 2013, para. 15 and Committee against Torture, Concluding observations on the seventh periodic report of Finland, CAT/C/FIN/CO.7, 20 January 2017, para. 12.

⁴¹ Committee on the Elimination of Racial Discrimination, Concluding observations on the twenty-third periodic report of Finland, CERD/C/FIN/CO/23, 8 June 2017, para. 10.

⁴² Further, where a child is held in detention with the person having custody for him/her, a further condition is that the detention must be necessary for maintaining family contact between the child and the person who has custody. The maximum time for holding an unaccompanied child in detention is 72 hours. This time limit may be extended for another 72 hours for particular reasons. (Aliens Act, section 122.)

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introduced in February 2017 aims to further reduce the frequency of detention.⁴³ Finland stated that the detention of unaccompanied children was now extremely rare. *The Committee notes that Finland has taken steps to address concerns raised during the Committee's previous visit. The Committee encourages Finland to continue its dialogue with UNHCR on issues relating to the detention of asylum seekers, in particular unaccompanied minors.*

121. Asylum applications are lodged with, and registered by, the police and Border Guard. All applicants undergo fingerprinting. In 2017, the responsibility for determining an asylum seeker's identity, travel route, and arrival in Finland was transferred from the police and the Border Guard to the Finnish Immigration Service. After registration, the Immigration Service conducts refugee status determination (RSD). The Asylum Unit in the Immigration Service has 280 personnel, working at five locations across the country.

122. Immigration Service case workers receive training on identifying factors that may trigger possible exclusion from refugee status.⁴⁴ The delegation was informed that the number of such cases had increased since 2015. The Immigration Service cooperates with the local police and with the NBI in this regard. It can also request that the SUPO participate in the asylum interview and assess the profile of the applicant.⁴⁵ The delegation was informed that the statement provided by the SUPO provides in response to such a request varied, both in terms of length and in terms of whether it included classified material. The final decision on the asylum application was made by the Immigration Service, not by the SUPO. A negative decision could be appealed, but where required by national-security considerations, some of the information utilized in the SUPO's statement might not be made available to the affected person. However, information utilized in the SUPO's statement was made available to the courts handling the appeal.

123. The perpetrator of the August 2017 attack carried out in Turku (discussed above) was a Moroccan national who had filed an asylum application in Finland in early 2016. The application had been rejected and he was in the process of appealing the decision when he carried out the attack. "Case Exit", involving two Iraqi nationals who had sought asylum in Finland but were subsequently prosecuted for suspected terrorist offences, was also discussed above. The delegation was also briefed on a third case, involving a Somali national who had filed an asylum application in Finland and, during his asylum interview, had claimed that before leaving Somalia he had been forced to collect money for Al-Shabaab. This case had been referred to the Finnish police, but upon further investigation it had been determined that the claim could not be confirmed.

124. Information on the total number of persons excluded from refugee status owing to suspected links with terrorism, and on the steps taken by Finland following the exclusion decision, was not available at the time of the visit. Noting the cases (discussed above) in which persons who had sought asylum in Finland were subsequently linked to terrorism, the delegation reiterated that the Security Council had frequently called on Member States to take appropriate measures in conformity with the relevant provisions of national and international law, including international standards of human rights, before granting refugee status, for the

⁴³ The new legislation introduces two alternatives to detention: directed residence (with reporting conditions) and home curfew for children (Aliens Act, sections 120(a) and (b)).

⁴⁴ Pursuant to art. 1F of the 1951 "Refugee Convention".

⁴⁵ SUPO officials also participate in visits to third countries for the purpose of identifying refugees to be resettled to Finland.

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purpose of ensuring that the asylum seeker had not planned, facilitated or participated in the commission of terrorist acts.⁴⁶

125. The delegation noted that the establishment of a specialized “exclusion unit” within the RSD process could be beneficial, particularly if it strengthened expertise in the legal and factual issues applicable and ensured clear communication with the SUPO where necessary.⁴⁷ The delegation also noted the importance of ensuring that all relevant information was available to the RSD decision-maker. The delegation also recalled that exclusion from refugee status could have significant consequences for the individual(s) involved and emphasized the need to fully respect the procedural rights of asylum seekers, including with regard to the information on which exclusion decisions were based. The delegation noted a good practice, introduced in some Member States, whereby some officials from the agency that conducted RSD were given security clearance so that they could view the classified material on which the recommendation of the security service was based. *The Committee encourages Finland to consider establishing specialized “exclusion units” in its Immigration Service. The Committee recommends that Finland gather disaggregated data on persons excluded from refugee status because of suspected links to terrorism and on measures taken subsequent to their exclusion in accordance with resolution 1373 (2001). The Committee further recommends that Finland develop standard operating procedures for such cases, including on information-sharing with third States, in full compliance with international law, and on possible referral to domestic prosecution authorities.*

126. *Civil-aviation security.* Finland noted that its aviation-security measures had been developed and revised in accordance with Security Council resolution 2309 (2016), the related standards of ICAO, and the work of the European Commission’s AVSEC committee (which addresses topical threats, facilitates information-sharing, and adopts legislation binding on European Union member States). Finland highlighted some recent measures taken by the AVSEC Committee, including the introduction of rigorous background checks for aviation and airport personnel (pursuant to legislation adopted in 2018, to be implemented by December 2020) and proposed measures on aviation cybersecurity to implement the related ICAO standards.

127. The delegation conducted an on-site visit to Helsinki-Vantaa International Airport in order to view the practical implementation of screening measures in place for persons and goods. The delegation was briefed on the work of Finavia, a public limited company owned by the Finnish State, which administers (and conducts the screening of persons and goods) at 21 airports across the country. In 2018, those airports had processed 25 million passengers.⁴⁸ Security plans were prepared annually for each airport, under the direction of the National Civil Aviation Security Cooperation Group, which met four times a year and included the SUPO. The individual plans were reviewed by the Civil Aviation Authority, which conducted inspections of each airport. Implementation of the plans was the responsibility of the PCB. Each airport had a Security Cooperation Group which included, in addition to the PCB, Traficom, Finavia, and the SUPO.

128. The delegation was briefed on, and viewed, the close cooperation between Police, Customs and Border Guard at Helsinki-Vantaa airport.

⁴⁶ S/RES/1373 (2001), para. 3(f).

⁴⁷ See also UNHCR, “Addressing Security Concerns without Undermining Refugee Protection”, 17 December 2015, para. 13.

⁴⁸ 20.8 million of whom travelled through Helsinki-Vantaa airport.

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129. The delegation was informed that Finland would shortly introduce enhanced background checks for persons who can access secure areas within airports (in total, 17,000 persons, of whom 14,000 are based at Helsinki-Vantaa). Those checks would be conducted against relevant national databases and (unlike under the current system) would also involve the SUPO, so that the process could be informed by intelligence data. Reviews would be conducted every year (as compared with every five years under the current system). The airport authorities were not aware of any case in which background checks had revealed suspected links to terrorism, but acknowledged that this information might not be shared with Finavia by the SUPO or by law-enforcement agencies. Finland also engages in community policing at the airport by training Finavia staff and persons working at airport shops in how to identify suspicious behaviour and possible insider threats. ***The Committee notes that Finland continues to refine its aviation-security framework in accordance with evolving international standards, has robust coordination and information-sharing mechanisms in place, and is in the process of strengthening the measures in place to address possible insider threats.***

130. *Maritime security.* Finland implements the International Ship and Port Facility Security (ISPS) Code adopted by the International Maritime Organization (IMO) and approved by the European Union. The Finnish Transport and Communications Agency (Traficom) is responsible for ship security, port facility security, and receiving maritime security-related communications from other States. The West Finland Coast Guard is responsible for receiving ship-to-shore security alerts, requests for advice/assistance to ships, and reports of security concerns. The delegation noted that, as of the time of the visit, information on one of the certified port facilities needed to be updated in order to comply with SOLAS.⁴⁹

131. Pursuant to the relevant domestic legislation,⁵⁰ the ISPS control of ships is conducted by Customs digital risk analysis, which is carried out by a unit based in Turku. Mobile Customs teams are based in ports for control actions as necessary. The delegation was informed that in 2018, 123 ISPS targets had been checked by those teams.

132. Finland assesses that the threat posed by terrorists to maritime security varies across regions and is likely higher for other areas of the European Union than for the Nordic States. It noted a number of general vulnerabilities in maritime security, including the procedure by which travellers can purchase tickets online and print them at the port without being required to produce a passport. Finland stated that in recent years it had received alerts of possible threats to cruise ships and ferries travelling between Helsinki and Tallinn.

133. The delegation was informed that Finland was engaged in discussions on the implementation of the new European Union maritime-security action plan, adopted in June 2018, which proposes an innovative and holistic perspective on maritime security, encompassing terrorism as well as cyber, hybrid, chemical, biological, radiological and nuclear threats in the maritime domain; a regional approach to maritime security, which allows for tailor-made responses to security challenges in European sea basins and key hotspots such as the Gulf of Guinea and the Horn of Africa; protection of critical maritime infrastructure such as ports, ships and energy installations at sea; and stronger collaboration between civilian and military actors, between different agencies, and across borders.⁵⁷ ***The Committee encourages***

⁴⁹ Some of this data had last been updated five years earlier (Port of Technip Offshore, Pori Port).

⁵⁰ 2004 Act on Security Measures on certain Ships and in Ports serving them and on monitoring the Security Measures, as amended. https://eas.europa.eu/headquarters/headquarters-homepage/47365/maritime-security-eu-adopts-new-action-plan-more-secure-seas-and-oceans_en.

Finland to continue its dialogue with IMO to ensure that updated information is provided in accordance with SOLAS requirements. The Committee requests that Finland keep it informed regarding its implementation of European Union measures to protect maritime navigation against terrorist threats.

134. *Control of goods.* The delegation was briefed on Finland's longstanding efforts to strengthen customs-business partnerships. Finland first issued Authorized Economic Operator (AEO) authorizations in 2008 and currently follows the European Union model. At the time of the visit, there were 90 authorizations in force. They are issued by the Authorization Centre, a national-level centralized function managed by Customs. All authorizations issued prior to May 2016 have been reassessed. The delegation was informed that some companies had withdrawn from the programme because they considered participation was too expensive, not because of any concerns on the part of the authorities that the companies had suspicious links or could not meet the security requirements.

135. Following its previous visit, the Committee had noted that the Customs and Border Guard performed joint "one-stop" controls and procedures at border checkpoints. During the follow-up visit, the delegation noted that this strong inter-agency cooperation continued. Each agency of the PCB had its own intelligence registry and had some access to the registry of the other two agencies. Also, each of the three agencies could access shared resources, such as the joint camera surveillance system in place for maritime traffic and the Licence Plate Recognition System.

138. Finland informed the delegation that all non-European Union commercial traffic was subject to robust risk analysis, based on electronic pre-loading, pre-arrival, pre-departure and/or export declarations (for import, export, and transit). This is a fully automated process, which is complemented by manual interventions and random checks. It incorporates both European Union and national risk criteria, as well as information from national law enforcement databases and open sources. The delegation was informed that the risk criteria were regularly adjusted to reflect new patterns in, e.g., transport routes used by smugglers. Although there had been no cases in which goods seized by customs had been determined to be linked to terrorist organizations, there had been many cases in which illegal firearms had been seized.⁵¹ In such cases, the NBI shared information with Europol to investigate any possible links to organized criminal groups or to terrorism. Finland had concluded 10 bilateral customs agreements with Member States outside the European Union; had posted customs liaison officers at Europol, in Tallinn, and in St. Petersburg, and also participated in the Nordic Liaison Officer Network.

139. With respect to new threats, Finland noted the increasing importance of online marketplaces and the dark web. From 2021 onwards, Finland will implement new European Union legislation on control over postal deliveries, which is of increasing importance given the sharp increase in the number of goods transported across borders through this means. *The Committee notes that Finland continues to strengthen its measures for controlling the movement of goods through the use of risk analysis and strong inter-agency cooperation. The Committee encourages Finland to continue its efforts to regularly refine the measures in place in view of the evolving methods used by terrorists to transport goods and cash across borders.*

⁵¹ In 2018, Finnish Customs recorded 114 cases of weapons offences.

VII. National integrated and comprehensive counter-terrorism strategy

140. Finland's National Counter-Terrorism Strategy was first adopted in 2010 and has since been updated twice, first in 2014, and again in 2018. The Strategy was developed by the Counter-Terrorism Coordination Group under the leadership of the Ministry of the Interior (the National Police Board), with input from over 20 government entities.

141. The current version of the Strategy (National Counter-Terrorism Strategy 2018-2021) adopts a series of strategic actions that are contained in an appendix, with the intention that the appendix can be easily updated to reflect the prevailing situation. New in the 2018 version of the Strategy is an assessment of effective communications. The Strategy recognizes that proactive communication is needed to prevent the dissemination of false information and to ensure a fact-based approach to the issues. It also recognizes that the relevant authorities may need to identify and counter messages that incite hate and violence and that cooperation with civil society is vital in communications seeking to prevent violent radicalization. Finland must also ensure that communications are balanced and that every group within the population is treated equally. *The Committee notes Finland's good practice in adopting and periodically revising its National Counter-Terrorism Strategy to take into account evolving threats and recognizing that implementation requires actions by, and engagement with, a broad range of stakeholders, including local authorities, NGOs, communities and the private sector. The Committee recommends that, in drafting the next iteration of the National Counter Terrorism Strategy, Finland replicate its good practice in developing the National Action Plan on Countering Violent Extremism, including direct consultation with NGOs, local communities, and the private sector.*

VIII. Implementation of Security Council resolution 1624 (2005) and the provisions of resolution 2178 (2014) relevant to countering violent extremism

142. *Measures to counter violent extremism and incitement to terrorism.* In view of the current elevated threat level in Finland and the identification of around 370 "counter-terrorism target persons" in Finland (discussed above), the SUPO has adapted an approach whereby each person is assessed to determine his or her threat, including whether he or she is capable of undertaking an attack, and his or her level of determination. This leads to prioritization because it is not possible to monitor that many people with the same attention. In addition, the approach has been changed from a "need-to-know" basis to a "need-to-share" basis in order to ensure that other agencies are alerted and that communications are objective and clear. The list of people being monitored is under constant review. Assessments as to whether to add or drop people from the list are made on objective grounds to ensure clear processes and uniform quality of decision-making. Finland also recalled its need to remain vigilant concerning other extremist movements.

143. Finland defines "violent extremism" as "using, threatening with, encouraging or justifying violence on ideological grounds". It defines "violent radicalization" as "a process through which individuals resort to violence or the threat thereof, urge someone to commit acts of violence, or justify it on ideological grounds".⁵² Finland considers the following as possible factors for radicalization that can lead to violent extremism or terrorism: (i) intensive

⁵² National Action Plan for the Prevention of Violent Radicalization and Extremism, Ministry of the Interior Publication 17/2016, para 1.1.

socialization, brainwashing and inflammatory rhetoric in closed groups; (ii) distancing oneself from normal contacts outside the group, including cutting off ties to family and friends; and (iii) dehumanization.

144. Finland's National Action Plan for the Prevention of Violent Radicalization and Extremism is based on cooperation with and between the relevant authorities and civil society. Finland's general awareness of the importance of engaging civil society, in particular youth, has grown over the past 10 years. The first iteration of the Plan, adopted in 2012, was prepared by the central government authorities only. The second Plan was prepared in 2016 in close collaboration with regional and municipal authorities, civil society groups at the community level, and faith-based organizations. *The Committee commends the inclusion of local government authorities, civil society, and communities in the drafting of the 2016 Action Plan, which constitutes a good practice in communications and outreach to stakeholders and concerned communities. The Committee would also appreciate receiving information on whether the engagement with civil society also includes women civil society groups or organizations.*

145. The National Action Plan includes the following measures: help develop capability to prevent violent extremism; create effective and viable structures and measures for the prevention of radicalization and extremism (permanent structures should be in place everywhere in Finland); promote and coordinate the work of CVE organizations, including dissemination of best practices, and increasing competencies, awareness and skills; establish "Anchor" teams in all police districts and develop cooperation networks; launch a helpline for relatives and friends of radicalized individuals; train youth to identify and disregard propaganda and violence-supporting messages; focus on right-wing extremism; detect and investigate hate crime and support the victims and the communities targeted by hate crimes; and ensure that the relevant authorities use good balanced communications, being careful not to label groups or communities.

146. A number of programmes have been implemented to achieve the goals of the Strategy. "Life Skills for a Changing Finland" is a participatory citizenship skills-programme that aims to develop value-based critical thinking and citizenship skills to promote social cohesion and prevent susceptibility to extremist propaganda. It aims to enable people to emerge from "tunnel vision". The RADINET Exit programme is a voluntary programme, led by NGOs and developed jointly by the relevant authorities and NGOs. It seeks to release people from violence and from the ideology used to justify it, based on voluntary participation, which is more effective than pressure. The Exit service is provided by a network of NGOs and is developed and guided in cooperation with the relevant authorities. The programme is aimed at far-right groups, as well as Finns who left to fight for ISIL. The Reach Out Programme addresses the needs of families and individuals affected by radicalization and extremism and aims to ensure that a radicalized individual is not left without appropriate support.

147. The delegation was also briefed on Nordic and European Union programmes in which Finland is engaged. These include (i) The Nordic Safe Cities network, which was initiated in 2016 and funded by the Council of Ministers as an alliance for promoting cooperation between cities to promote safety, trust, tolerance and resilience within cities, while actively preventing radicalization and violent extremism. Through the programme, practitioners and experts working at the city-level share best practices, network, know-how and local solutions to global challenges; and (ii) Families Against Terrorism and Extremism (FATE), which is an organic network of organizations working in communities across Europe and North Africa to prevent

radicalization and counter violent extremism and terrorism by uniting vulnerable families and survivors.

148. An independent assessment of the National Action Plan was undertaken in 2018 by the auditing firm KPMG. The results of the assessment are being fed into the drafting of the next iteration of the Plan. The assessment noted that cooperation across multi-professional disciplines allowed for a common understanding to develop among the various actors concerned. It found that the various actors had proactively developed prevention as the starting point for their work; that information flow between the various actors was the biggest challenge; and that the team faced its biggest risk at the point at which an at-risk person was transferred from one agency to another. Cooperation was dependent on the attitude of the individual support person and could weaken when more experienced staff moved on and were replaced. A further challenge was that agencies employed differing legal standards to the sharing of information because they — and their privacy obligations — were governed by different laws. Even when applying the same legislation, different agencies interpreted privacy rules differently.

149. The third iteration of the National Action Plan will be released later in 2019. It will take into account the above assessment, as well as the changing environment, current threats, and recent research. It will widen its focus and develop measures to increase resilience of neighbourhoods against extremism. ***The Committee commends the completion of the independent evaluation of Finland’s National Action Plan on Preventing Violent Extremism and its efforts to use the lessons learned in developing the Plan’s third iteration.***

150. The assessment of the action plan did not, however, evaluate its methodology. The Plan contains a number of specific measures and objectives and identifies the lead organizations responsible for their implementation. The Plan could benefit from the addition of specific targets and baseline information to facilitate assessment of its impact. It should also address the gender perspectives of countering violent extremism. ***The Committee recommends that Finland consider adopting a more robust logical framework for the next iteration of the plan, using a results-based approach that includes baselines, targets, actions and results, and include an assessment in the plan of gender perspectives.***

151. *Managing returnees from conflict zones.* Finland has identified around 80 persons (60 men and 20 women) who left Finland to travel to Iraq and the Syrian Arab Republic. It estimates that 30 children (about half of them girls) were taken with them and that 10 children were born in the conflict zones to Finnish mothers. It estimates that 20 Finnish citizens have been killed and that a further 20 have returned to Finland.

152. In 2017, the Ministry of the Interior published the *Proposal for Arranging Crosssectoral Cooperation on Managing Returnees from Conflict Zones*,⁵³ which includes provisions on psychological support for children. The proposed model for managing returnees provides for the assessment of the risk of violence regarding each returning individual. The risks that the strategy aims to mitigate may be self-targeted (e.g., self-destructive behaviour, suicidal tendencies, or PTSD); may target the returnee’s family and friends (e.g., through domestic violence), or may surface in violent behaviour in wider social contexts (e.g., street or school violence). Depending on the outcome of the assessed risk, appropriate measures will be implemented according to a range of options described as “punish, monitor and reintegrate”.

⁵³ Ministry of the Interior publication 12/2017.

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The operating model is intended to create cross-sectoral cooperation to mitigate the returnees' risk of violence and radicalization and advance their reintegration into Finnish society.

153. By using both “hard” and “soft” measures, in accordance with the individual risk assessment, the model gives the relevant authorities the political approval to work with returnees using methods other than repression. A person assessed to pose a low level of threat may be funnelled to services focused on reintegration into society, such as municipal social services, health care, child-protection services, and civil society services such as the RADINET Exit Programme. A person assessed to represent a medium to lower threat level can be funnelled to coordinated law-enforcement and municipal services such as the “Anchor” programme, wherein law enforcement is involved, but without coercion. Persons assessed to be high risk can become subject to pre-trial investigation or monitoring by the police or intelligence services, as well as encouragement into “exit” programmes.

154. The central objective is to prevent a situation in which the returnee remains outside the scope of action of the relevant authorities and “falls through the cracks”, with the result that no services or monitoring are provided by the relevant authorities, civil society or NGOs. ***The Committee considers it good practice for the relevant authorities to proactively develop plans to address challenges raised by returning FTFs, including a range of options for intervention based on individualized risk profiles.***

155. As noted above, however, coordination between prosecutors and investigators in terrorism-related cases poses some challenges. This is particularly true with respect to returning FTFs. Whereas Finland has stated that “before [an individual] is relocated to Finland, we will ensure that the threshold for investigating them is very low if they are suspected of crimes [committed] in the conflict area”,⁵⁴ there has been no prosecution of returnees (despite the fact that around 20 persons have returned). This indicates that the threshold for investigations may be difficult for the relevant authorities to attain, notwithstanding the Government’s intention. With respect to returnees, this has had the consequence that “punish, monitor and reintegrate” has effectively become “monitor and reintegrate”. ***The Committee recommends that Finland evaluate the relevant weighting it gives to various factors in determining whether the threshold for opening an investigation into returning FTFs has been met and ensure that due weight is accorded to the seriousness of the offences and that the decision is not unduly influenced by the difficulty of obtaining evidence.***

156. *Finland’s “Anchor” model.* Finland has deployed multi-professional “Anchor” teams within police stations in various parts of the country since 2009. These teams were initially established as “ground up” initiatives in local police districts to deal with youth at risk of becoming involved in drugs or crime. The model has in recent years been extended to include youth at risk of radicalization and their families and “lone actors” who have “fallen through the cracks” and might pose a threat due to serious mental problems. The teams consist of a police officer, a social worker, a psychiatric/psychological nurse, and a youth worker. The social workers and psychiatric/psychological professionals are assigned to, but not hired by, the police. The “Anchor” team undertakes an individual assessment of the young person’s overall life situation. Its actions focus on a common goal (e.g., to break the cycle of family violence or to prevent social exclusion).

⁵⁴ Interior Minister Kai Mykkänen, “Finland won’t strip citizenship from ISIS fighters, minister says”, Yle Uutiset, 20 February 2019.

157. In 2014, the Ministry of the Interior requested all police districts to establish “Anchor” teams. In March 2019, the Ministry published the “Anchor” activity manual to provide a model for operations based on research data and good practices that have been developed in various locations in Finland. The manual is intended to support experts in their work and help ensure uniform practices throughout the country.

158. Finland’s legislation grants municipal authorities the right to intervene in children’s behaviour. The municipalities function as self-governing administrative units and administer the majority of public services, including education, health care, psychological health support, social services and social welfare (including child care, child protection and youth work). The “Anchor” manual notes that activities can be carried out either within a municipality’s area or by several municipalities, which can enter into cooperation agreements and deliver the services together. Smaller municipalities are encouraged to cooperate. In 2019, around 40 new suburban police officers were employed in different parts of Finland to improve prevention and family work. The “Anchor” model is at the core of their work. *The Committee considers the adaptation of the “Anchor” model of engagement with youth at risk of crime or radicalization to be good practice. The elements of good practice include the use of multi-professional services (police, social services, and psychiatric support); the fact that the model was developed as a “bottom-up” initiative at the district level; the fact it was already a proven model for at-risk youth before being applied to counter radicalization; and the fact that the Central Government has supported the dissemination of good practices nationally by publishing the “Anchor” activity manual.*

159. *Civil-society actions to prevent radicalization and recruitment of terrorists.* Finland’s CVE strategy relies heavily on civil society actions. Finland has longstanding relationships with civil society and community-based organizations. Outreach and consultation are routine. Following the 2017 Turku knife attack, for example, the relevant authorities held a workshop for local Imams to discuss how the attack, and responses to it, had affected the Muslim community in Turku, as well as their safety. *The Committee notes Finland’s general awareness of the importance of engaging civil society, in particular youth groups, in fostering inclusion in Finnish society, and Finland’s practice of maintaining multidisciplinary and multi-faith engagement.*

160. The 2016 evaluation of Finland’s National CVE Action Plan noted that one of its successes was its engagement of civil society organizations, which are able to operate where there is no trust between individuals and the relevant authorities. The Ministry of the Interior reaches agreements with civil society organizations for service delivery.

161. However, the above-mentioned KPMG assessment identified funding of civil society organizations as a challenge. Funding for civil society organizations tends to be project-based, which provides no certainty of long-term sustainability or continuity. The Radinet Exit service, for example, ran from 2016 to 2018. Even though its model was considered to be successful, funding was not renewed and the service ended at the end of 2018. In addition, the helpline service was identified as one of the goals of the National Action Plan, but was not implemented because it did not receive funding.

162. The civil society organizations with whom the delegation met stated that ensuring sustainable funding was one of their main challenges and that government ministries had unrealistic expectations that NGOs could take on more and more work without funding. Finland acknowledged that it was reliant on NGOs for the Plan’s implementation. *The Committee*

recommends that Finland review the adequacy of funding models for NGOs and community organizations engaged in CVE, taking into account the important role played by NGOs in the implementation of the National Action Plan.

163. *Preventing terrorists' misuse of ICT.* Finland informed the delegation that removing hate speech or extremist content aimed at inciting hatred was difficult. It was necessary to initiate pre-trial investigations and apply for a court order. Before an order for removal could be granted, the producer of the content and the ISP were entitled to give a statement to the court. Since most service providers were based abroad, it was often impractical to seek removal of content.

164. Finland stated that it was seeking to be proactive in other ways. Cyber-intelligence was part of the on-call duties of the police situation centre and cybercrime was included in situation reports. The police also carry out covert activities online, such as pseudo purchases and undercover activities to gather intelligence.

165. Since 2008 the Finnish police have also been engaged openly in online community policing through "Internet Police Officers".⁵⁵ The Finnish Police have three full time and 30 part-time officers dedicated to this role.⁵⁶ They supervise the online space, deal with crimes relating to social media, forward information about criminal activity to other investigative units, and refer clients to the relevant service providers. This initiative has been successful at gaining information about, and interacting with, various right- and left-wing extremist groups.

166. The "Internet Police Officer" format offers a "low-threshold" way to contact the police and discuss delicate and controversial issues. It is also thought to serve a preventive function, based on the assumption that, when the police are visibly present to discuss and offer guidance on limits, people obtain a clear idea of what can legally be said and done through social media. It may therefore provide a sense of safety, just as the sight of a police officer on the street may do. Social media are also used by police officers on the "Anchor" Teams to keep in touch with young people in the programme (based on the premise that police officers should use the same communication platforms used by young people). ***The Committee considers that the use of Internet Police Officers is a good practice, which uses information and communications technologies and social media as tools for positive engagement.***

167. *Measures to enhance dialogue and broaden understanding among civilizations.* Finland stated that it was reinforcing the elements that have thus far protected Finnish society from violent radicalization, in particular by preventing social exclusion. This work includes anti-corruption initiatives to strengthen the perception that Government and society are open and contribute to general welfare and wellbeing.

168. An essential element of this work is the education system, which considers the achievement of equality of opportunity and inclusion as a core principle. The Finnish National Agency for Education (which develops the national core curriculums on behalf of the Ministry of Education and Culture) has established a Preventing Violent Extremism Working Group, which consists of members of various parts of the education sector. Through the Working Group, the Agency aims to prevent violent extremism through the national core curriculum-based measures and to raise awareness among teachers through the provision of materials and in-service training.

⁵⁵ See Ministry of the Interior, *Finland's Strategy on Preventive Police Work 2019-2023*, pp. 33-35, 37.

⁵⁶ The Nordic Safe Cities Guide, Nordic Council of Ministers, 2017, p. 27.

169. Finland has put in place a number of curriculum-based measures to prevent extremism. First, it advocates the awareness of language as a key element of the curriculum, forming part of value foundations, school culture, and competences. In addition, language training for immigrants is funded by the Government to encourage inclusion. Second, media literacy is included as a core skill set across all subjects from early childhood education through to vocational training. Media literacy bolsters the ability of children and adolescents to counter propaganda and false media stories. The national core curriculum teaches critical thinking, exploration and questioning. It also teaches skills in forming and expressing opinions, interaction and emotional skills, and competence in information and communications technologies. Third, there is a strong emphasis on cultural awareness, democratic principles, and human rights education (including teaching of historical violations of human rights). Fourth, religious schools follow the same curriculum. All students are educated on religions and world views, with the objective of enabling them to critically and independently evaluate different religious world views and engage in interreligious and intercultural dialogue.

170. Finland has also put in place a number of measures to support teachers. The Finnish National Agency for Education has published materials to increase teachers' knowledge of extremism and its prevention. Those materials include guidance and support materials that help them to lead discussion of controversial topics relating to radicalization and how to tackle hate speech and controversial topics. The Agency also arranges training and information sessions for teachers, principals and policymakers from regional authorities. It has published guidelines on the prevention of violent radicalization, for early childhood educational staff, designed in particular to enable them to address the situation of families of returned FTFs. ***The Committee considers it good practice to build the resilience of young people against radicalization within the education system, including through an emphasis on promoting respect for tolerance and dialogue, critical thinking, competence in language skills, media literacy from early childhood, and human rights education. It is also good practice to develop support materials for teachers to increase their knowledge of violent extremism and its prevention, including ways to create safe spaces for conversation and tackle controversial topics, and the provision of training and information sessions for teachers.***

171. Finland informed the delegation that its main challenge was to disseminate support materials and guidance to teachers. The support materials and guidance are available on the Ministry of Education website, but teachers must seek them out. In addition, universities are not yet part of the training initiatives because they are independent institutions that do not fall under the jurisdiction of the National Agency for Education. ***The Committee recommends that Finland explore ways to proactively increase the dissemination of support materials and training for teachers on how to recognize and prevent extremist thinking, including at the tertiary level, rather than relying on teachers to seek out such information.***

172. *Measures to prevent radicalization to terrorism and violent extremism in prisons.* Finland has the lowest incarceration rate in Europe (53 prisoners per 100,000 population), with individuals serving relatively short terms (the average length of a prison term is 11 months). One-third of those incarcerated serve in ultra-low security open prisons.

173. In the period 2016-2018, the Finnish Department of Corrections conducted a study of radicalization among male offenders in Finnish prisons. The aim of the project was to develop methods for identifying extremist radicalization, study methods of preventing radicalization, and train prison staff. Over 400 officials of the Department of Corrections, serving in 14

facilities, were trained during the project. *The Committee takes positive note of this study and would also welcome further information on the data therein disaggregated by gender.*

174. The study concluded that violent extremism had reached Finnish prisons. Finland informed the delegation that it had identified 84 individuals who show signs of religious radicalization (e.g., physical assaults against other inmates with a suspected religious motive and celebrating terrorist attacks in Europe). Finland estimates that 44 per cent of those individuals had expressed support for far-right ideologies, 39 per cent had expressed support for radical Islamic ideology, and 17 per cent had expressed support for other forms of extremist ideology. As a result, additional funds were granted to the Department of Corrections to add six coordinators and a senior specialist to identify and prevent further radicalization.

175. The coordinators collect data and observations, develop individualized risk assessments and interventions, train staff to recognize radicalization, and guide individuals identified at risk to support and exit facilities. Inmates that are vulnerable to becoming targets for recruitment are also identified, along with alternatives for their safe institutional placement. Corrections officials also coordinate with other authorities after prison sentences have been concluded. The sharing of information on inmates with the police, for example, was previously prohibited, but is now mandatory. *The Committee considers it to be good practice to undertake individualized risk assessments and interventions for prisoners at risk of radicalization.*

IX. Human rights in the context of counter-terrorism and countering violent extremism

176. The Security Council has repeatedly emphasized that counter-terrorism measures taken by Member States must comply with their obligations pursuant to international law, including international human rights law, international refugee law, and international humanitarian law.⁵⁷ In its resolution 2178 (2014), the Council further notes that failure to comply with human rights and rule-of-law obligations is one of the factors that contribute to increased radicalization. In accordance with the practice followed for the Committee's previous visits, the delegation raised human rights issues during its discussions with Finland. The delegation underscored the need to ensure that any measures taken to counter terrorism comply with all of Finland's obligations pursuant to international law, in particular international human rights, refugee and humanitarian law.

177. The delegation was briefed on steps that Finland had taken to improve access to counsel in criminal cases (a matter raised by the Committee following its previous visit). Chapter 4 of the Criminal Investigation Act, which also stipulates the presumption of innocence and the right against self-incrimination, confirms the right of a party to a criminal investigation to retain counsel, to be provided with legal aid, access to a public defender in certain circumstances, and to interpretation/translation where necessary, as well as to be notified of those rights (sections 10, 16-17).

178. Following its previous visit, the Committee had also noted concerns that had been expressed by the United Nations Committee against Torture regarding the absence in Finnish law of a rule precluding the use, as evidence in legal proceedings, of statements obtained

⁵⁷ See S/RES/1456 (2003); S/RES/1624 (2005), fourth preambular para. and para. 3(f); S/RES/2178 (2014), preamble and para. 5; S/RES/2322 (2016), preamble and paras. 13(b), 14.

through torture.⁵⁸ The delegation was informed that Finland had since amended chapter 17 of its Code of Criminal Procedure and that the matter had been thus addressed.

179. The delegation further recalled that in 2017 the United Nations Committee against Torture had expressed concern that chapter 17, section 25 (3) of the Code of Criminal Procedure allowed for the use of evidence obtained unlawfully, including through ill-treatment, if its use did not prejudice a fair trial.⁵⁹ In this regard, Finland stated that the Criminal Investigation Act prohibited the use of ill-treatment, including threats and coercion, to secure a confession or statement (chapter 7, section 5) and that an individual who violated that prohibition could be prosecuted pursuant to chapter 30 of the Criminal Code. The delegation further noted that, whereas chapter 7, section 25(1) of the Code of Judicial Procedure (in effect as of January 2016) provided that “the court may not use evidence that has been obtained through torture”, section 60 of the same chapter provided that “separate provisions apply to the presentation of evidence abroad”. Finland noted that the latter provision did not affect the admissibility of evidence in Finnish courts, however, and that the exclusionary rule provided for in section 25(1) would also apply with respect to evidence obtained through torture committed outside of Finland. *The Committee notes that Finland has taken steps to clarify the legal regime applicable to evidence obtained through ill-treatment, including torture.*

X. Conclusions

180. Finland has introduced a number of measures over recent years to comply with the requirements of resolutions 1373 (2001) and 1624 (2005), in accordance with the recommendations contained in the Committee’s 2012 visit report. Pursuant to resolution 2178 (2014), it has also taken action to address the FTF phenomenon. The Committee commends Finland for introducing those measures. Achievement of full and effective compliance with the above resolutions will, however, require further action.

181. The Committee recommends that Finland take the following actions:

Counter-terrorism legislation and judicial practice

- *Expedite ratification of the remaining international counter-terrorism instruments*
- *Continue its efforts to regularly review, and expeditiously revise, where necessary, its criminal legislation in order to ensure that all terrorist crimes set forth in the international counter-terrorism instruments to which it is a party and the relevant Security Council resolutions are proscribed in domestic law in a manner that duly reflects the seriousness of the conduct*
- *Regularly review its legislation to ensure that its criminal jurisdiction extends to all conduct set forth in the international counter-terrorism instruments to which it is a party*
- *Evaluate the process for determining whether the threshold for opening an investigation has been met and ensure that the requirement for an order of the Prosecutor-General is not an inadvertent impediment to the opening of an investigation*

⁵⁸ As required pursuant to the Convention against Torture, art. 15, which provides that: “Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made”.

⁵⁹ Committee against Torture, Concluding observations on the seventh periodic report of Finland, CAT/C/FIN/CO.7, 20 January 2017, para. 10.

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- *Continue its efforts to ensure that SITs are employed in a manner consistent with international human rights law, including through effective oversight mechanisms*
- *Continue its efforts to strengthen legal cooperation with Member States in and neighbouring conflict zones where FTFs are active*

Counter-financing of terrorism

- *Clarify the terrorism-financing offence to ensure that it also applies to the financing of an individual terrorist who may not be connected to a particular terrorist group, irrespective of whether the individual subsequently perpetrates a terrorist act*
- *Review practices relating to the designation of persons or entities pursuant to the Act on the Freezing of Funds with a View to Combatting Terrorism, including to address why no asset-freezing designations have yet been communicated to the Council of the European Union or to the United Nations Security Council, as required by section 9 of the Act*
- *Continue to ensure that the relevant authorities engage with their counterparts in other States to ensure requests for designation are made by States that have convicted Finnish citizens*
- *Provide additional guidance and training to financial institutions and DNFBPs, focusing on terrorism-financing risks, indicators and typologies, and particularly targeted at those who are at high risk*
- *Update the money-laundering/terrorism-financing NRA, as required by the Act on Preventing Money-Laundering and Terrorism Financing (taking into account, in particular, new and emerging technologies such as virtual asset managers) and publish a revised national action plan that reflects the updated risks*
- *Undertake an NRA of the NPO sector as a whole, including governance measures, taking into account supervision and reporting requirements, as well as Finland's commitment to safeguarding the right to freedom of association and related rights.*
- *Strengthen information-sharing between the FIU and Customs to ensure that trends can be quickly identified and lessons learned*

Law enforcement

- *Consider establishing a single, integrated counter-terrorism database, accessible to all relevant officials*
- *Continue its efforts to ensure that measures for obtaining and disseminating information, including intelligence, regarding persons and organizations suspected of links to terrorism are conducted in a manner consistent with international human rights law*
- *Continue to actively use, and contribute to, all INTERPOL databases relevant to terrorism*
- *Further strengthen its efforts to combat the illegal transfer of SALW, including through cooperation with regional and international partners*
- *Strengthen its cooperation with law-enforcement counterparts in Member States in or neighbouring the conflict zones in the Middle East where FTFs are active*
- *Continue its efforts to ensure that these mechanisms are equipped with the necessary resources to ensure their effectiveness in practice*

Border management

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- *Continue its efforts to ensure that border-management measures are attuned to the evolving methods and travel routes used by terrorists, including FTFs, to cross international borders*
- *Gather data, disaggregated by age and gender, on persons who, while seeking to enter or exit Finland or while applying for a Finnish visa, are flagged for suspected links to terrorism, and utilize this data to further refine the border-management measures in place*
- *Explore the possibility of gathering API on passengers entering Finland from other States of the Schengen Zone and continue its efforts to gather and utilize PNR data in respect of all travellers entering Finland*
- *Continue its efforts to ensure that measures utilizing biometric technology are implemented consistently with international human rights law*
- *Continue its dialogue with UNHCR on issues relating to the detention of asylum seekers, in particular unaccompanied minors*
- *Consider establishing specialized “exclusion units” within its Immigration Service*
- *Gather disaggregated data on persons excluded from refugee status because of suspected links to terrorism and on measures taken subsequent to their exclusion in accordance with resolution 1373 (2001) and develop standard operating procedures for such cases, including on information-sharing with third States, in full compliance with international law, and on possible referral to domestic prosecution authorities*
- *Continue its dialogue with IMO to ensure that updated information is provided, in accordance with the SOLAS requirements*
- *Continue its efforts to regularly refine the measures in place in view of the evolving methods used by terrorists to transport goods and cash across borders*

National integrated and comprehensive counter-terrorism strategy

- *When drafting the next iteration of the National Counter-Terrorism Strategy, replicate its good practice in developing the National Action Plan on Countering Violent Extremism, including direct consultation with NGOs, local communities, and the private sector*

Security Council resolution 1624 (2005) and the provisions of resolution 2178 (2014) relevant to countering violent extremism

- *Provide further information on whether the engagement with civil society within the context of the “National Action Plan for the Prevention of Violent Radicalisation and Extremism” also included women civil society groups or organizations.*
- *Consider adopting a more robust logical framework for the next iteration of the “National Action Plan for the Prevention of Violent Radicalisation and Extremism”, using a results-based approach that includes baselines, targets, actions and results, and include an assessment in the plan of gender perspectives*
- *Evaluate the relevant weighting it gives to various factors in determining whether the threshold for opening an investigation into returning FTFs has been met and ensure that due weight is accorded to the seriousness of the offences and that the decision is not unduly influenced by the difficulty of obtaining evidence*
- *Review the adequacy of funding models for NGOs and community organizations engaged in countering violent extremism (CVE), taking into account the important role played by NGOs in the implementation of the National Action Plan on Countering Violent Extremism*

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- *Explore measures to proactively increase the dissemination of support materials and training for teachers on how to recognize and prevent extremist thinking, including at the tertiary level, rather than relying on teachers seeking out such information*
- *Provide further information on data disaggregated by gender under the Finnish Department of Corrections' study.*
- *Provide further information on how gender perspectives were addressed in the undertaken individualized risk assessments and interventions for prisoners at risk of radicalizations*

Human rights in the context of counter-terrorism

- *Ensure that any measures taken to revoke the citizenship of dual nationals convicted of terrorism offences are applied in compliance with international law, including international human rights law, and in particular the applicable instruments on statelessness.*
182. Finland may also wish to share with the Committee information concerning the time frame for its implementation of each recommendation.
183. The delegation considers that Finland may be in a position to provide technical assistance and/or advice to other Member States in the following areas:
- Provision of comparative analysis and good practices concerning the development and implementation of national integrated and comprehensive counter-terrorism strategies
 - Development of integrated tools for the screening of passengers against relevant national and international databases
 - Sharing of experiences and lessons learned in developing API and PNR systems
 - Ensuring that training programmes for all relevant officials reflect the multiple roles played by women in terrorism, counter-terrorism, and CVE
 - Inclusion of local government authorities, civil society, and communities in the drafting of national action plans on CVE
 - Adaptation of the “Anchor” model of engagement with youth at risk of crime, through multi-professional services, employing a “bottom-up” methodology, and through the engagement of the State in disseminating the good practices nationally
 - Engagement in online community policing
 - Development of good practices within the education system to build the resilience of young people against radicalization
 - Undertaking of individualized risk assessments and interventions for prisoners at risk of radicalization.