

# NGO Parallel Report on the implementation of the Istanbul Convention in Finland

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## Chapter I – Purposes, definitions, equality and non-discrimination, general obligations

The Council of Europe Convention on preventing and combating violence against women and domestic violence (hereinafter referred to as *the Istanbul Convention* or *the Convention*) includes all forms of violence against women. Violence against women is defined as all acts of gender-based violation that result in or are likely to result in physical, sexual, psychological or economic harm or suffering to women.

Unfortunately, when discussing violence against women, it is common to avoid using gender-based language and instead use gender-neutral expressions, such as *violence in close relationship*, *domestic violence* or *intimate partner violence*. It is important that the comprehensive definition and the spirit of the Istanbul Convention are visible in the implementation of the Convention and in the terminology being used. Non-governmental organisations (hereinafter referred to as *NGOs*) are concerned that during the implementation, the terminology of *gender-based violence against women and domestic violence*, as used in the Convention, will be transformed into gender-neutral terminology, such as *violence in close relationships*.

Gender-based violence is inflicted more often on women and girls than on men and boys. Violence against women is a gender-based form of discrimination that disallows women to fully use their human rights. As such, talking about *domestic and intimate partner violence* has a negative effect on reacting to violence against women, understanding the gender-based nature of the phenomenon as well as the knowledge and expertise related to the phenomenon. Similarly, The United Nations Committee on the Elimination of Discrimination against Women (CEDAW Committee) has also expressed their concern for using gender-neutral language, because it dismisses the fact that domestic violence clearly and disproportionately exemplifies discrimination against women.

The Government of Finland has not paid enough attention to paragraph 3 of Article 4 of the Convention, which states that the implementation “shall be secured without discrimination on any ground”. The resources directed to the implementation programme of the Istanbul Convention are insufficient, and there is an unequal amount of services and preventive programmes provided in different parts of Finland, which increases inequality among the ones in need of help. Therefore, the implementation does not adequately protect the rights of victims with disabilities or victims of migrant, minority or refugee status, for example.

The Government has neglected their obligation of due diligence mentioned in paragraph 2 of Article 5 of the Convention. The required “legislative and other measures to prevent, investigate, punish and provide reparation for acts of violence perpetrated by non-State actors” are not entirely valid.

### Recommendations

- Instead of gender-neutral language, the term *gender-based violence against women and domestic violence* should be used, since violence against women is a form of gender-based discrimination and a manifestation of unequal power relations between women and men. Gender-neutral language conceals these gendered aspects.
- Sufficient financial and staff resources must be given to the implementation of the provisions of the Istanbul Convention.
- The legislative measures of the Convention must be fully executed.
- The state must make sure that the implementation of the Convention takes gender sensitivity and the needs of particularly vulnerable women into account. The nature of violence faced by the particularly vulnerable women must be taken into account when training professionals and organising support services, among other things.

- In addition to the coordinating body, a coordination centre for combating violence is required. The centre will monitor and evaluate the acts of preventing and addressing gender-based violence against women.

## Chapter II – Integrated policies and data collection

### Comprehensive and coordinated policies

The Finnish Government organised a multi-sectoral action plan<sup>1</sup> to reduce violence against women in Finland between 2010 and 2015. The final report<sup>2</sup> published in June 2016 shows deficiency in the prevention of violence, in legislation and legal praxis, in services for both victims and perpetrators, and in the coordination for combating violence. The final reports of both the programme for reducing violence and the Government Action Plan for Gender Equality 2012–2015<sup>3</sup> note that the poorly resourced measures for combating violence against women have led to defective implementation, where their goals have been entirely unachieved or achieved only partly. The state must evaluate both the fulfilment and the effects of the measures and actively monitor the implementation process. So far, the evaluation and monitoring has been lacking.

Even though Finland ratified the Istanbul Convention in 2015, there has not been a political programme for preventing violence against women in Finland from 2016 to 2017. The Government has not legislated or otherwise stated comprehensive national guidelines for nationwide, effective implementation of the Convention. Policies for combating violence against women have mainly been implemented locally, and the situation in different parts of the country varies depending on local initiative, both in terms of quantity and quality. This has led to a situation where the victim's place of residence largely determines how well the victims' rights can be protected by the different actors in the field. Hence, the implementation in Finland does not fulfil the requirement of non-discrimination found under Article 4 of the Convention.

The Ministry of Social Affairs and Health published the Action Plan for the Istanbul Convention for 2018–2021<sup>4</sup> (hereinafter referred to as *the Action Plan*) in December 2017. It depicts one of the most central problems in the implementation so far: the 4-year plan focuses on the development of state authorities and their work but fails to notice the significant role that NGOs play in combating domestic violence in Finland. In the introduction of the Action Plan, it is stated that "Finland has a strong tradition of cooperation between public authorities and NGOs, and the latter are also involved in the implementation of several Articles". Nonetheless, NGOs remain absent later when actual measures for accomplishing the Action Plan are listed.

A programme for prevention of female genital mutilation, a phenomenon covered by the scope of the Convention, was in effect from 2012 to 2016. The programme will be continued as a part of the implementation of the Convention from 2018 to 2020.

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<sup>1</sup> Ministry of Social Affairs and Health 2010: Action plan to reduce violence against women.

<https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/72156/URN%3ANBN%3Afi-fe201504223100.pdf>

<sup>2</sup> October & Piispa 2016: Lähisuhte- ja perheväkivallan ehkäisyyn poikkihallinnollisen virkamiestyöryhmän loppuraportti. Ministry of Social Affairs and Health.

[http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/75363/Raporttipohja\\_4-2-2016\\_.pdf](http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/75363/Raporttipohja_4-2-2016_.pdf)

<sup>3</sup> Ministry of Social Affairs and Health 2012: Government Action Plan for Gender Equality 2012–2015.

<https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/72267/URN%3ANBN%3Afi-fe201504225186.pdf>

<sup>4</sup> Ministry of Social Affairs and Health 2017: Action Plan for the Istanbul Convention for 2018–2021.

[https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/160403/18\\_2017\\_Istanbulin%20sopimuksen%20tps%202018-21%20englanti.pdf](https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/160403/18_2017_Istanbulin%20sopimuksen%20tps%202018-21%20englanti.pdf)

One of the objectives of the Government Action Plan for Gender Equality for 2016–2019<sup>5</sup> is to reduce intimate partner violence and violence against women, and there are three measures mentioned for achieving the objective: ensuring the implementation of the Istanbul Convention, establishing the practice of care pathways for victims of sexual violence, and investigating the mediation process of cases involving violence against women and domestic violence. Two million euros of additional funding have been allocated for the strengthening the victim shelter network until 2019, and another 2 million euros were allocated for the year 2018 alone.

Combating domestic violence and violence against women must be taken into account when planning, implementing and funding the regional government, health and social services reform<sup>6</sup> that is about to take place in Finland. The regional coverage of the preventive work and the services for victims and perpetrators must be secured in the reform. A particular concern is that the health and social services reform and the digitalisation of information services, among other things, may complicate the access to services for especially vulnerable groups of women, such as elderly, disabled or immigrant women.

The provisions of the Istanbul Convention must be taken into account and the means of combating violence against women must be included in further action plans and projects in the public sector. Furthermore, the information gathered from the implementation and monitoring should also be utilised in the Government Action Plan for Gender Equality and the 2030 Agenda for Sustainable Development, for example.

## **Financial resources**

NGOs consider the initiative for surveying the cost of violence against women in Finland made by the Minister of Family Affairs and Social Services Annika Saarikko as an important basis for the implementation of the Istanbul Convention.

Many measures presented or completed in the Action Plan for the Istanbul Convention are separate as acts and general in format, and they do not include any cost estimates or information of budgets. Most of the Convention's provisions or their coordination have not been provided with separate financial and staff resources; rather, the planned measures will get their funding from the budgets of the ministries in charge of each one. All provisions are necessary for securing the human rights of girls and women, and they should not have to compete for resources with other operations of administrative branches.

The resources allocated for the implementation of the Convention are insufficient. The requirements for victim services cannot be met with the current resources allocated by the Government. Moreover, there are few or no instruments for guiding and monitoring the local actors (municipalities, or potential new units of local self-government in the future) in their measures of implementation. There is little permanent funding for implementing the state obligations under the Convention. Funds need to be applied repeatedly for measures addressing the permanent needs of victim services and cooperation among service providers.

Victim support services are mainly provided by the third sector. The funding of these services is often fixed-term, project-based and ill-suited for developing a comprehensive network and cooperation. When developing the new laws and structures for the oncoming regional government, health and social services reform, it must be ensured that the work done by NGOs to combat domestic violence is financially supported

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<sup>5</sup> Ministry of Social Affairs and Health 2017: Government Action Plan for Gender Equality 2016–2019.

[http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/79305/03\\_2017\\_Tasa-arvo-ohjelma\\_Enkku\\_kansilla.pdf](http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/79305/03_2017_Tasa-arvo-ohjelma_Enkku_kansilla.pdf)

<sup>6</sup> The reform will establish the new counties and reform the structure, services and funding of health and social services as well as transfer new duties to the counties. The reform is due to come into force on 1 January 2020.

<http://alueuudistus.fi/en/frontpage>

in the future by combining the revenue of Veikkaus<sup>7</sup> and the financial aid from the counties. The NGOs are concerned that the reform will focus on the perspectives of the state authorities and businesses, and that NGOs will be forgotten, which would be detrimental considering the level of prevention and support required by the Istanbul Convention.

### **Coordinating body**

At the end of 2016, the Finnish Government established a coordinating body, the Committee for Combating Violence Against Women and Domestic Violence. Unfortunately, it lacks independent resources and an independent mandate to act. The power that the coordinating body has depends entirely on the powers of the governmental bodies represented within it.

For the national implementation of the Istanbul Convention, it is essential that the expertise, services and resources of both state authorities and the third sector form a unified entity. Furthermore, the development of said entity should be planned and executed cooperatively. At the present, however, the coordinating body consists solely of authorities. The lack of NGO input in the Action Plan has received criticism, and consequently a division with NGO representation has been established inside the coordinating body. The goal of the new division is to outline and support NGOs' operations aimed toward implementing the Istanbul Convention, among other things.

NGOs emphasize that the new division needs to have direct contact with the coordinating body and the division must be able to influence the actions and decisions made by the coordinating body. As of now, it is unclear on what grounds the members and supplementary members were chosen, since they were already designated on the invitation. It is problematic that the actual and supplementary members are from NGOs promoting partly different groups of people. In the implementation of the Istanbul Convention, people with disabilities should be actively involved through their representative organisations, as the Convention on the Rights of Persons with Disabilities<sup>8</sup> (Article 4, paragraph 3) requires.

### **The role of NGOs**

In late 2016, the Committee for Combating Violence Against Women and Domestic was established. The Committee is responsible for coordinating national measures and for other measures laid down in Article 10 of the Istanbul Convention. The implementation of the Action Plan for the Istanbul Convention for 2018–2021, drawn up by the Committee, will start in 2018.

NGOs were heard in June 2017 regarding the process, and they were also given a chance to comment the measures in the Action Plan. Unfortunately, NGOs have not been included in compiling the Action Plan, and the role of NGOs in the implementation of the Istanbul Convention remains unclear. Currently, NGOs are largely responsible for organising services for victims and perpetrators of domestic violence, such as shelter services, out-patient services, and telephone helplines.

The invisibility of NGOs work in the Action Plan has been explained by stating that the current measures are based on the most urgent steps that need to be taken to implement the Istanbul Convention during the next

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<sup>7</sup> Veikkaus is a Finnish gaming company operating all the gambling games offered in Finland and generating over one billion euros a year for the common good. Veikkaus' beneficiaries are active in the fields of culture, sports, science, and youth work, social welfare and health, and the equine industry. The funds are distributed to the beneficiaries by the relevant ministries. <https://www.veikkaus.fi/fi/yritys?lang=en>

<sup>8</sup> The United Nations: Convention on the Rights of Persons with Disabilities (CRPD).

<https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>

years. “Consequently, the Action plan does not include all future areas for improvement; nor does it present all activities concerning the theme within public administration or the NGO sector.”<sup>9</sup> In response, NGOs would like to ask if there is a compilation showing all the areas for improvement and a general view of all ongoing activities and measures concerning the implementation of the Istanbul Convention in Finland. In our opinion, prioritising areas for improvement would specifically require information on what is already going on in the work preventing violence and victim protection and who are the actors on the field.

Various activities and services provided by NGOs are listed by the Finnish Government in their baseline report<sup>10</sup>, which was sent to the Council of Europe's Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO). It should be noted, though, that the list of activities and services provided by NGOs is considerably broader than the services mentioned in the Action Plan. Furthermore, the listing of the report seems quite arbitrary, which may suggest that the big picture of the work combating violence in Finland is unclear at this time.

### **Data collection and research**

Istanbul Convention requires states to “conduct population-based surveys at regular intervals to assess the prevalence and trends of all forms of violence covered by the scope of this Convention” (article 11). There are some high-quality surveys in Finland that have been conducted repeatedly (such as victimisation surveys), but it should be noted that the measures for enhancing data collection are neither legislatively guaranteed nor regular.

When it comes to preventive work and victim support, the state collects data mostly from the authorities only. One exception is the work in victim shelters: the state has been collecting their statistical data since the funding became its responsibility. Statistical data of NGOs outpatient services is not compiled by anyone. As mentioned above, the state’s report on the issue paints quite an arbitrary picture of the preventive work and victim support in Finland.

There are no statistics of disabled women as victims of violence, which complicates the service planning and strengthens the assumption that disabled women do not need violence-related services. Due to the Convention on the Rights of Persons with Disabilities, disability has become an issue of human rights, which means a balance between data protection and statistics must be found. If a disabled person is reporting a crime, they could be asked if they wanted to have their disability or long-term illness be documented for statistical reasons, without individualising the diagnosis.

There is not an up-to-date documentation of the prevalence and trends of violence against immigrant women in Finland. NGOs are concerned especially about the increase in phenomena related to honour-based violence, forced marriages and female genital mutilation in Finland. There seems to be little knowledge and know-how among the authorities on how to intervene and act in these kinds of situations.

There are only a few studies on prostitution and sexual exploitation related to human trafficking in Finland. Specifically, there is a lack of knowledge of underage people and their share in commercial sexual

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<sup>9</sup> Ministry of Social Affairs and Health 2017: Action Plan for the Istanbul Convention for 2018–2021.

[https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/160403/18\\_2017\\_Istanbulin%20sopimuksen%20tps%202018-21%20englanti.pdf](https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/160403/18_2017_Istanbulin%20sopimuksen%20tps%202018-21%20englanti.pdf)

<sup>10</sup> Baseline report by the Government of Finland on measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. April 2018.

<https://rm.coe.int/baseline-report-finland-2018/16807c55f2>

exploitation, though the prevalence of sexual abuse is visible for example in School Health Promotion study<sup>11</sup> (by National Institute for Health and Welfare) and Child Victim Survey. There is a need for research on other vulnerable groups facing violence, too, such as children, women with disabilities, substance abusers, people with mental disorders, gender and sexual minorities, and paperless people.

It is necessary to establish a coordinating centre for work combating violence in Finland which would take responsibility of comprehensive data collection and forming the big picture of the field. Sufficient, earmarked financial resources should be allocated to the centre. It is alarming that there is still only a suggestion to investigate the need for the centre in the Action Plan.

## Recommendations

- There need to be comprehensive national guidelines that are followed for nationwide, effective implementation of the Convention. The provisions of the Convention must be noted and the measures for combating gender-based violence against women need to be included in other action programmes and projects of the public sector, too. The information gathered from the implementation and monitoring should be used in the Government Action Plan for Gender Equality and the 2030 Agenda for Sustainable Development, for example.
- Separate financial and staff resources must be allocated to the implementation of the Istanbul Convention. Research funding is also required to carry out regular monitoring and data collection.
- The role of NGOs in combating domestic violence needs to be acknowledged in the oncoming regional government, health and social services reform. Funding for NGOs should be reserved by combining the revenue of Veikkaus and the financial aid from counties.
- The role of NGOs as a cooperation partner must be strengthened at a national level. The synergy between NGOs and other actors cannot be utilised currently, because both the Government Action Plan for Gender Equality and the Action Plan for Istanbul Convention have been made solely from the perspective of state authorities. NGOs and other actors already organise measures described in the plans widely: e.g. work for preventing violence and supporting victims as well as work with special groups. All existing resources should be leveraged in the implementation. The special role of NGOs as experts of the phenomena covered by the scope of the Convention and as service providers must be recognised, and services must be developed together with NGOs, as the Convention requires. In the Action Plan, the role of NGOs seems very thin. NGOs recommend updating the plan so that the NGOs currently in the field will play an active role in the implementation of the Istanbul Convention.
- The NGO division of the Committee for Combating Violence Against Women and Domestic Violence is a good start for increasing cooperation. NGOs still question the decision to not let them in the actual coordinating body itself, however, but only in its preparatory division.

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<sup>11</sup> National Institute for Health and Welfare 2017: School Health Promotion study.

<https://thl.fi/en/web/thlfi-en/research-and-expertwork/population-studies/school-health-promotion-study>

## Chapter III – Prevention

In preventive work, it is essential to increase awareness and recognition of different forms of violence and share information about low-threshold support services. Article 13 of the Convention requires states to conduct awareness-raising campaigns and programmes in cooperation with NGOs, especially women's organisations. It is curious that NGOs or women's organisations are not mentioned in the parts concerning prevention in the Action Plan for the Istanbul Convention, though they are referred to in other parts of the Action Plan.

### **Awareness-raising**

The School Health Promotion study<sup>12</sup> by National Institute for Health and Welfare paints a worrisome picture of the commonness of violence faced by girls. As to sexual abuse, the awareness-raising work required by Article 13 should be done as a part of preventive work done with children and youth, while emphasising sexual self-determination and increasing recognition of violence. Separate campaigns work best when they are linked to support services.

NGOs provide productive activities for supporting the integration of asylum seekers and families moved to Finland from elsewhere. NGOs, including NGOs set up by immigrants themselves, widely conduct the kind of awareness-raising work with the target group that Article 13 requires. The knowhow and networks of NGOs should be utilised, and sufficient resources must be allocated to it.

### **Education and training of professionals**

The Government has failed to provide systematic training for professionals dealing with victims of gender-based violence against women. Systematic training should be provided for health care, social work, law enforcement, prosecutor and court personnel. The issue of training professionals is getting increasingly complicated with the health and social services reform that is underway, as the proposal for the reform involves many new actors in both social and health services. The government should make sure that all actors, both public and private, receive adequate training.

In the current vocational education in social welfare and health care, gender-based violence against women is addressed very briefly, though Article 15 requires appropriate training for all relevant professionals. Especially the violence against vulnerable groups is detected poorly, and the training for intervening and referring victims to other support services is inadequate. The Convention requires the state to pay special attention to vulnerable groups of people, such as immigrants, women in prostitution, gender and sexual minorities, children and youth, paperless people, elderly people, substance abusers, and people with mental disorders.

The Universal Periodic Review (UPR) recommendations 93.33–34 and 93.94, accepted by the Finnish Government, require the state to “provide sufficient resources to continue with systematic human rights education and training of teachers at all levels of national education” and to “undertake efforts to strengthen the education system through the provision of mandatory training on human rights education”.<sup>13</sup> Recognising and condemning gender-based violence against women is a part of human rights education which should be

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<sup>12</sup> National Institute for Health and Welfare 2017: School Health Promotion study.

<https://thl.fi/en/web/thlfi-en/research-and-expertwork/population-studies/school-health-promotion-study>

<sup>13</sup> Report of the Working Group on the Universal Periodic Review. Finland 2017. Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review.

<http://www.formin.fi/public/download.aspx?ID=86320&GUID={1FDD8740-1CD8-46E0-B6B8-DA5C88F16AAA}>

provided not only for professionals but also for every citizen and actor in society. Especially professionals require training on different forms of violence (e.g. psychological, emotional, physical, sexual, financial, spiritual, domestic violence, and post-relationship stalking), on the rights of victim, and on the influence of violence on the victim and children.

### **Preventive intervention and treatment programmes**

Services for the perpetrators of domestic violence are voluntarily, and they are mainly provided by NGOs funded by Veikkaus. Unfortunately, the funding is insufficient for fulfilling Article 16 of the Convention. Most of the actors providing services for perpetrators also provide victim support, but about a third of them do not contact the perpetrators' partners (or victims) due to insufficient funding. Both the victim and the perpetrator should be provided support simultaneously.

### **Recommendations**

- Preventive work requires sufficient resources. Resources should be allocated especially to NGOs that can provide both the preventive work and support services in the same place.
- Sufficient resources should be allocated for outreach work, since many particularly vulnerable people might not have access to services and/or since people living under the threat of violence might feel mistrust for authorities or fear for the consequences for themselves.
- The implementation of the Istanbul Convention must include measures for increasing training on gender-based violence against women and domestic violence at all professional levels in social welfare and health care, education and teaching, and legal system. Children should be provided with information on safety, insecurity and recognising one's own limits already in preschool education and in primary school, e.g. as a part of already mandatory education on gender equality and equal opportunities.
- The training of professionals requires sufficient resources, for the professionals to be able to detect gender-based violence against women and its characteristics, ask the client about violence, acknowledge possible reporting duties, and refer the client to other support services. There is a special need for training among the professionals working in social welfare and health care and in education.
- In the upcoming governmental region, health and social services reform, the employers must be ensured to have appropriate training to be able to detect the characteristics of gender-based violence, do risk assessment, recognise the influence of violence on individual, children and close people, and be aware of the structures sustaining violence. Resources and systematic, long-term training where the expertise of NGOs is noticed and utilised are needed. Guaranteeing cooperation among the various old and new actors through appropriate training (Article 15) is crucial for the victims' rights and access to services.
- Vulnerable groups of people and the characteristics of violence against them should be taken into account in the training programmes (including honour-based violence, forced marriage, human trafficking, and prostitution). Professionals combating violence require information and training on dealing with people with disabilities and on accessibility in general.
- To fulfil Article 16, women of minority groups require a separate programme where the needs of different minorities (e.g. women having committed crimes, women with disabilities, women with long-term illnesses, Romani and Sami women, immigrant women, and women of gender and sexual minorities) are described and where recommendations and guidelines for preventing violence are given. Especially the support for the disabled women and girls whose self-determination has been limited due to their disabilities or who need special support for communication (e.g. plain language) should be taken into account in the recommendations.

- The police should systematically refer perpetrators to support services.
- Work done with the perpetrators should be equally accessible throughout the whole country, which would promote the ending of violence and the safety of the victims.

## Chapter IV – Protection and support

The fourth chapter includes provisions for protecting the victim from new acts of violence and for the help and support provided for victims to deal with the many consequences of violence. The UPR recommendations 93.100–108, 93.112–113, 93.115–117, and 93.119–123, accepted by Finnish Government, require the state to strengthen its efforts to prevent, detect and intervene on gender-based violence against women and girls, to undertake further measures aimed at eradicating violence against women, to promote gender equality, and to provide adequate support services and protection for the victims of domestic violence. In their comments<sup>14</sup>, the government has emphasised the major role of NGOs in combatting violence against women (comment 84) and the cooperation between authorities and NGOs.

The NGOs hope that these comments will come true in practice and that the expertise of NGOs will be fully utilised while implementing the Action Plan. This requires including the services provided by NGOs into the regional government, health and social services reform. NGOs are concerned about the future influence of the reform on the victim support services. It is yet unclear how people will be able to access the support services in areas of dispersed settlement, or how it will be ensured that the staff working in public social welfare and health care services will have adequate training to detect and help the victims of gender-based violence against women.

### Legislation

During the implementation of the Convention, the adaptation needs of legislation must be considered, for example to criminalise forced marriages, reform the Trans Act, and add the lack of consent as one of the characteristics of a sexual crime. According to the Convention, “marriages concluded under force may be voidable, annulled or dissolved without undue financial or administrative burden placed on the victim”.

Article 36 of the Istanbul Convention requires all parties to criminalise intentional engaging in any non-consensual act of a sexual nature with another person. In UPR recommendations 93.20–24, accepted by the Finnish Government, rape is defined as a sexual violation, and strengthening national laws on offences related to violence against women and girls is recommended. In Finland, only a small portion of all rapes is reported, and only a small portion of the reported rapes is prosecuted. What is more, rape sentences are considerably milder than for instance financial crime sentences.

Article 39 of the Convention forbids the forced sterilisation of women, which contradicts with the active Trans Act in Finland. The Trans Act requires infertility of transgender people who wish to change their legal gender, and it violates the human rights of transgender people and their right for self-determination and bodily integrity.

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<sup>14</sup> Report of the Working Group on the Universal Periodic Review. Finland 2017. Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review.  
<http://www.formin.fi/public/download.aspx?ID=86320&GUID={1FDD8740-1CD8-46E0-B6B8-DA5C88F16AAA}>

## **Information**

According to Article 19 of the Convention, victims should “receive adequate and timely information on available support services and legal measures in a language they understand”. The UPR recommendation 93.76, accepted by the Finnish Government, requires the state to take especially vulnerable groups, such as minorities and disabled victims of violence, into account in different victim services.

Currently, services and information do not reach all victims equally. Information needs to be provided via different ways, e.g. in large-print, in Braille, in sign language and in plain language. When producing digital material, it needs to be ensured that visually impaired people can view the files with their assistive devices. Children need to be also provided information on how they can get help for themselves, should they end up being victims of violence or should they live in an environment challenging their or their family’s wellbeing.

## **General support services**

The victims of domestic violence must have “access to services facilitating their recovery from violence. These measures should include, when necessary, services such as legal and psychological counselling, financial assistance, housing, education, training and assistance in finding employment” (Article 20 of the Convention). The Action Plan for the Istanbul Convention does not explicate how these support services are going to be provided. Consequently, the responsibility for providing general support services after a stay in the victim shelter rests with municipalities. In practice, low-threshold support services are produced mainly by NGOs, and there simply are not enough services to meet the demand. When it comes to accessibility and developing the services, vulnerable groups, such as women and girls with disabilities, old people, children, asylum seekers, and language and culture minorities, should be given more consideration.

## **Assistance in individual/collective complaints**

Finland has no legislation nor other measures for ensuring that victims of gender-based violence have access to information and international complaint mechanisms. It is unclear whether there is free legal aid available for making complaints to international human rights bodies, for example.

## **Specialist support services**

The provision of services is quantitatively insufficient, dependant on local circumstances and does not treat all victims equally. Considering the provisions under Article 4 of the Convention, the provision of services for e.g. women of different ethnic groups and women with disabilities is insufficient.

In addition to shelters for victims of domestic violence, other services for the victims of gender-based violence against women and domestic violence must be taken into account in the implementation of the Convention. The network of low-threshold support and services should be broadened to cover all forms of violence against women and girls, not only domestic or intimate partner violence. The access to services must not depend on the part of Finland the victim is living in. Children having witnessed and/or experienced violence must be encountered in shelters and low-threshold services in a child-friendly way, and they must be offered specialist services that address their personal needs.

## Shelters

NGOs are pleased that the state has increased funding for victim shelter services. The risk of surprising costs still rests with the service provider, though, and the funding remains insufficient to cover the number of needed family places. According to the National Institute for Health and Welfare<sup>15</sup>, clients were referred to another shelter due to lack of space for 1,198 times in 2016 in Finland. The regional coverage of the shelter network has been improved, and the number of family places have grown from 123 to 185 in three years. That is still under a half of the recommended number of the Council of Europe, according to which there should be 550 family places in victim shelters in Finland.

Maintaining shelters must be resourced sufficiently. According to the National Institute for Health and Welfare, the yearly cost of a shelter network compatible with recommendations is about 40 million euros. The additional funding of 2 million euros for years between 2017 and 2019 given by the government increases the funding up to just over 19 million euros, which is still insufficient to cover the required yearly cost. If the current pace of additional funding awarded to shelters remains the same, there will not be enough family places until 2030. The financial resources should meet the required level much faster than that.

Of the 26 shelters in Finland, 20 are maintained by NGOs. The state funding cannot be allowed to build a gap between shelters and outpatient services, since it would harm the client process and resource use. The state funding cannot be allowed to narrow the independence of the NGO providing the shelter service, either.

Victim shelters should be accessible to all groups of people. Easily accessible shelters enable people with physical disabilities to access protection. There has not been a comprehensive survey on accessible shelters, though The Women's Network of Disability Organisations has made an initiative for the matter to the working group of reforming Social Welfare Act already in 2012. In 2017, Women's Line made an initiative for adding information of accessible and partly accessible shelters on the Nollalinja helpline. The initiative included a document which could be used for mapping and evaluating the accessibility of each shelter. Even though accessibility has been improved in many places, most of the shelters still are not entirely accessible.

Shelters should be accessible to linguistic minorities, too. At the moment, the Sami women who are victims of domestic violence have no access to shelters and services according to their needs in Northern Finland, for example.

## Women and girls with disabilities (Article 6 CRPD<sup>16</sup>)

The Committee is concerned that the European Union has neither mainstreamed a disability perspective in all its gender-related policies, programmes and strategies, nor mainstreamed a gender perspective in its disability-related strategies.

The Committee recommends the European Union to mainstream the perspective of women and girls with disabilities in its forthcoming gender equality strategy, policies and programmes, and a gender perspective in its disability strategies. The Committee also recommends the European Union to develop affirmative actions for advancing the rights of women and girls with disabilities, to establish a mechanism to monitor progress and fund data collection, and to research women and girls with disabilities. The Committee further

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<sup>15</sup> National Institute for Health and Welfare 2017: Shelters for Victims of Domestic Violence.

<https://thl.fi/en/web/thlfi-en/statistics/statistics-by-topic/social-services-children-adolescents-and-families/shelters-for-victims-of-domestic-violence>

<sup>16</sup> Convention on the Rights of Persons with Disabilities. The United Nations.

<http://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx>

recommends the European Union to accede to the Istanbul Convention as a step for combating violence against women and girls with disabilities.

### **Telephone helplines**

In December 2016, the state-wide round-the-clock Nollalinja helpline for was set up. The helpline is aimed at anyone who has experienced violence in a close relationship, and it has been a positive advancement. Nollalinja has reached well women of the original population in Finland. It has not yet been able to reach immigrant women, though.

### **Support for victims of sexual violence**

In May 2017, The Sexual Assault Support Centre (Seri Support Centre) was opened in the Women's Hospital in Helsinki, which was another positive advancement. It is good news that there are going to be more such support centres in around Finland. It is a known fact, though, that immigrant women experience violence more often than women of the original population, and the Seri Support Centre in Helsinki has not been able to reach the them. The women with immigrant background who are victims of sexual violence should have access to support services, which should be taken better into account in the development work and in the training of professionals.

It is currently required that the sexual crime must have had happened within 30 days of seeking help. Often the threshold for seeking help is high for the victim of sexual violence, and it might take months or even years for them to seek help. The current limitation affects especially the most vulnerable groups and the help they seek and receive. The victims of rape and other acts of sexual violence should be offered support also after 30 days from the crime.

There is a need for low-threshold support services for non-acute sexual violence. In addition to immigrant women, other vulnerable groups, such as adolescents in after-care, women using intoxicants, and gender and sexual minorities, should be taken better into account while planning and providing services.

### **Protection and support for child witnesses**

The service system fails to offer enough opportunities for professionals to bring up the topic of violence experienced by children, and the chances for getting help are lacking. Children as witnesses of violence should be recognised in the service system as victims of violence, too. Violence is traumatising even when it is not physically targeted at the child, which should be considered in interventions and services and while making agreements of child custody and visiting rights. This requires a strong new legislative base. In addition, the child must also be heard while making these agreements. Children must be systematically provided with support services of their own every time an authority finds out about violent situations, where the child has been present.

In Sweden, children having been exposed to violence are being paid compensations from a crime victim fund. It would be justifiable to introduce that practice in Finland too, since seeing violence is as traumatising as experiencing it physically.

## Reporting by authorities and professionals

The Finnish legislation regarding one's right and duty to report acts of violence has been amended. Nevertheless, awareness of the reporting duty varies considerably among professionals, who often are the first ones to notice signs of domestic violence. Such professionals include kindergarten personnel, school personnel, social workers, police and emergency personnel.

Violence must be detected for it to be reported. The professionals should be provided with more information on different forms of violence, on its influence, and on how to ask the client about violence. Education on domestic violence and human rights should be increased in vocational training in social welfare and health care, at all educational levels. The staff should be provided with more information about their duty to report certain things despite confidentiality rules, and this knowledge and information should be systematically passed on to new staff, for example.

## Recommendations

- The upcoming national regional government, health and social services reform should take the services for the victims of violence and the accessibility and coverage of these services into account. The cooperation with NGOs should be strengthened. In support services, it is crucial to include work combating violence into the structures of the health and social services reform. The responsibility to provide violence support services compatible with the Social Welfare Act (1301/2014) will be transferred from municipalities to counties. When the change occurs, it must be ensured that there is a place for support services in the new structures. Improving on welfare, health and safety, including the implementation and monitoring of preventing violence, will be the responsibility of the counties. As such, the counties will need a model for a cooperative work combating violence between different actors. There have been positive experiences with the Saumuri / Väistö cooperation, developed by VIOLA – Free from Violence, that has been operating the whole time the Istanbul Convention has been active in Finland.
- The services for the victims of violence must be accessible to all groups immediately. The services must be accessible without making an appointment or having a social security number, money or knowledge of the Finnish language. The service network must be organised in a way that it takes the gender-specificity of the service and the diversity of women into account and secures the availability and accessibility of the services for vulnerable groups, such as elderly women, people with disabilities, gender and sexual minorities, homeless people, paperless people, and immigrant women.
- The deaf interpreter services must be treated as equal to other language interpreter services. The interpreting hours needed by a deaf person must not be subtracted from the quota of their ordinary interpreter service, if they need the service as a victim of violence.
- Article 48 of the Istanbul Convention requires the states to take the necessary measures to prohibit mandatory alternative dispute resolution processes in relation to all forms of violence covered by the scope of the Convention. Mediation is not mandatory in Finland, but the execution of mediation is problematic, considering the principles of the Convention. It lacks comprehensive policies for securing the victim's safety. Many NGOs do not approve of the use of mediation in cases where gender-based violence against women and domestic violence has been committed at all. If mediation is used, it must be victim-sensitive and trauma-informed, the victim must be referred to support services immediately, and it must oblige the perpetrator to get help, too. According to the law, cases including repetitive violence should not be mediated. The law is interpreted quite freely at the moment, and there are major differences across Finland. According to NGOs' understanding, cases including repetitive domestic violence are being referred to mediation.

- The lack of consent should be added as one of the characteristics of a rape. Most of NGOs suggest also the criminalisation of buying sex. People in prostitution must not be punished with legislation, and selling sex should not be criminalised, but the legislation should decrease the demand (or sex buying) and thus all commercial sexual exploitation and violence.
- The National Rapporteur on Trafficking in Human Beings has notified e.g. in their report on Nigerian women that Finland turns away / returns victims of human trafficking. The Aliens Act (301/2004) should be examined especially on the part of victims of human trafficking, since according to the current legislation, being a victim of human trafficking is not a reason for getting a residence permit, unless they are considered to be “in a particularly vulnerable position”. The legislation should highlight the vulnerability of human trafficking itself.

## Chapter V – Substantive law

The legislative measures required by the Istanbul Convention are not entirely active. For example, forced marriage and female genital mutilation have not been criminalised by laws of their own, so the special nature of these offences is not specified in the legislation.

According to the Convention, psychological violence should be criminalised. In the Criminal Code of Finland, psychological violence is included under the definition of assault. The provision is used extremely rarely, however. In addition, the definition of rape in the Criminal Code of Finland is based on force, not on lack of consent, as it should be according to the international human rights law. The CEDAW committee has also given a notification about this.

### **Custody, visitation rights and safety**

Finland has not taken all the necessary measures to ensure that gender-based violence against women is being taken into account in the determination of custody and visitation rights of children, as Article 31 of the Convention requires. The process of drafting a legislative reform concerning the custody and visitation rights of children has been executed against the international obligations binding Finland<sup>17</sup>. Women’s organisations have not been included in the process and the representation of minority groups was also lacking in the monitor group.

The UN Committee on the Elimination of Discrimination against Women found in its Communication No. 103/2016<sup>18</sup> that Finland should “adopt measures to ensure that domestic violence is given due consideration in child custody decisions”, “conduct an exhaustive and impartial investigation to determine whether there are structural failures in the State party’s system and practices that may cause victims of violence to be deprived of protection”, and “strengthen the application of the legal framework to ensure that the competent authorities may respond with due diligence to situations of domestic violence”. The obligation of due diligence under the Istanbul Convention also requires taking these measures.

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<sup>17</sup> See e.g. Article 7 of the Convention on the Elimination of All Forms of Discrimination against Women. <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>

<sup>18</sup> Committee on the Elimination of Discrimination Against Women 2016: Communication No. 103/2016. [https://ihmisoikeuskeskus-fi-bin.directo.fi/@Bin/1384d18d54475134950df32c430ddcfc/1525856391/application/pdf/6347799/CEDAW\\_No\\_103\\_2016\\_ratkaisu%20%28002%29.pdf](https://ihmisoikeuskeskus-fi-bin.directo.fi/@Bin/1384d18d54475134950df32c430ddcfc/1525856391/application/pdf/6347799/CEDAW_No_103_2016_ratkaisu%20%28002%29.pdf)

In the drafting of the legislative reform, the requirement to take gender-based violence against women into account in the determination of custody has not been referred to. Violence is only mentioned in a part concerning the general purpose of custody, where it is said that the child must be protected from violence. Sections concerning determination of custody and visitation rights are mainly carrying out the parents' duty for cooperation. The proposal legislation is defective and does not comply with the obligations of the Istanbul Convention.

### **Civil consequences of forced marriages**

Article 32 of the Convention requires that "marriages concluded under force may be voidable, annulled or dissolved without undue financial or administrative burden placed on the victim". The memo<sup>19</sup>, which was commissioned by Ministry of Justice in 18<sup>th</sup> October 2017, acknowledges the need for voiding forced marriages. Voiding forced marriages is especially important for the victims, since after voiding, the marriages concluded under force do not exist. At the same time, the state would note that the victims have been wronged and their basic and human rights have been violated.

Article 37 requires states to "take the necessary legislative or other measures to ensure that the intentional conduct of forcing an adult or a child to enter into a marriage is criminalised". Currently, there is no separate section on forced marriage in the Criminal Code of Finland. Under the Criminal Code, forced marriage is punishable as trafficking in human beings, aggravated trafficking in human beings or coercion.

The legislation on trafficking in human beings does not cover all forms of forced marriage. For instance, coercion is a crime where prosecution rests with the plaintiff, which means that the police will only investigate if the plaintiff has reported it to the police, and thus the plaintiff is liable to start the criminal investigation. This might be impossible for the victim of forced marriage who is in a vulnerable position. As of now, the protection of victims of violence in Finland has not been materialised efficiently, and as a result, the threshold for reporting forced marriage is high. Resulting from this, Finland has received several comments from various human rights organisations. Victims of honour-based violence, in particular, have been poorly protected.

The current legislation is not adequate. The assumption that other sections, such as the section on trafficking in human beings, should cover even forced marriage is incorrect. The memo commissioned by Ministry of Justice in 18<sup>th</sup> October 2017 also notes that the current legislation is not quite functional enough. Despite the increase in numbers of forced marriage situations, there are no verdicts on the matter in Finland.

In the work of the authorities against human trafficking, the strong connection between human trafficking and both prostitution and sexual abuse of women and girls must be taken into account. The National Rapporteur on Trafficking in Human Beings has noted many times that sexually abused victims of human trafficking are exceptionally poorly recognised in Finland.

Under the current state policies, the victims of human trafficking are not entitled to the services provided for victims of gender-based violence against women. In practice, their access to services depends on their willingness to testify against their perpetrators.

The measures mentioned in the Action Plan for the Istanbul Convention are important but not sufficient. It is already acknowledged that the competencies of authorities are inadequate for intervening and acting in

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<sup>19</sup> Toivonen 2017: Pakkoavioliittojen esiintyminen ja ilmitulo Suomessa. (Only in Finnish.)  
<http://oikeusministerio.fi/documents/1410853/4750802/Avioliittoon+pakottaminen+-+selvitysmuistio+2017+HY.pdf/8b68f4a4-8c0e-43e0-9314-a40af9e4c56f/Avioliittoon+pakottaminen+-+selvitysmuistio+2017+HY.pdf.pdf>

situations of forced marriage or threat. As such, the mentioned measures cannot ensure that the acts are punishable.

### **Female genital mutilation**

The Action Plan for the Prevention of Circumcision of Girls and Women was in effect in Finland from 2012 to 2016. As a part of the Action Plan for the Istanbul Convention, the Ministry of Social Affairs and Health will create another action plan against female genital mutilation for 2018 to 2020. It is important to work on the prevention of female genital mutilation and provide treatment and aid for victims. This could also possibly increase the authorities' understanding of the phenomena and provide them with the right tools to intervene. As of now, the work against female genital mutilation is heavily dependent on NGOs, particularly the Finnish League for Human Rights.

The execution of the previous Action Plan for the Prevention of Circumcision of Girls and Women 2012–2016 was rather small-scale, especially for the part of training authorities and professionals. According to the current knowledge of the Finnish League for Human Rights, professionals and authorities do not discuss female genital mutilation with their clients coming from areas practicing mutilation, and thus do not fulfil their duty to report. This outcome is equally presented in the final evaluation report<sup>20</sup> of the Action Plan for the Prevention of Circumcision of Girls and Women 2012–2016.

### **Sexual harassment**

Sexual harassment is prohibited in Finland through the Act on Equality between Women and Men, but the Act does not include justifiable rights for victims outside certain domains of life (working life, educational institutions, provisions of goods and services). The Criminal Code only prohibits physical sexual harassment. The provisions on harassment (or rather bullying) under the Act on Occupational Safety relate only to health damaging work-related harassment. For full implementation of Article 40 of the Convention, a general provision involving all situations and forms of harassment is needed.

Article 46 of the Convention requires the parties take necessary legislative or other measures to ensure that certain circumstances are listed as aggravating circumstances in criminal law. The Criminal Code of Finland lists several aggravating circumstances, but most of them concern organised crime. There are no mentions of offences committed against a former or current spouse or partner, member of family, or a person cohabiting with the victim under the provision on aggravating circumstances nor the definitions of relevant crimes. Abuse and misuse of power and authority is mentioned under certain crime definitions, but not under all relevant crime definitions or the general provision on aggravating circumstances. The offence being committed against a vulnerable person is not mentioned, nor is the offence being committed in the presence of a child. The level of violence is not systematically considered as an aggravating circumstance. A further issue is that the definition of rape is based on force, not on lack of consent.

### **Prohibition of mandatory alternative dispute resolution processes or sentencing**

In domestic violence cases in Finland, mediation is initiated by the police or prosecutor. On certain grounds, the prosecutor may decide not to prosecute, in which case the settlement reached between the parties and the suspect's possible willingness for settlement will be taken into account on grounds of what is commonly

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<sup>20</sup> Koukkula, October, Kolimaa & Klemetti 2017: Final evaluation of the Action Plan for the Prevention of Circumcision of Girls and Women 2012–2016 (FGM). National Institute for Health and Welfare.  
[http://www.julkari.fi/bitstream/handle/10024/131892/URN\\_ISBN\\_978-952-302-816-6.pdf](http://www.julkari.fi/bitstream/handle/10024/131892/URN_ISBN_978-952-302-816-6.pdf)

referred to as reasonability. If the prosecutor decides to prosecute, the court has a chance to take the settlement reached between the parties into account as a reducing fact for the punishment.

In Finland, the mediation of cases including violence in close relationships is not mandatory, but its growing numbers during the past few years send an alarming message. The CEDAW committee has also given multiple notifications of using mediation in domestic violence cases. In 2016, there were 2,300 crimes against life and health committed in close relationships among the mediation initiatives. Most of these cases included intimate partner violence and had a male perpetrator and a female victim. In 2016, the percentage of close relationship violence cases in all cases ending up in mediation was 18 %<sup>21</sup>, while in 2011, the percentage was still 14.75 %<sup>22</sup>.

In the legislation of mediation of crime and disputes and in its preparatory work, there are reservations concerning mediation of domestic violence cases. The prevalence of mediation indicates that the Finnish mediation offices do not take the reservations in the preparatory work of the mediation legislation and in the explanatory report Istanbul Convention seriously enough – consequently, the mediation of domestic violence seems to have become a normal practice in Finland. According to the preparatory work of the mediation legislation, sexual crimes must not be mediated, but they can be referred to mediation while being part of mediation of wider domestic violence.<sup>23</sup>

The current Government Action Plan for Gender Equality mentions that the criteria of mediation in cases of violence against women and violence in close relationships will be examined. More specifically, the aim is to look at what types of cases are accepted to mediation and how the mediation process proceeds. A working group is going to evaluate and clarify the referral for mediation and estimate the possible need for change in the legislation. Data will be collected via interviews about practices in mediation of cases of close relationship violence at the mediation offices and via inquiries about referring practices of the police and prosecutor. According to the latest information, after receiving critique from NGOs, the National Institute for Health and Welfare has decided to add experiences of mediation clients in the reporting. Still, they do not intend to examine the repeat crime of the perpetrators of violence in close relationships.

## Recommendations<sup>24</sup>

- The Criminal Code should explicate psychological violence as one of the crimes against life and health.
- The principle mentioned in article 31, paragraph 2 of the Istanbul Convention must be referred to in the legislation text concerning custody and visitation rights of children. A provision for requiring to take violence or threat of violence against another parent into account in child custody decisions should be also added.
- The protection of both the other parent (ex-partner) and the children against acts of violence when custody and visitation rights are exercised is not sufficient. There is an urgent need for comprehensive and mandatory guidelines on how the safety of the victim and children could be guaranteed. What is more, the parent should not be required to contribute to the relationship that is harmful for the child by demanding them to cooperate with the violent parent.

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<sup>21</sup> National Institute for Health and Welfare 2017: Mediation in criminal and civil cases 2016. Statistical report.

[https://www.julkari.fi/bitstream/handle/10024/134653/Tr15\\_2017.pdf](https://www.julkari.fi/bitstream/handle/10024/134653/Tr15_2017.pdf)

<sup>22</sup> National Institute for Health and Welfare 2014: Mediation in criminal and civil cases 2013. Official Statistics of Finland.

[https://www.julkari.fi/bitstream/handle/10024/116237/Tr17\\_14.pdf](https://www.julkari.fi/bitstream/handle/10024/116237/Tr17_14.pdf)

<sup>23</sup> National Institute for Health and Welfare 2017: Mediation in criminal and civil cases 2016. Statistical report.

[https://www.julkari.fi/bitstream/handle/10024/134653/Tr15\\_2017.pdf](https://www.julkari.fi/bitstream/handle/10024/134653/Tr15_2017.pdf)

<sup>24</sup> In accordance with their principles, Victim Support Finland don't usually – and thus not in this statement, either – comment on the criminal sanctions of perpetrators.

- Forced marriage must be criminalised.
- It must be possible to void, annul or dissolve a forced marriage; divorce is not enough. Finland must take the necessary measures to create procedures for the immediate protection and support of the victims of forced marriage. Children born during forced marriage and their special needs must be taken into account.
- The implementation of Article 37 of the Convention requires earmarked resources.
- The New Action Plan for the Prevention of Circumcision of Girls and Women 2018–2020 should ensure that authorities have necessary training on female genital mutilation and adequate knowledge on its different types, prevention, and intervention measures. Furthermore, Finland must increase awareness on issues regarding intervention and the duty to report. In addition, there should be collected data and statistics on the fulfilment of the obligations to report and intervene. On top of that, Finland must offer the victims sufficient physical and mental treatment.
- Cooperation between public authorities and NGOs is particularly important, since NGOs have strong expertise on female genital mutilation and are involved in the implementation of the Articles of the Istanbul Convention.
- The work against female genital mutilation must be provided with earmarked resources.
- The Criminal Code should explicitly state that all violations of the right for sexual self-determination are punishable. While accepting the Istanbul Convention, Finland has also agreed that lack of consent is the core of defining rape.
- The list of aggravating circumstances under the Criminal Code should be complemented in such a way that it corresponds with Article 46 of the Convention.
- Unwanted verbal or non-verbal behaviour must be included in the characteristics of sexual harassment.
- The plan to prevent and intervene sexual harassment in the workplace must be included in the Act on Equality between Women and Men.
- The requirement for infertility and forced sterilisation must be dropped as terms for confirming juridical gender.
- The need for changing the legislation concerning the mediation in cases including violence against women must be properly evaluated. There is no national research on the status of mediation on the trial or its legal effects. There is no comprehensive information about settlements of different types of crimes available in the mediation statistics. There are no national statistics or other information of the fulfilment of these settlements. There must be separate statistic information of the court trials of mediation cases. The renewal rate of mediated crimes concerning violence in close relationship must be examined as well. The National Institute for Health and Welfare reports of violence in close relationships mainly as a whole, even though different forms of close relationship violence manifest in different ways. The Institute would be able to report these separately.
- Mediation of child custody and visitation rights disputes at court cases involving gender-based violence against women may violate Article 48 of the Convention.

## Chapter VI – Investigation, prosecution, procedural law and protective measures

Risk assessment and risk management are not carried out comprehensively and systematically in all situations and locations. Possession of firearms is exceptionally common in Finland, and as such it is important to ensure that protective measures involve monitoring the perpetrator's access to firearms.

There are annual occurrences of femicides and familicides in Finland, yet there has been no discussion of the risk analysis for the perpetrators or of developing a preventive treatment programme for them. In fact, the Action Plan for the Istanbul Convention does not even mention risk assessment for the perpetrators. The public discussion tends to focus on the child welfare and social services for failing to protect the victims, instead of taking a problem-solving approach. It would be more productive to think about how we can improve the Finnish legislation and the means to perform psychiatric or risk assessment to the perpetrators immediately in situations when the first violent incidents come to authorities' attention.

There has been little to no discussion on court-mandated programmes for perpetrators of domestic violence to be developed in Finland. Active NGOs have established co-operation with the Uusimaa Community Sanctions Office, so that part of the community service can be fulfilled by participating in individual counselling sessions of the perpetrator programmes. The participation is voluntary, however.

A collaboration model between the police investigators and perpetrator programmes does exist ("Katkaise väkivalta"<sup>25</sup>). The investigators tell every suspect of a domestic violence crime about the local perpetrator programme and then pass on the men's contact info to the programme workers. The National Institute for Health and Welfare carried out a project to disseminate the collaboration model during 2012 and 2013.<sup>26</sup> After the project, there has been no funding for training and dissemination. In the Action Plan for Istanbul Convention, there is no mention of training the police and the perpetrator programmes to the existing collaboration model, or any other collaboration between authorities and NGOs. Despite of the lack of funding, the collaboration started in some parts of the Eastern Uusimaa region (population c. 320,000) in 2017, and the decision to take the collaboration model into action has been made in the Ostrobothnia region, also in 2017 (population c. 190,000). The collaboration between the police investigators and NGOs exist solely because of the determination of the investigators and the NGOs to reduce re-offending and to provide psychosocial support to all men suspected of domestic violence.

### Restraining or protection orders

The Finnish legislation contains provisions on restraining orders, which can be applied by both the victim and the authorities. As the victims of gender-based violence are often prevented or unwilling to make use of their right to restraining orders, these orders should be applied more routinely *ex officio*.

From the beginning of 2016, it now costs 250 euros to apply for a restraining order.<sup>27</sup> NGOs are concerned that the addition of payment may place undue financial burden on the victim, which is against the Istanbul Convention. The payment complicates especially the most vulnerable victims' access for help. There are no measures concerning Article 53 mentioned in the Action Plan.

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<sup>25</sup> In English "Cut the violence".

<sup>26</sup> Hyvärinen & Hautamäki 2013: Katkaise väkivalta – lähisuhde- ja perheväkivallasta epäillyn ohjaaminen esitutkinnasta väkivaltaa katkaisevaan palveluun. The National Institute for Health and Welfare.  
[https://www.julkari.fi/bitstream/handle/10024/110163/URN\\_ISBN\\_978-952-245-922-0.pdf?sequence=1](https://www.julkari.fi/bitstream/handle/10024/110163/URN_ISBN_978-952-245-922-0.pdf?sequence=1)

<sup>27</sup> The payment is to be made only if the application is refused.

<https://www.riku.fi/en/guides+and+instructions/restraining+order/>

NGOs have heard alarming stories of cases where they have started using mediation in the trial concerning the restraining order. In these stories, a warning was given first, and the actual restraining order was not given until a second court session.

### Recommendations

- Collaboration between the police and the perpetrators' programmes must be increased. This requires cooperation between authorities and NGOs.
- Applying for a restraining order must be made completely free of charge for the victim.
- The authorities with the mandate to start a restraining order procedure *ex officio* should be encouraged to use the mandate more often.
- Criminal-law sanctions covered by the Istanbul Convention must not be disregarded by using mediation.

## Chapter VII – Migration and asylum

The surprising and rapid rise in the amount of asylum seekers in 2015 and 2016 caused many types of exceptional situations and shortages in accommodation, interpreting, legal aid, and other services. During 2017, the reception of asylum seekers has returned to its normal state.

Based on the experiences received from the “Lapsiperhe turvapaikanhakijana”<sup>28</sup> project by the Federation of Mother and Child Homes between 2012 and 2017, it is desirable to have separate reception centres for families with children and women being alone. Despite the existence of these kinds of centres, occasionally women seeking asylum alone or families have been placed in centres where all other residents have been men. This may increase risks for the women or cause them feelings of insecurity. Transferring children and families from one centre to another should be avoided, and the feeling of stability and security should be endorsed.

Another good practice that was discovered was having a separate reception centre reserved only for sexual minorities for their personal safety. The existence and location of the centre were kept secret from the public. If members of sexual minorities were to be placed in regular reception centres, they may encounter problems with the other residents, or alternatively they may be forced to hide their sexual identities.

Principally, asylum seekers can wish for a male or female interpreter in public services and in asylum interview. It would be recommendable to use interpreters in children's meetings without parents, too.

Reducing the legal aid of asylum seekers other than specific vulnerable groups is a serious mistake that may result in issues like gender-sensitive matters not coming out while seeking for asylum. This, in turn, may result in an asylum decision being made based on defective information. When making an asylum decision, considerations for gender-based violence and the best interest of a child should explicitly be registered as a part of the decision process. In addition, it should explicitly be noted how a possible deportation will affect these issues.

As a legislative measure, the right to an autonomous residence permit for domestic abuse victims was added to the Finnish Aliens Act in Section 54 in August 2015. It has been discovered, however, that asylum seekers are generally not aware of this specific provision. Furthermore, it is relatively arduous for the applicants to

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<sup>28</sup> In English “A family with children seeking asylum”.

prove the possible threat of female genital mutilation or honour-based violence, as they have generally not had the opportunity to speak to anyone about it.

Article 59 of the Convention requires that “victims whose residence status depends on that of the spouse or partner as recognised by internal law, in the event of the dissolution of the marriage or the relationship, are granted in the event of particularly difficult circumstances, upon application, an autonomous residence permit irrespective of the duration of the marriage or the relationship”. Even though Finland has made the necessary changes in the Aliens Act, they are not typically applied in practice while handling applications. MONIKA – Multicultural Women’s Association receives annually from 20 to 30 requests for help from women who have received negative residence permit decisions regardless of extreme violence in their marriages or intimate relationships. NGOs recommend including the implementation of Article 59 in the Action Plan for the Istanbul Convention, for example by training the immigration office staff.

On a positive note, the Finnish Immigration Service (Migri) purchased training packages on female genital mutilation and honour-based violence from the Finnish League for Human Rights in 2016 and 2017. The intention of the training was to expand Migri’s employees’ knowledge on female genital mutilation and honour-based violence in the asylum process.

The threat of female genital mutilation and honour-based violence is not fully taken into account in the asylum process. Thus, Finland cannot fully ensure that girls or women in need of protection against violence are not returned to a country where they might face inhuman or degrading treatment.

The Finnish authorities should track what happens to families and women deported from Finland after their deportation in countries such as Iraq and Afghanistan. In many countries, just leaving and having to return may cause problems and the loss of one’s honour. If a family or a girl/woman has problems with honour-based violence, they are usually not safe from them, even if they were to return into a different part of the country where they came from.

## **Recommendations**

- The fulfilment of the requirements of the Istanbul Convention in processing residence permits must be ensured. Implementation of the right to an autonomous residence permit for domestic abuse victims must be strengthened and added to the Action Plan.
- Addressing gender-based violence and the best interests of a child need to be explicitly taken into account in the asylum-seeking process. It also needs to be explicitly noted how possible deportation will affect these issues.
- The Finnish authorities should track what happens to families and women deported from Finland after their deportation in countries such as Iraq and Afghanistan.