

Presentation title:

The criminalisation of non-physical violence against children in Finland

Speaker: Elisa Silvennoinen and Tarja Koskela (University of Eastern Finland, Finland)

In Finland, non-sexual violence against children is covered by the same criminal offences as adults. The main offence is assault, which covers not only physical violence but also infliction of pain and injury to health. However, the crime of assault is very rarely applied to non-physical violence. According to Article 1(2) of the Child Protection Act, children must be protected from all physical and mental violence, abuse and exploitation. This provision is based on Article 19 of the UN Convention on the Rights of the Child. This article examines the criminalisation of non-physical violence against children in Finland and assesses whether the current criminal legislation covers the requirements of child protection. The research method is doctrinal and the main data consists of legislation, legislative proposals and case law. In addition, the application of law has been examined in the light of district court decisions. The article concludes that although the existing definition of assault is broad and allows for the application of the provision to non-physical violence, the definition seems ill-suited to serious neglect of the care and custody of a child. Secondly, the offence is not well suited to situations where psychological violence is inflicted on a child, either directly on the child or indirectly by exposing the child to violence, for example by forcing the child to watch someone close to the child being subjected to violence.