



# GREVIO

## Baseline Evaluation Report Finland

” Group of Experts  
on Action  
against Violence  
against Women and  
Domestic Violence  
(GREVIO)



**Istanbul Convention**



**GREVIO's (Baseline) Evaluation Report**  
on legislative and other measures  
giving effect to the provisions  
of the Council of Europe Convention  
on Preventing and Combating  
Violence against Women and Domestic Violence  
(Istanbul Convention)

**FINLAND**

Group of Experts  
on Action against Violence against Women  
and Domestic Violence (GREVIO)

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## Foreword

The Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) is an independent human rights monitoring body mandated to monitor the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210) (“the Istanbul Convention”) by the parties to the convention. It is composed of 15 independent and impartial experts appointed on the basis of their recognised expertise in the fields of human rights, gender equality, violence against women and/or assistance to and protection of victims.

GREVIO’s statutory activities include country-by-country monitoring of the Istanbul Convention (evaluation procedure), the initiation of inquiries into specific circumstances within a party to the convention (inquiry procedure) and the adoption of general recommendations on themes and concepts of the convention.

This report is the fruit of the first (baseline) evaluation procedure carried out in respect of Finland. It covers the Istanbul Convention in its entirety<sup>1</sup> and thus assesses the level of compliance of Finnish legislation and practice in all areas covered by the convention. In light of the scope of the convention – as set out in its Article 2, paragraph 1 – the baseline evaluation focuses on measures taken in relation to “all forms of violence against women, including domestic violence, which affects women disproportionately”. Hence, the term “victim” used throughout this report is to be understood as referring to a woman or girl victim.

Based on this assessment, the report proposes measures to strengthen the implementation of the convention. In proposing such measures, GREVIO has adopted the use of different verbs which correspond to different levels of urgency, noting that all levels are important. These are, in order of priority, “urges”, “strongly encourages”, “encourages” and “invites”. GREVIO uses “urges” where it considers that immediate action is required to bring the party’s legislation or policy into compliance with the Istanbul Convention, or to ensure its implementation. “Strongly encourages” is used where GREVIO has noted shortcomings which need to be remedied in the near future in order to ensure a comprehensive implementation of the convention. A third level of urgency is indicated by the use of “encourages”, which is used for shortcomings that require attention, though possibly at a later stage. Lastly, the verb “invites” points to small gaps in implementation which the party is requested to consider closing or to proposals made to provide guidance in the implementation process.

The first (baseline) evaluation procedure is made up of several steps, each of which allows GREVIO to obtain critical information upon which to base its report. It is carried out as a process of confidential dialogue with the aim of offering country-specific proposals and suggestions for improvement developed within the national context of the party under review. These include the following:

- submission, by the party, of a report drawn up on the basis of GREVIO’s baseline questionnaire (the state report);
- an evaluation visit to the party under review to meet with governmental and non-governmental representatives working in this field;
- comments by the party on GREVIO’s draft report;
- publication of GREVIO’s report after its adoption together with any comments received from the party.

GREVIO also collects additional information from various other sources, including non-governmental organisations (NGOs), other members of civil society, national human rights institutions, Council of Europe bodies (the Parliamentary Assembly, Human Rights Commissioner and other pertinent bodies) as well as other international treaty bodies. Within the framework of the

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1. With the exception of Chapter VIII of the convention, which GREVIO considered as less relevant in assessing the national situation in each contracting party.

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evaluation of Finland, GREVIO received written contributions from the Finnish League for Human Rights together with the End FGM European Network, from Amnesty International and from the Human Rights Centre, as well as a parallel report submitted by a coalition of NGOs co-ordinated by the Federation of Mother and Child Homes and Shelters and the Women's Line.

The state report and the written contributions submitted by civil society have been made public and are available on the official website of the Istanbul Convention.

The analysis, suggestions and proposals contained in this first baseline evaluation report were drawn up under the exclusive responsibility of GREVIO. It covers the situation as at April 2018. Developments since that date are neither covered in the analysis nor taken into account in the conclusions and proposals therein.

According to the convention, national parliaments shall receive this report from the national authorities (Article 70 paragraph 2). GREVIO requests the national authorities to translate this report into their official national language(s) and to ensure that it is widely disseminated, not only to the relevant state institutions at all levels (national, regional and local), in particular to the government, the ministries and the judiciary, but also to NGOs and other civil society organisations which work in the field of violence against women.

## Executive summary

This report provides an assessment of the measures of implementation taken by the Finnish authorities with regard to all aspects of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (hereafter “the Convention”).

This assessment has been carried out by the Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), an independent human rights monitoring body mandated to monitor the implementation of the convention. GREVIO’s findings are based on the information obtained during the various steps of the first (baseline) evaluation procedure set out in Article 68 of the convention. These include written reports (a state report submitted by the Finnish authorities and additional information submitted by NGOs) as well as a 5-day evaluation visit to Finland. A list of the bodies and entities which GREVIO exchanged with can be found in Appendices II and III.

The report highlights the many Finnish initiatives, past and present, taken in the prevention and combating of violence against women - clearly framed as a human rights violation as required by international standards. It praises Finland’s long history in promoting the equality between women and men and the various national action plans and policy documents to this extent. The adoption of the Action Plan for the Istanbul Convention (2018-2021) demonstrates the authorities’ clear political will and leadership to implement the convention to the fullest, which GREVIO welcomes. A coordinating committee (NAPE) has been set up to ensure progress across the relevant line ministries, and several important measures, such as the setting up and funding of the national helpline Nollalinja. GREVIO welcomes the overall progress that has been made in increasing the provision of services for women victims of violence, in particular through the setting up of sexual violence referral centres (SERI) throughout the country. The amendments to the Act on State Compensation to Providers of Shelter Services now ensure the funding of domestic violence shelters through compensation by the central government instead of the municipalities, and the overall funding allocated is being significantly increased to ensure greater levels of service provision. This also impacts positively on service use, because the new funding system allows the admission of all women, regardless of nationality, residence or other status, which GREVIO welcomes.

In addition, GREVIO notes positive developments with regard to crucial reforms, such as the reform of the Finnish Criminal Code in the area of sex offences. First steps towards a comprehensive reform have been taken in order to base the criminal offence of rape on the lack of consent rather than the use of force, which will hopefully lead towards more stringent compliance with Article 36 of the Istanbul Convention.

The strong policy tradition of working towards equality between women and men in Finland has, however, shifted attention in some areas (for example domestic violence) to a gender-neutral approach in policy making and service provision. GREVIO notes that this may not always do justice to the particular experiences of women as victims of domestic violence, who are more frequently and more severely impacted.

Despite the above, GREVIO observed a number of issues where improvement is warranted in order to reach higher levels of compliance with the requirements of the Istanbul Convention. These relate, for instance, to the issue of training of professionals in the criminal justice system. Key professionals, such as prosecutors and law enforcement officers, are not systematically trained before taking up their duties on how to intervene in cases of violence against women, including domestic violence. Once in service, training is voluntary and limited to domestic violence and sex offences. It does not include other complex forms of violence against women, such as stalking, forced marriage, female genital mutilation, and “honour-related violence“. In GREVIO’s view, this accounts for the difficulties that persist in responding adequately to all forms of violence against women, which are exacerbated by the absence of binding guidelines and protocols. Without an in-depth understanding of the gendered nature of all forms of violence against women, underlying issues of power and control and its impact on victims, investigations and case-building will be lacking in quality. Clear protocols and guidelines setting the standards of institutional response and a high

degree of awareness and understanding of the cycle of abuse and its consequences on women and children form the cornerstone of a holistic response by first responders such as the police, which must involve the referral of victims to specialist support services. Guaranteeing women's right to being interviewed by same-sex police officers - as set out in Finnish law - will also require a significant increase in the number of female police officers among the forces.

The level of training on domestic violence, its dynamics, risks and compounding factors also correlates to the level of use that is made of emergency barring and protection orders. This report notes a number of factors that seem to hamper the effective implementation of the Finnish Act on Restraining Orders. The absence of awareness, among law enforcement agencies, of the positive effects which such orders can have on victim safety is one of them. As a temporary measure, they are tools to create much-needed distance from an abusive partner in the physical sense as much as in the emotional sense. Exceptions in relation to visitation rights to children should thus not be made.

In more general terms, the position of children who have witnessed or experienced domestic violence in Finland is, to some extent, overlooked during separation and in post-separation parenting. Judges do not always consider violence by one parent against another as a reason to restrict the abuser's right of access to their child - resulting from a lack of awareness of the impact that past exposure to violence may have on children's development. This cuts through the judiciary and social services alike. The reform of child custody legislation that is currently underway provides an excellent opportunity to remove the notion that access rights can be facilitated through supervised or supported visitation despite confirmed reports of violence. Changes to the law must also be flanked by comprehensive training and awareness raising initiatives to ensure it is implemented in practice by all relevant actors (judiciary, social services, child protection).

Lastly, the report points to the need to facilitate in a more practical manner foreign women's access to an independent residence permit who derived their residence from an abusive sponsoring spouse. GREVIO welcomes that this possibility was introduced in the Finnish Aliens Act but notes that it has yet to develop its full potential. Until it does, foreign women in Finland continue to live with their abusive sponsoring spouse for fear of deportation if they separate, and worse, for fear of having to leave behind their children if deported.

While GREVIO welcomes Finland's ratification of the Istanbul Convention and the efforts taken in its implementation, it has identified a number of priority issues requiring further action by the Finnish authorities to comply fully with the convention's provision. Drawing from the above and in addition thereto, these relate to the need to:

- enhance the application of a gendered perspective in the implementation of the Istanbul Convention, including its provisions in relation to domestic violence;
- ensure that the provisions of the Istanbul Convention are implemented without discrimination on any of the grounds listed in Article 4, paragraph 3, which would include improving the regional accessibility of shelters as well as their accessibility for women with disabilities, women from the different Roma communities and women with substance-abuse issues;
- develop, on the basis of the existing national action plans and the lessons learnt therefrom, a long-term co-ordinated plan/strategy placing the rights of victims at the centre of all measures to implement the Istanbul Convention in its entirety and with due regard to the gendered nature of all forms of violence against women, including domestic violence;
- ensure appropriate human and financial resources for any policies, measures and legislation aimed at preventing and combating violence against women and for the institutions and entities mandated with their implementation;
- recognise, encourage and support women's NGOs active in preventing and combating violence against women, including community-based grass roots movements of migrant women;
- introduce the collection of data in the health care and criminal justice sector related to violence against women - disaggregated by sex, age and relationship of the perpetrator to the victim, type of violence and geographical location.
- ensure the provision of specialist women's support services with a gendered approach, providing comprehensive, immediate, short- and long-term support to all women victims of

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- violence and their children, and introduce the practice of referral to such services by law enforcement agencies;
- review the criminal offences of rape, sexual violence, stalking, sexual harassment and forced marriage to increase their operational use and to align them more closely with the requirements of the Istanbul Convention; and to
  - identify and address the reasons for the high rates of domestic violence and rape cases that drop out of the criminal justice system (attrition).

Furthermore, GREVIO has identified a number of additional areas in which improvements are required in order to comply fully with the obligations of the convention. These relate, among others, to the need to ensure accessible and long-term funding for domestic violence shelters and NGO-run specialist services on all forms of violence against women as well as the need to make available programmes in the area of social benefits and financial assistance, professional training and social housing with a view to ensuring the economic empowerment of women victims of violence. Higher degrees of awareness of the different forms of violence against women, and cultural sensitivity towards the specific situation of women from national minorities such as the Sámi as well as other distinct groups of women in Finland, are also needed.

## Introduction

Finland ratified the Istanbul Convention on 17 April 2015. In accordance with Article 78, paragraph 2, of the convention, Finland reserves the right not to apply the provisions laid down in Article 55, paragraph 1, in respect of Article 35 of the convention. This reservation is valid for a period of five years from the day of the entry into force of the convention in respect of Finland and may be renewed. GREVIO may request an explanation of the grounds on which continuance of the reservation is justified and may make suggestions and proposals accordingly. GREVIO takes the view that working towards the lifting of reservations in order to ensure full implementation of the convention's provisions is an integral element of the evaluation procedure.

The Istanbul Convention is the most far-reaching international treaty to tackle violence against women and domestic violence. Its comprehensive set of provisions spans far-ranging preventive and protective measures as well as a number of obligations to ensure an adequate criminal justice response to such serious violations of human rights. It covers new ground by asking that root causes of violence against women (such as gender stereotyping, traditions harmful to women and general manifestations of gender inequality) be addressed.

The convention sets up a monitoring mechanism to assess the level of implementation by its parties. This monitoring mechanism consists of two pillars: the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), an independent expert body, and the Committee of the Parties, a political body composed of official representatives of the parties to the convention.

In accordance with Article 68 of the convention, GREVIO initiated the baseline evaluation in respect of Finland by letter and transmission of its questionnaire on 31 October 2017. The order of reporting to GREVIO is based on a combination of regional groupings and order of ratification. The Finnish authorities subsequently submitted their state report on 3 May 2018 – the deadline set by GREVIO. Following an examination of the Finnish state report, GREVIO carried out an evaluation visit to Finland which took place from 29 September to 05 October 2018. The delegation was composed of:

- Rosa Logar, Member of GREVIO,
- Iris Luarasi, Member of GREVIO,
- Eileen Skinnider, Consultant, Canada,
- Lisa Grans, Researcher, Finland,
- Johanna Nelles, Administrator at the Secretariat of the monitoring mechanism of the Istanbul Convention.

During the evaluation visit, the delegation met with a wide range of governmental and non-governmental representatives working in the area of preventing and combating violence against women. The national authorities, non-governmental organisations and others who met the delegation are listed in Appendix II of this report. GREVIO is very grateful for the valuable information provided by all of them.

The evaluation visit was prepared in close co-operation with Marjatta Hiekka of the Ministry of Foreign Affairs, who was appointed as contact person for the evaluation by GREVIO. GREVIO wishes to extend its gratitude for the co-operation and support provided throughout the entire evaluation procedure and for the constructive approach adopted by the Finnish authorities.

As this was a first baseline evaluation, GREVIO has looked into the measures of implementation taken by the Finnish authorities with regard to all aspects of the convention and reviewed data from the years 2015 and 2016. For the sake of brevity, this report prioritises some provisions over others. While it addresses all chapters of the convention (except Chapter VIII), it does not present detailed assessments and conclusions on every provision in each of these chapters.

## **I. Purposes, definitions, equality and non-discrimination, general obligations**

### **A. General principles of the convention**

1. Chapter I of the Istanbul Convention sets out general principles which apply to all the substantive articles contained in Chapters II to VII. These principles include, among others, that it is a fundamental human right for everyone, including women, to live a life free from violence in both the public and the private sphere, that the convention must be implemented without discrimination on any ground and that the potential for, and effects of, multiple forms of discrimination should be borne in mind. They also emphasise that a gender perspective must be integrated into the implementation of the convention and the evaluation of its impact.

### **B. Scope of application of the convention and key definitions (Articles 2 and 3)**

2. In light of the scope of the Istanbul Convention set out in its Article 2, paragraph 1, the first baseline evaluation focuses on measures taken in relation to all forms of violence against women, including domestic violence, which affects women disproportionately. The term “violence against women” used throughout the questionnaire and throughout this report thus refers to any form of violence against women that is criminalised (or, where applicable, otherwise penalised) under Chapter V of the convention. These forms are psychological violence, stalking, physical violence, sexual violence, including rape, forced marriage, female genital mutilation (FGM), forced abortion, forced sterilisation and sexual harassment. The term also refers to domestic violence against women, which is defined as physical, sexual, psychological or economic violence which occurs within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim.

3. Following the convention’s entry into force in 2015, the Finnish authorities introduced the Action Plan for the Istanbul Convention 2018-2021 which specifically states that, in addition to women, Finland will be applying the Istanbul Convention also in relation to men and boys experiencing domestic violence. As a policy document that builds on the previous Action Plan to Reduce Violence against Women (2010-2015), it does not contain any definitions but represents a compilation of 46 handpicked measures, identified by the relevant line ministries as the most urgent. The terminology used in this document predominantly frames the measures to be taken in a gender-neutral manner, suggesting these will be taken for the benefit of male and female victims. Little or no reference is made to the specific experiences of women as victims of any of these forms of violence, which may differ significantly from those of men. Similarly, the plan does not seem to set out the need to understand and address the gendered nature of violence against women, including domestic violence. GREVIO notes moreover that no other policy document currently in use nor existing legislation sets out common definitions of domestic violence or any other form of violence against women.

4. Previous action plans have, however, referred specifically to international definitions of violence against women as gender-based violence<sup>2</sup> while interpreting it to apply to violence perpetrated against someone for reasons of his or her gender or for transgressions of gender norms that the perpetrator considers unacceptable.<sup>3</sup> It is thus not in line with the definition of “gender-based violence against women” set out in Article 3 d of the convention which covers “violence that is directed against a woman because she is a woman or that affects women disproportionately”.

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2. See Ministry of Social Affairs and Health, *Action plan to reduce violence against women, 2010-2015*, p. 11, available at [https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/72733/JUL1015\\_Violence\\_verkko\\_Final.pdf?sequence=1](https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/72733/JUL1015_Violence_verkko_Final.pdf?sequence=1), accessed 6 March 2019.

3. Ibid.

Although it is unclear whether definitions of the previous action plan are still in use, they have certainly influenced policies and measures that are currently in existence.<sup>4</sup>

**5. GREVIO recalls that Article 2, paragraph 1, of the Istanbul Convention affirms the notion that all forms of violence against women, including domestic violence, affect women disproportionately. GREVIO thus strongly encourages the Finnish authorities to enhance the application of a gendered perspective in the implementation of the Istanbul Convention, including its provisions in relation to domestic violence.**

## **C. Fundamental rights, equality and non-discrimination (Article 4)**

### **1. Gender equality and non-discrimination**

6. Achieving full gender equality in law and in practice is a policy goal clearly stated in the Finnish Government Programme and developed in more detail in the Government Action Plan for Gender Equality 2016-2019. On this basis, all line ministries are required to draw up their own gender equality and non-discrimination plans – an obligation also for all public entities and large private sector companies under the Act on Equality between Women and Men.

7. Measures and objectives in the area of gender equality in the form of Finnish national action plans (NAPs) have existed since 2003, and the first NAP specifically dedicated to violence against women was introduced in 2010.<sup>5</sup> The latter specifically framed violence against women as a human rights violation and sought to reflect international legal standards. Moreover, Finland's foreign policy in the area of human rights and development co-operation seeks to promote women's rights and gender equality, including the prevention of violence against women abroad. GREVIO welcomes the Finnish authorities' commitment to the prevention and combating of violence against women through the adoption of dedicated policy measures.

8. Nonetheless, GREVIO notes with some concern that the entry into force of the Istanbul Convention has not led to discussions and reflections around the need for policies that would highlight the specific experiences of women who seek support and protection from domestic violence, stalking and other forms of violence in order to address and rectify any shortcomings in addressing the gendered nature of such violence. As a result, very few specialist support services exist that are women-specific – that is, serving only women victims of violence and their children. The training available for key professionals does not necessarily bring to the fore the gendered dynamics in the control and abuse by perpetrators of domestic violence and other forms of violence and it is neither standardised nor obligatory (see Chapters III and IV of this report).

9. Although GREVIO welcomes the progress made in framing violence against women, including domestic violence, as a human rights issue, some aspects of social policy and legislation seem to reflect elements of the family dynamics model of domestic violence rather than a gendered violence discourse.<sup>6</sup> Further enhanced by the strong tradition of working towards equality between women and men, policies, measures and services firmly propagate the victimisation of men and boys – and the need to address this. While most NGO-run services recognise the gender-based nature of violence against women and seek to incorporate a gendered perspective in addressing it, their status as recipients of public funding seems to oblige them to provide services to men as victims.

10. GREVIO welcomes measures taken in respect of men and boys as victims of domestic violence but recalls the convention's obligation to ensure a gendered perspective in relation to all forms of violence against women, including domestic violence, in order to design a comprehensive framework of measures that would address, among others, the root causes of such violence (see

4. Most policy documents and protocols or guidelines use terminology such as "violence in close relationships", "domestic violence", or "intimate partner violence".

5. Ministry of Social Affairs and Health, *Action plan to reduce violence against women, 2010-2015*.

6. For an overview of the different discourses on domestic violence in Finland in the past, please see: Johanna Kantola, "Doing feminist discourse analysis: domestic violence in the women-friendly welfare state of Finland", *European Political Science*, Vol. 3, No. 2 (September 2005), pp. 85-960-21.

above). In this context, GREVIO draws attention to the fact that special measures, such as the setting-up of women-only support services that are necessary to prevent and protect women from gender-based violence, shall not be considered discrimination under the convention (Article 4, paragraph 4).

## 2. Intersectional discrimination

11. GREVIO has observed a number of barriers which women from national minorities, women with disabilities and other women exposed to intersectional discrimination face in seeking quality interventions for any of the forms of violence covered by the convention. For example, there is a general level of unawareness among the authorities and service providers of the cultural specificities, constraints and barriers which Sámi and Roma women as well as women risking “honour-related violence” face in seeking protection from violence.<sup>7</sup> Barriers also exist for women with disabilities or in relation to a woman’s sexual orientation and gender identity, for which recognition seems lacking.<sup>8</sup>

12. The obligation of due diligence in the Istanbul Convention requires states to take into account the specific needs of women who face multiple and intersecting forms of discrimination and disadvantages. Their individual characteristics as women and, for example, members of a minority ethnic group or indigenous population, or persons lacking knowledge of Finnish and Swedish, interact in a way that compounds discrimination. In order not to create barriers for women in exercising their right to live free from violence and to receive effective protection, interventions need to take individual rights into account and be sensitive to the individual situation of each victim.

13. Prevalence data point to the heightened exposure to violence against women with disabilities and women of non-Finnish background.<sup>9</sup> Yet, GREVIO observes no particular effort in ensuring that the available support services cater to and address the specific needs of these groups of women (see Chapter IV). Although the NAP to Reduce Violence against Women 2010-2015 included measures to protect women with disabilities from violence, it seems that shelters and other counselling services, particularly online, are often inaccessible to women with disabilities. For other groups of women, no specific study of their exposure to violence and their help-seeking behaviour has been conducted, although this would be vital to identify and ultimately address their need for support and protection. Important steps have, however, been taken to ensure women with irregular migration status in Finland access to domestic violence shelters, which GREVIO welcomes.

14. **GREVIO strongly encourages the Finnish authorities to take measures to ensure that the provisions of the Istanbul Convention are implemented without discrimination on any of the grounds listed in Article 4, paragraph 3. This includes improving the regional accessibility of shelters as indicated in the Action Plan for the Istanbul Convention.**

## D. State obligations and due diligence (Article 5)

15. Aspects of the implementation of Article 5 of the convention are covered in Chapters V and VI of this report.

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7. Sinikka Törmä, Kati Tuokkola, Johanna Hurtig, *Lähisuhde- ja perheväkivalta romaninaisten kokemana: Avun tarpeet yhteisössä ja palvelujärjestelmässä* [Violence in close relationships and violence within the family as experienced by Roma women: needs of assistance in the community and the service system], Helsinki: Sosiaali- ja terveysministeriön raportteja ja muistioita 2013:33, p. 82, available at :

[http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/74471/RAP\\_2013\\_33\\_romaninaiset\\_vakivalta.pdf](http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/74471/RAP_2013_33_romaninaiset_vakivalta.pdf), accessed 6 March 2019; see also Finnish League for Human Rights, *Kunniakäsitykset ja väkivalta – selvitys kunniaan liittyvästä väkivallasta ja siihen puuttumisesta Suomessa* [Honour conceptions and violence: study report on honour-based violence and measures for intervention in Finland], available [with summary in English] at <https://ihmisoikeusliitto.fi/english/honour-based-violence/>, pp. 125, 135 and 143.

<sup>8</sup>. GREVIO notes the concern expressed by other international human rights bodies regarding protection against intersectional discrimination in Finland. See, e.g., UN Doc. CEDAW/C/FIN/CO/7.

<sup>9</sup>. Survey commissioned by the Ministry of the Interior, 2018. Information on survey results available at [https://yle.fi/uutiset/osasto/news/study\\_immigrant\\_disabled\\_women\\_face\\_three\\_times\\_as\\_much\\_violence\\_as\\_others\\_in\\_finland/10233223](https://yle.fi/uutiset/osasto/news/study_immigrant_disabled_women_face_three_times_as_much_violence_as_others_in_finland/10233223).

## II. Integrated policies and data collection

16. Chapter II of the Istanbul Convention sets out the core requirement for a holistic response to violence against women: the need for state-wide effective, comprehensive and co-ordinated policies sustained by the necessary institutional, financial and organisational structures.

### A. Comprehensive and co-ordinated policies (Article 7)

17. The Finnish authorities began addressing domestic violence and other forms of violence in the early 1990s, leading to an improvement in shelter provision, the setting-up of perpetrator programmes and the criminalisation of rape within marriage, among other changes.

18. The first NAP on violence against women (the National Action Plan to Reduce Violence against Women, 2010-2015) was introduced as a comprehensive, cross-sector measure in 2010 to facilitate the ratification and implementation of the Istanbul Convention. Its drafting process involved a wide variety of stakeholders and was strongly influenced by developments at international level. The measures listed in it aimed to ensure a comprehensive approach to the prevention of violence, the protection of victims and perpetrator accountability. GREVIO commends the Finnish authorities for the consultative process that led to the adoption of this NAP and for its resulting comprehensive approach involving a wide variety of line ministries. Its adoption reflects an important change in the Finnish policy discourse around violence against women, which has only gradually connected violence against women to gender inequalities.<sup>10</sup> Linkages between violence against women and gender equality goals are also found in the Government Report on Gender Equality 2010, which outlines long-term equality goals to be reached by 2020.

19. However, GREVIO regrets the fact that the limited funding available resulted in shortcomings in the implementation of the NAP to Reduce Violence against Women. The positive results achieved, such as the creation of networks of contact persons at municipal and regional levels for better co-ordination and co-operation, are not sustained by the NAP's successor, the Action Plan for the Istanbul Convention 2018-2021. This action plan seems to lack a comprehensive approach and be limited to measures which the different line ministries have committed themselves to on the basis of their already existing work programmes and budgetary appropriations. Although deemed to build on the NAP to Reduce Violence against Women, it is more limited in scope and focuses less on key requirements of the Istanbul Convention, which would include inter-institutional co-operation as a standard practice in Finland.

20. The use of Multi-Agency Risk Assessment Conference tools (MARACs) in individual cases is being encouraged, and women's NGOs regularly form part of these risk assessment exercises (see Chapter VI). Shelters such as those run by The Mother and Child Homes and Shelters are generally respected partners of the municipalities. However, policy documents do not seem to set out a clear operational role for service provision by specialist women's NGOs, nor an obligation to embed them in wider efforts to ensure multi-agency co-operation at municipal level, where these exist. GREVIO recalls that the design and implementation of a comprehensive framework to prevent and combat violence against women needs to ensure that the rights of victims are placed at the centre of all measures, which requires effective co-operation and co-ordination among the various stakeholders and service providers. For this reason, the implementation of any adopted policies by way of victim-centred effective multi-agency co-operation is an important element of Article 7 of the convention. This may, for example, mean the joining of forces by law-enforcement agencies, the judiciary, women's NGOs, child protection agencies and other relevant partners on a particular case.

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<sup>10</sup> T. Virkki, T., "At the interface of national and transnational: the development of Finnish policies against domestic violence in terms of gender equality", *Social Science* (2017), Vol. 6, No. 1, p. 31. doi: 10.3390/socsci6010031.

21. While GREVIO notes the existence of additional action plans which set out specific measures in relation to FGM and women's rights more generally,<sup>11</sup> it is unclear to what extent these measures are intended to form part of a comprehensive national framework on violence against women.

**22. GREVIO strongly encourages the Finnish authorities to develop, on the basis of the existing NAPs and the lessons learnt therefrom, a long-term co-ordinated plan/strategy placing the rights of victims at the centre of all measures to implement the Istanbul Convention in its entirety, giving due importance to all forms of violence against women. GREVIO encourages the Finnish authorities to ensure that the gendered nature of all forms of violence against women, including domestic violence, receives the necessary policy attention.**

## **B. Financial resources (Article 8)**

23. Government funding for services and measures to prevent and combat violence against women is made available in different ways in Finland. Since the entry into force of the convention, the funding for specific services seems to be increasing, which GREVIO welcomes. For example, the newly introduced national helpline *Nollalinja* is fully funded by the authorities, as is the roll-out of the sexual violence referral centres (SERI). GREVIO welcomes in particular the increase in funding allocated to shelters, which aims to ensure higher levels of service provision, including in remoter areas in Finland, and which offers more funding stability by moving from per capita funding to a lump sum annual funding system (see Chapter IV).

24. Moreover, the amendments to the Act on State Compensation to Providers of Shelter Services ensure the funding of shelters through the National Institute for Health and Welfare instead of through the municipalities. Domestic violence shelters are thus directly compensated by the central government instead of via municipalities, and the overall funding allocated is being significantly increased to ensure greater levels of service provisions (see Section E. Shelters, Article 23). While GREVIO welcomes this step, it notes that the additional resources allocated to the provision of domestic violence shelters over the three-year period leading up to 2019 will not allow the Finnish authorities to reach a level of shelter provision that would correspond to the recommended ratio of one family place per 10 000 heads of population. GREVIO also notes that all public funding for service provision by NGOs and civil society organisations is either project-based or restricted to one-year periods.

25. Another issue that GREVIO wishes to address is the lack of formal obligations regarding the quantity and quality of service provision at municipal level, despite the fact that the responsibility to provide public social and health care services to victims of violence against women lies exclusively with the municipalities. This has resulted in marked differences between municipalities, because the funding made available for this purpose varies significantly. The reform to the health sector, social services and regional government<sup>12</sup> - if pursued - will need to address these differences and offer solutions to ensure more harmonised service provision, in particular by ensuring continuity and respect for the experience of specialist women's support services already in operation. GREVIO therefore points to the need to preserve the funding for and recognition of the services run by NGOs and civil society organisations.

26. GREVIO notes with regret that national action plans in the area of violence against women are generally implemented without any funding allocated to their implementation, and that all relevant line ministries are expected to deliver within the limits of existing budgetary appropriations and human resources. This has prevented the full implementation of important NAPs (see above Section A. Comprehensive and co-ordinated policies (Article 7)). GREVIO is concerned that, as a result, the

<sup>11</sup>. For details see the Ministry of Social Affairs and Health, *Action Plan for the prevention of circumcision of girls and women, 2012-2016*, and the Action Plan for the prevention of female genital mutilation adopted on 6 February 2019; and the Ministry of Justice, *National action plan on fundamental and human rights, 2017-2019*.

<sup>12</sup>. For more information on the on-going reform, see: <https://alueuudistus.fi/en/social-welfare-and-health-care-reform/about-the-reform>.

approach taken to current NAPs is that of adjusting the number of measures to the existing budgetary appropriations rather than to the implementation needs identified through evidence.

27. Moreover, GREVIO notes with regret that only limited information was made available as to the budgetary resources allocated to policies on violence against women in Finland and that there was no indication of the percentage of overall public expenditure this would amount to. However, GREVIO welcomes the participation of the Ministry of Finance in discussions during GREVIO's evaluation visit and its readiness to explore additional funding possibilities. This is important in light of the requirement of Article 8 of the convention, which aims to ensure the allocation of appropriate financial and human resources for the adequate implementation of integrated policies, measures and programmes (to prevent and combat violence against women) carried out by public authorities and relevant NGOs. This means that the resources allocated need to be suitable for the targets set and measures to be implemented. In this context, GREVIO welcomes the recent initiative by the Minister of Family Affairs and Social Services to assess the costs of violence against women in Finland, which is an important step in making the case for increased public spending on prevention.

**28. GREVIO strongly encourages the Finnish authorities to ensure appropriate human and financial resources for any policies, measures and legislation aimed at preventing and combating violence against women and for the institutions and entities mandated with their implementation. GREVIO also encourages Finland, as a champion in gender budgeting, to engage in the appropriate budgeting of comprehensive measures to prevent and combat violence against women and domestic violence.**

### **C. Non-governmental organisations and civil society (Article 9)**

29. In Finland, NGOs and civil society organisations play an important role in operating specialist support services for women victims of violence. These range from domestic violence shelters to helplines and counselling services, to name but a few. NGOs are also active in prevention of the different forms of violence and engage in valuable grassroots awareness-raising work, including among migrant communities in Finland. In relation to some forms of violence, such as "honour-related violence", activities are exclusively conducted by NGOs.

30. GREVIO welcomes the general willingness of public authorities to collaborate with NGOs on relevant issues and the recognition of their important contribution in policy documents such as the Action Plan on the Istanbul Convention. However, GREVIO notes that none of its measures envisage implementation in co-operation with NGOs, nor do they set out a specific role for NGOs. While GREVIO recognises that this is largely attributed to the nature of the NAP, which compiles priority measures to be taken by official bodies and statutory agencies, it is characteristic of the absence of a more comprehensive approach to implementing the Istanbul Convention in Finland. There are no formal instructions, protocols or guidance that would require statutory agencies and public service providers (such as municipalities) to involve NGOs as partners in their response to violence against women – despite their expertise in the provision of specialist support services, among others.

**31. GREVIO strongly encourages the Finnish authorities to further recognise, encourage and support co-operation with all non-governmental actors involved in preventing and combating violence against women in Finland to ensure their participation in the design of policies and programmes, in particular NAPs and the provision of services, counselling, advocacy and awareness raising. In order to ensure diversity and build policies around the experiences of all women in Finland, GREVIO further encourages the Finnish authorities to recognise, encourage and support, including financially, a greater variety of women's NGOs, including the support of community-based grassroots movements of migrant and other women in Finland.**

## D. Co-ordinating body (Article 10)

32. In response to the obligation established by the Istanbul Convention to entrust one or more official government bodies with the co-ordination, implementation, monitoring and evaluation of policies and measures designed to prevent and combat violence against women, the Finnish authorities set up, in 2016, the Committee for Combating Violence Against Women and Domestic Violence (NAPE). Equipped with a mandate from 2017 to 2020, NAPE is composed of a wide range of ministries and public institutions, including Statistics Finland, the Ombudsman for Equality and the Association of Finnish Local and Regional Authorities, to ensure implementation at the regional and local level. NGOs are heard as experts and, in a more recent development, are part of a sub-committee of NAPE. It meets four times a year in its full composition, while a working committee holds more regular meetings. One of its most prominent results so far is the preparation of the Action Plan on the Istanbul Convention 2018-2021. It is unclear, however, to what extent it will be implementing this action plan and/or ensuring its monitoring and evaluation.

33. Of the different functions referred to in Article 10 of the convention, GREVIO wishes to point out that the evaluation function is to be understood as implying an independent and scientific assessment, based on robust data, of whether measures taken achieve their aim and/or expose any unintended effects. It is important to highlight the value that lies in differentiating between policy making, implementation, monitoring, and evaluation and attributing these functions to separate institutions. A set-up in which close institutional ties exist between those who implement measures and bear political responsibility for them on the one hand and those who are supposed to evaluate the efficacy of those measures on the other, or even one in which the two groups are identical, might not ensure the necessary objectivity to assess and independently evaluate policies and measures taken. GREVIO is hopeful that such considerations will form part of any future discussion on the evaluation and monitoring of measures taken on the basis of the Action Plan on the Istanbul Convention 2018-2021.

34. While GREVIO welcomes the specific designation of a committee to propose and co-ordinate measures to implement the convention, it notes that neither permanent staff nor budget has been allocated to NAPE. GREVIO is concerned that membership in the committee has been added to the existing workload of its members, and that the financial and human resources currently at its disposal do not ensure the efficient discharge of its mandate. As a committee, NAPE is less permanent in structure than a fully institutionalised entity with financial and human resources assigned to it. This raises questions as to the efficiency of such an approach and puts into question the ability of NAPE to carry out its duties adequately.

35. **GREVIO strongly encourages the Finnish authorities to assign the role of co-ordinating body to fully institutionalised entities, to equip these with clear mandates, powers and competences and to allocate the necessary human and financial resources to these entities in order to guarantee the effective independent evaluation of national policies to prevent and combat violence against women.**

## E. Data collection and research (Article 11)

### 1. Administrative data collection

36. Although a wealth of statistical data is being collected in Finland, there are many factors that prevent the emergence of a detailed picture of the different forms of violence against women in relation to women's victimisation, reporting it to the police, seeking help and how they are being responded to. GREVIO therefore recalls the importance of systematic and adequate data collection as an essential component of effective policy making in the field of preventing and combating all forms of violence covered by the convention. Administrative data collection models such as crime statistics should thus be used for the evaluation of policies and legislation, with a view to identifying areas of improvement.

### a. Law-enforcement agencies and the criminal justice sector

37. Law-enforcement agencies collect data in the police information system (PATJA) on the basis of the 6-digit code of the offence as set out in the Finnish Criminal Code (chapter number, section and sub-section). This allows accomplished criminal acts to be distinguished from attempted acts and the basic offence distinguished from the aggravated offence. Sex, age and type of violence can be recorded, but important characteristics such as the relationship of the perpetrator to the victim cannot. The Case Management System of Criminal Matters (Sakari), in use by prosecutors and district courts, operates on the same coding system. Courts of appeal and the Supreme Court of Finland use a different data-collection system called Riku (Decisions in Criminal Matters Application).

38. With the exception of stalking, the different forms of violence against women may give rise to criminal investigations and prosecution under a wide variety of general criminal offences. Where such offences have taken place in a domestic setting, they are tagged by the recording officer as “domestic violence”. Internal guidelines request such recording where the suspected perpetrator has an emotionally close relationship with the victim, irrespective of where the act was committed and whether they reside together or not. Standard categories such as “spouse”, “live-in partner” and “former spouse” etc. do not exist, which would explain the absence of any police routine to establish the relationship of the perpetrator to the victim. Instead, information on their civil/family status and residence is retrieved manually on the basis of the civil registry kept by Statistics Finland. GREVIO notes that this offers ample room for inaccuracy, as the relationship status and place of residence might change throughout the course of the year, rendering the registry less up to date than is necessary for this purpose.

39. Moreover, GREVIO notes with concern that the regular public updates on domestic violence and intimate partner violence provided by Statistics Finland are not presented in a way that would highlight the gendered nature of such violence.<sup>13</sup> Much more must be done to expose the fact that in 80% of cases of intimate partner violence the violence is perpetrated by a man against a woman – and that 90% of all aggravated assaults and attempted homicides of women were carried out by men. In this context it is worrisome that data collection on restraining orders does not seem to require the systematic registering of the relationship between the perpetrator and the protected person.<sup>14</sup>

**40. GREVIO strongly encourages the Finnish authorities to develop data categories for mandatory use by the law-enforcement agencies and the judiciary on the type of relationship between the perpetrator and the victim, in order to document the nature of their relationship more specifically. Additional elements such as the gender and age of victim and perpetrator, type of violence and geographical location must also be recorded. GREVIO also encourages the Finnish authorities to move towards a common data-collection system for all levels of the judiciary and the law-enforcement agencies.**

### b. Health and social services

41. Although tools have been developed for health care professionals to identify and support victims of domestic violence, sexual assault and FGM – for example, the standardised medical certificates and others discussed in Chapter IV, Section C. General Support Services (Article 20) – it is unclear whether any data on their use or on patient contacts with the health sector are recorded in relation to any forms of violence against women. The Finnish Care Register for Health Care is a well-established patient register which could be used to this extent. Similarly, an electronic register for social assistance exists, but no information was obtained as to whether it is used to record, among others, contacts with social services in relation to any of the forms of violence covered by the Istanbul Convention.

<sup>13</sup>. See: “Statistics on offences and coercive methods – Domestic violence and intimate partner violence 2017”, published by Statistics Finland on 31 May 2018, available at [www.stat.fi/til/rpk/2017/15/rpk\\_2017\\_15\\_2018-05-31\\_tie\\_001\\_en.html](http://www.stat.fi/til/rpk/2017/15/rpk_2017_15_2018-05-31_tie_001_en.html).

<sup>14</sup>. According to the Act on Restraining Orders, as stated in Chapter 4, Section 15, it is the Act on the Processing of Personal Data by the Police (761/2003) that sets out the protocol for recording of data on restraining orders in the Data System for Police Matters and deleting them.

42. GREVIO notes that discussions took place on the need to tap into these two sectors to get a more complete picture of service use by women victims of violence. It welcomes the subsequent listing of measures in the Action Plan for the Istanbul Convention 2018-2021 to ensure that the collection of data required by the convention will be made possible when developing new information systems, in particular in the health care and social welfare systems, for client records.

**43. GREVIO encourages the Finnish authorities to ensure the collection in the health care sector and social services of data related to violence against women – disaggregated by sex, age and relationship of the perpetrator to the victim, type of violence and geographical location.**

## **2. Population-based surveys**

44. A number of recurring population-based surveys exist in Finland which provide some information on the prevalence of different forms of violence against women, notably the Finnish National Crime Victim Survey, which ran thematic modules on intimate partner violence in 2012 and 2015. However, no survey specifically dedicated to violence against women exists so far. Also, no measures have been taken to assess the prevalence rate of such forms of violence against women as forced marriage and FGM. No measures have been taken to identify the exposure to violence of Sámi women.

45. The FinSote National survey of health, well-being and service use contains general questions on violence and seeks to assess how health services meet the needs of the population. The Roosa Study seeks to assess similar questions in relation to the Finnish Roma minority community. Surveys for the same purpose exist also in relation to the elderly and the migrant population in Finland. The School Health Promotion study conducted every other year offers important insights into the level of exposure of Finnish girls and boys to sexual harassment at school. To what extent the other, more general well-being surveys include specific questions on violence against women in order to measure their exposure to such violence on the basis of their gender is less clear. The National Institute for Health and Welfare has announced the pooling of all survey results relevant to experiences of violence by women in Finland, which GREVIO welcomes. GREVIO also welcomes the announcement in the Action Plan for the Istanbul Convention of a dedicated survey on the prevalence of the forms of violence covered by the scope of the Istanbul Convention among disabled people and on the availability of services to them.

46. GREVIO notes that recommendations have been made to introduce more specific questions on the experiences of forced marriage, FGM and “honour-related violence” in the survey on migrant health and well-being.<sup>15</sup> This would, indeed, be an important contribution to assessing migrant women’s specific exposure to such (and other) violence. GREVIO notes, however, that these recommendations should extend to including questions on all forms of violence against women, including domestic and intimate partner violence.

**47. GREVIO encourages the Finnish authorities to conduct dedicated surveys on all forms of violence against women at regular intervals and to carry out a population-based survey to assess Sámi women’s exposure to sexual and domestic violence as a starting point for further policy measures.**

## **3. Research**

48. Over the past years, a number of studies and research have been carried out on specific aspects of the Istanbul Convention and in relation to different groups of victims. They range from qualitative studies into the experiences of domestic violence among Roma women in Finland, the

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<sup>15</sup> A study conducted by the Finnish League for Human Rights on “honour-related violence” and how it is addressed in Finland recommends the use of general surveys, for example the child victim surveys, health and welfare surveys for persons with migrant background or school health surveys, to assess the prevalence of “honour-related violence”. See their “Honour conceptions and violence: study report on honour-based violence and measures for intervention in Finland”, cited in n.7 above.

experiences of violence in the lives of Finnish children and adolescents and how the police respond to emergency calls for domestic violence.

49. Many were conducted and/or commissioned by public entities such as the Institute of Health and Welfare, Ministry of the Interior, Ministry of Social Affairs and Health, Ministry of Justice and the Police University College. Several murders of women and/or their children by male partners/fathers prompted a review of family killings to identify pathways to better protection. This work, commissioned by the Institute of Health and Welfare in 2012, ended with numerous recommendations, many of which are echoed in GREVIO's findings in this report.<sup>16</sup>

50. Importantly, academic research also greatly contributes to the knowledge base on violence against women, often funded by public funding agencies such as the Academy of Finland.<sup>17</sup> GREVIO appreciates the fact that the above research projects have revealed important insights into specific aspects of violence against women. GREVIO notes, however, that there are forms of violence that remain to be explored, such as sexual violence – including rape – in intimate partnerships, forced marriage, FGM and forced sterilisation. GREVIO also notes the absence of research into the effects of gender-based violence on children, particularly child witnesses of domestic violence. Further research would be necessary to evaluate policies on a continuous basis, especially with regard to newly introduced measures such as specialist support services for victims of sexual offences. GREVIO trusts that progress will be achieved in this area under the Action Plan for the Istanbul Convention 2018-2021, which lists among its measures more extensive research into pre-trial investigations of sex offences.

51. **GREVIO encourages the Finnish authorities to:**

- a. **address, through research, all forms of violence against women, such as sexual violence, stalking, forced sterilisation, forced marriage or other traditional practices harmful to women and not previously covered;**
- b. **support research into violence which affects specific groups of victims, such as migrant women and women from ethnic minorities;**
- c. **support research in order to study the effects on children of witnessing domestic violence;**
- d. **continue investing in the evaluation of existing policies and practices, including protective measures for victims, to assess their efficiency and level of implementation, as well as the level of victim satisfaction with the services provided, in close co-operation with specialist support services.**

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<sup>16</sup>. Minna Piispa, Jukka Taskinen and Helena Ewalds, *Selvitys perhe- ja lapsensurmien taustoista vuosilta 2003–2012* [Study of the background to family and child killings 2003-2012], Helsinki: National Institute of Health and Social Welfare (2012).

<sup>17</sup>. See, for example, the 4-year project entitled Children's Knowing Agency in Private, Multi-professional and Societal Settings – the Case of Parental Stalking (CAPS) run by Lapin Yliopisto [the University of Lapland] with the aim of contributing to a better understanding of stalking and of the needs of children who have been victimised. This project also aims to enrich practices and policy making in the field of stalking.

### III. Prevention

52. This chapter contains a number of general and more specific obligations in the area of prevention. These include early preventive measures such as changing the social and cultural patterns of behaviour of women and men, eradicating prejudices and gender stereotypes, and implementing measures to involve all of society, including men and boys, in achieving gender equality and prevention of violence against women. It also includes more specific preventive measures such as awareness raising and campaigning, ensuring the adequate training of all professionals, education in schools and other settings, and, last but not least, measures such as perpetrator programmes to prevent further victimisation.

53. In Finland, the Action Plan to Reduce Violence against Women (2010-2015) generated a wide variety of cross-sector measures aimed at the primary, secondary and tertiary prevention of different forms of violence against women. This large-scale action resulted in a mix of public awareness efforts and professional capacity-building activities such as in-service training of key professionals. It led to the creation of a network of contact persons at different levels of governance, including the regional state administrative agencies and a number of municipalities, which acted as important multipliers during that period. GREVIO welcomes such large-scale and comprehensive efforts to reduce violence against women and notes that the external evaluation attested to the success of this initiative in that the cross-sector and comprehensive approach of the action plan contributed significantly to the prevention of violence against women. Its low level of resourcing, however, did not allow for the NAP's full implementation, and the proposed measures would need to be made more effective in order to reach the level of prevention required by the Istanbul Convention.<sup>18</sup>

#### A. Awareness raising (Article 13)

54. In the context of the above, GREVIO welcomes the number of local and regional initiatives which have aimed, in past years, at the primary prevention of violence against women, targeting mainly domestic violence, sexual violence and sexual harassment. While some of these were carried out on the basis of the NAP, others came at the initiative of statutory agencies such as the Helsinki Police. Many awareness-raising initiatives were carried out by NGOs.<sup>19</sup> GREVIO notes, however, the absence of nationwide public awareness-raising campaigns addressing the different manifestations of violence against women as covered by the Istanbul Convention with the aim of reaching the entire population of Finland. GREVIO also notes the absence of sustained and long-term efforts to raise awareness or engage in any other effort towards primary prevention. Prevention activities need to aim at empowering women and girls, including women and girls from specific groups and communities, such as Roma, Sámi, migrant and refugee women, women with disabilities and lesbian women. The information reviewed for this report suggests that the awareness-raising efforts undertaken so far were either limited in geographic scope or have not applied a comprehensive approach including all forms of violence. GREVIO notes that Article 12, paragraph 3, requires that when undertaking preventive measures, states shall take into account and address the specific needs of persons made vulnerable by particular circumstances, which would include the above groups in Finland. Article 12 further requires programmes and activities for the empowerment of women and girls, including women and girls from those specific groups.

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<sup>18</sup>. Sinikka Törmä and Merja Pentikäinen, *Tavoitteena naisiin kohdistuvasta väkivallasta ja perheväkivallasta vapaa Suomi: Naisiin kohdistuvan väkivallan vähentämisen ohjelmasta Istanbulin sopimuksen toimenpanoon* [Towards a Finland free from violence against women and domestic violence: From the National Action Plan on Reducing Violence against Women to the Implementation of the Istanbul Convention], Helsinki: Ministry of Foreign Affairs (2016), p. 2, available at <https://julkaisut.valtioneuvosto.fi/handle/10024/75030>, accessed 6 March 2019.

<sup>19</sup>. See, for example, *Violence after dark* poster campaign, available at [www.youtube.com/watch?v=Rv2o4QSOWS4](http://www.youtube.com/watch?v=Rv2o4QSOWS4), accessed 6 March 2019; or the #RESPECT Campaign regarding sexual harassment in public, but also the different campaigns carried out by the Federation of Mother and Child Homes and Shelters. The Ombudsman for Equality ran a campaign called *Not in our school* ([www.eimeidankoulussa.fi](http://www.eimeidankoulussa.fi)) to increase awareness of how sexual harassment can be recognised and prevented in schools and how it is possible to intervene in it.

55. Moreover, GREVIO notes that the successor to the Action Plan to Reduce Violence against Women, the Action Plan for the Istanbul Convention (2018-2021), sets out only very limited awareness-raising initiatives. While this may be explained by the fact that a number of awareness-raising activities have been carried out previously, GREVIO recalls that Article 13 entails the obligation of running public awareness-raising campaigns on a regular basis in order to help all members of society to recognise violence, speak out against it and support its victims. This work must be ongoing and should involve NGOs working in the area of protection and support for women victims of violence, because many have a long tradition of carrying out successful awareness-raising activities.

56. GREVIO is concerned that, without continuous efforts to reach different pockets of society with information on gender equality, non-stereotyped gender roles and the different manifestations of violence against women, the level of awareness in this regard will not increase sufficiently. This is particularly worrisome when set against the findings of the 2014 Violence against Women Survey of the European Union Fundamental Rights Agency, which showed that only 32% of women in Finland are aware of campaigns on violence against women.<sup>20</sup>

**57. GREVIO strongly encourages the Finnish authorities to promote or conduct, on a regular basis and at all levels, awareness-raising campaigns or programmes on the different manifestations of violence against women, including in co-operation with national human rights institutions, equality bodies, civil society and non-governmental organisations, especially women's organisations. GREVIO also strongly encourages the Finnish authorities to take measures to promote programmes and activities for the empowerment of women and girls, including women and girls from specific groups and communities.**

## **B. Education (Article 14)**

58. With a view to laying the foundation for a gender-equal society, several initiatives have been taken in the field of education in Finland. The new National Core Curriculum for basic education (age 7-16) and the Core Curriculum for General Upper Secondary Schools (age 16-19) both integrate human rights and human dignity, and promote gender equality, well-being and democracy. The Action Plan for Gender Equality 2016-2019 includes the promotion of gender equality in education and sports, and lists the need to update the core curriculum for early childhood education and care (ages 0-6) to ensure the promotion of an equality perspective.<sup>21</sup> The Act on Equality between Men and Women requires all educational institutions to draw up gender-equality plans at least every three years (Section 5a), which is to set out steps to reduce gender bias.

59. Moreover, sex education is one of the core areas of the compulsory health education subject. It includes phenomena relevant to health, well-being and safety, which are examined in an age-appropriate manner, and it aims to supply young people with the knowledge and skills to defend the boundaries of their own privacy.<sup>22</sup> In addition, GREVIO notes with satisfaction that much is being done to prevent violence, in particular sexual harassment.<sup>23</sup> Student welfare plans, the school rules as well as the gender equality plans each complement these guidelines and set out specific action for the prevention of sexual harassment. This is much needed, as the Student Health Survey found that 61% of girls and 46% of boys have experienced sexual harassment at school, occasionally or repeatedly.<sup>24</sup>

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<sup>20</sup> EU Fundamental Rights Agency, *Violence against women: an EU-wide survey. Main results, 2014*, Luxembourg: Publications Office of the European Union; p. 162, available at <https://fra.europa.eu/en/publication/2014/violence-against-women-eu-wide-survey-main-results-report>, accessed 6 March 2019.

<sup>21</sup> See Section 4 of the [Government Action Plan for Gender Equality 2016–2019, Helsinki: Ministry of Social Affairs and Health, 2017](#).

<sup>22</sup> Finnish National Agency for Education, *Prevention of and intervention in sexual harassments at schools and educational institutions – summary*, 2018, p. 12, available at [www.oph.fi/download/191541\\_Prevention\\_of\\_and\\_intervention\\_in\\_sexual\\_harassments\\_at\\_schools\\_and\\_educatio.pdf](http://www.oph.fi/download/191541_Prevention_of_and_intervention_in_sexual_harassments_at_schools_and_educatio.pdf).

<sup>23</sup> See, for example, *Prevention of and intervention in sexual harassments* (ibid.), covering all levels of education by setting out specific instructions for each stakeholder.

<sup>24</sup> Student Health Survey of the National Institute for Health and Welfare 2013, TAS 328/15 and TAS 329/15.

60. GREVIO welcomes the above initiatives and commends the Finnish authorities for recognising the strong potential which the national education system offers to deconstruct negative gender stereotypes and promote equal and healthy relationships between the sexes. At the same time, GREVIO notes that the strong emphasis on gender equality in schools has not translated into specific requirements to teach children about gender-based violence against women as such, as required by Article 14 of the convention. While a range of guides and online materials exists, teachers are granted wide autonomy in the teaching methods and materials they apply and the implementation of Article 14 will depend on their level of training and motivation to do so.

61. The recently introduced “transversal competences” might offer the necessary room for such teaching, in particular in relation to the transversal competence called “taking care of yourself and others, managing daily life”. This competence aims at helping students realise the importance of interpersonal relations and taking care of each other, as well as notions of privacy and personal boundaries. GREVIO also notes with interest that efforts are under way to move towards more phenomenon-based teaching, which would offer even greater opportunity to adequately address all issues required by Article 14 of the convention.

62. As regards the identification of victims in the education sector, GREVIO welcomes the Pupil and Student Welfare Act, which provides for multi-stakeholder co-operation in the development of pupils and their access to health care.<sup>25</sup> The development of guidelines and further training of all actors working with children will be key in responding to the threat of all forms of violence against women and domestic violence. Attention should also be paid to “honour-based violence”, female genital mutilation and forced marriage to ensure students at risk are identified and supported. It is unclear, however, to what extent this is currently done.

63. Inclusion of these issues in the curricula for future teachers, social workers, health care workers and similar professions is therefore vital. Although some in-service training has been organised for relevant public servants working with children, including teachers, and information packages on the different forms of violence are available, it presently largely depends on the initiative and activity of the relevant professionals themselves whether they develop an understanding of these complex issues. Many professionals find that they lack the required understanding and tools.<sup>26</sup> This includes the ability of early childhood education authorities and others to respond to threats of FGM, despite the ambitions of the Action Plan for the Prevention of Circumcision of Girls and Women 2012-2016.<sup>27</sup> GREVIO is hopeful that the new Action Plan for the Prevention of Female Genital Mutilation adopted in February 2019 will provide new impetus to the training of all relevant professionals as set out in its section 5.2 “Ensuring sufficient training”.

**64. GREVIO encourages the Finnish authorities to review their central policy documents and materials, including school materials, in order to ensure that all forms of violence against women and girls are addressed in an age-appropriate way. GREVIO also encourages Finland to ensure that staff in educational institutions are aware of how to identify and address the different forms of violence covered by the convention. Finally, it encourages Finnish authorities to promote inclusion of these issues in the curricula of all relevant professions.**

### **C. Training of professionals (Article 15)**

65. The standard set by the convention in its Article 15 is that of systematic initial and in-service training of the relevant professionals who deal with victims or perpetrators of all acts of violence. The training that is required must cover the prevention and detection of such violence, equality between women and men, the needs and rights of victims and the prevention of secondary victimisation. The questionnaire drawn up by GREVIO lists, in the table appended to it, the professional groups which

<sup>25</sup> See Article 14 of the Pupil and Student Welfare Act which requires an intersectional expert group to be established for each case where a student’s welfare so requires, with the consent of the student.

<sup>26</sup> Finnish League for Human Rights, “Honour conceptions and violence - study report on honour-based violence and measures for intervention”, as cited in n.7 above), p. 157.

<sup>27</sup> This includes early childhood education authorities’ ability to respond to threats of FGM, despite the ambitions of the Action Plan for the Prevention of Circumcision of Girls and Women 2012-2016; see section 2.4.2 of the Action Plan.

GREVIO considers relevant and in need of such training.<sup>28</sup> Against this background, the information obtained by GREVIO from the Finnish state report and during the evaluation visit reveals a mixed picture regarding the level of training on violence against women undertaken by members of the various professions.

66. While some professional groups such as social workers, health professionals (medical doctors, midwives, nurses, psychologists) and teachers seem to receive initial training on the prevention and detection of the different forms of violence, and on standards of intervention and multi-agency co-operation, this does not always seem to be sufficient. Other key professionals, such as law enforcement, prosecution services and members of the judiciary, do not receive such initial training. Instead, they may opt for voluntary in-service training in these areas. A number of large-scale training projects were carried out within the framework of the above-mentioned Action Plan to Reduce Violence against Women (2010-2015) and these have most certainly helped to increase the capacity of crucial professional groups such as police officers, prosecution services and social workers.<sup>29</sup> The Police University College also offers courses which touch upon some issues related to women's experiences of violence. The Office of the Prosecutor General provides training on investigations into sexual and violent crime.

67. GREVIO notes with great concern that from the information provided it emerges that there is no mandatory training on violence covered by the Istanbul Convention for professionals in the criminal justice system. Incoming police officers are not systematically trained on the different forms of violence. Once in service, police officers may attend a 2-day course or pursue a 30-hour specialisation in this area. It appears that this type of in-service training would cover domestic violence, rape and sexual assault in public, which is important, since these are the most common forms of violence; but it would also be necessary to address other forms of violence against women, such as sexual harassment, stalking, forced marriage, female genital mutilation, "honour-related violence" and other forms covered by the convention.

68. The lack of systematic and mandatory training for law-enforcement officers and prosecutors on all forms of violence against women has serious ramifications for the responses to such violence and criminal investigations. It leads to the untenable situation where officers on patrol, who routinely respond to domestic violence call-outs, are not trained on the dynamics of domestic violence, power and control, nor on the gendered aspect of such violence, its risk factors and the need to ensure victim protection (see Chapter VI). Moreover, where crimes within the family or community are perpetrated in the name of "honour", Finnish law-enforcement officers do not seem to have the necessary expertise to conduct an effective and thorough investigation and take protective measures in relation to the victim. In the absence of established routines and protocols, expertise in such cases is difficult to develop – although thematic networks of professionals seem to exist to which police may turn for information.

69. Similarly, prosecutors and judges are not routinely trained on the different forms of violence against women, and the voluntary nature of the available training does not ensure it reaches all relevant actors, which impacts on their ability to ensure quality standards. This also applies to other relevant professional groups, such as immigration officials, for whom voluntary specialised training is organised.

70. Aware of the need to increase the level of training for a range of professionals, in particular law-enforcement officers, the Action Plan for the Istanbul Convention 2018-2021 states that the need for guidelines and training on forced marriages will be outlined in a situation analysis to be made.

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<sup>28</sup>. These professional groups are, at a minimum, police and other law-enforcement officials, prosecutors, judges, social workers, medical doctors, nurses and midwives, psychologists (counsellors and psychotherapists), immigration and asylum officials, educational staff and school administrators, journalists and other media professionals, servicemen and servicewomen.

<sup>29</sup>. For example, the project called Enhancing Professional Skills and Raising Awareness of Domestic Violence, Violence against Women and Shelter Services (EPRAS), launched in 2017, specifically seeks to train police officers and social workers on intimate partner violence and shelter services. At the same time, over 200 municipal social and health care professionals have been trained to serve as key trainers and experts to pass on their knowledge and expertise in the area of domestic violence to other professionals.

This would be important for professionals such as social services, health care, law enforcement and educational staff, who come in touch with children at risk of forced marriage.

71. GREVIO welcomes this recognition of the need for more training on the prevention and prosecution of forced marriage but points to the urgent need to ensure more comprehensive mandatory training for law-enforcement officers, prosecutors and the judiciary on all forms of violence against women, their causes and consequences. Not only must this include training on the prevention and detection of domestic violence, stalking, rape and other forms of violence – it must also ensure that women who experience such violence are not re-victimised by a police response and police attitudes that fall short of the standards required by the Istanbul Convention. Additionally it is important that the training of professionals be supported and reinforced by clear protocols and guidelines that set the standards that staff are expected to follow in their respective fields. The effectiveness of these protocols, where relevant, should be regularly monitored, reviewed and, when necessary, improved. No information was provided which would demonstrate that such clear guidelines for quality standards exist in all relevant agencies.

**72. GREVIO urges the Finnish authorities to introduce systematic and mandatory initial and in-service training on all forms of violence covered by the Istanbul Convention for all law-enforcement officers and prosecutors. GREVIO strongly encourages training for all professionals working with women or children who are victims of violence to ensure knowledge of the particular characteristics and needs of different vulnerable groups and to base this training on clear protocols and guidelines that set the standards that staff are expected to follow in their respective fields.**

**73. GREVIO also encourages the Finnish authorities to develop and widely disseminate guidelines for the handling of different forms of violence covered by the Istanbul Convention, taking into account the characteristics of each form, their interconnectedness, the risk factors for re-victimisation and how violence can affect the ability and willingness of persons with different backgrounds to disclose the violence to the police or other public authorities.**

#### **D. Preventive intervention and treatment programmes (Article 16)**

##### **1. Programmes for perpetrators of domestic violence**

74. In Finland, domestic violence perpetrator programmes exist in custodial and non-custodial settings. The Criminal Sanctions Agency offers rehabilitation programmes for convicted offenders which contain elements to address violent behaviour. All programmes are voluntary in nature, as courts in Finland cannot order perpetrators to attend behavioural change programmes. It is unclear what measures, if any, are taken to ensure attendance and motivation. In the absence of data it is difficult to assess their impact. In order to increase the evidence base of such programmes, their effects should be scientifically evaluated.

75. In non-custodial settings, all domestic violence perpetrator programmes are run by civil society. NGOs such as Lyömätön Linja in Espoo, the Federation of Mother and Child Homes and Shelters, Viola – Free from Violence, the Crisis Centre Mobile and Tampere Setlementti offer voluntary programmes. Most are funded by the Ministry of Social Affairs and Health through the Funding Centre for Social Welfare and Health Organisation (STEA). All programmes are offered exclusively in urban areas and mainly in southern Finland.

76. Most programmes aim at behavioural change with a view to ending violent behaviour and are implemented by trained psychotherapists. However, no uniform standards exist and the level of quality varies, as does the extent to which these programmes apply a gendered perspective, focus on the safety and human rights of the victims and co-operate with women's specialist services which offer support, safety and empowerment to victims.

77. In 2016, 1 200 domestic violence perpetrators participated in programmes, which GREVIO welcomes. It is unclear, however, whether standard referral pathways exist and how attendance is promoted. Some police officers seem to actively encourage abusers to make contact with domestic violence perpetrator programmes,<sup>30</sup> and a high percentage of participation in the programmes run by Lyömätön Linja in Espoo is at the perpetrator's own initiative. Some efforts are made by the NGO sector, in co-operation with the Uusimaa Community Sanctions Office, to link criminal convictions with these programmes by enabling convicted offenders to participate in individual counselling sessions of the perpetrator programmes as part of their community service – on a voluntary basis.

78. GREVIO welcomes the Finnish authorities' recognition of the need to introduce national quality standards for domestic violence perpetrator programmes and it notes with appreciation that the development of such standards on the basis of work done by the Federation of Mother and Child Homes and Shelters features among the measures listed in the Action Plan for the Istanbul Convention (2018-2021). GREVIO is hopeful that the process of adopting and implementing national standards will also lead to the identification of pathways to wider attendance of such programmes.

**79. GREVIO notes the need to ensure more standardised approaches and strongly encourages the Finnish authorities to adopt and implement uniform standards which place at their centre the safety of, support for and human rights of victims by co-operating closely with specialist support services for victims as required by Article 16, paragraph 3, of the Istanbul Convention. GREVIO further strongly encourages the Finnish authorities to use all available means to ensure that such programmes are widely attended, including by incorporating them into the criminal justice system, including the probation service, as a tool to reduce recidivism. The authorities are encouraged to initiate scientific outcome studies (evaluation) of the programmes to assess, among other aspects, the risk of re-offending, in order to ensure higher levels of safety and protection for victims.**

## **2. Programmes for sex offenders**

80. For more than 20 years, the prison service in Finland has been working with convicted sex offenders on the basis of the English Sex Offender Treatment Programme (SOTP). Around 20 convicted sex offenders attend these programmes annually. As a voluntary programme, it aims to reduce the risk of re-offending by recognising and processing the thought and activity models relating to sex offences. Its duration is approximately eight months with 3-5 sessions per week. A different programme exists for convicted sex offenders at a lower risk of re-offending. Consisting of 16 sessions, it is available within and outside prison.

81. Support, treatment and counselling are also offered in non-custodial settings for anyone at risk of (re-)offending. The Sexpo Foundation, for example, offers long-term counselling and therapy for adults who self-identify as being at risk of committing sexual offences, as do Lyömätön Linja in Espoo and Tampere Setlementti, which also offer domestic violence perpetrator programmes. Online support tools also exist, as well as a legal advice telephone helpline. GREVIO welcomes the availability of support programmes for sex offenders.

## **E. Participation of the private sector and the media (Article 17)**

82. In Finland, a wide range of obligations are placed on the private sector to ensure respect for gender equality and women's dignity at work, and to curb sexual harassment in the workplace. The Equality Act sets out the obligation of all private employers to promote equality between women and men within working life in a purposeful and systematic manner (Section 6). Moreover, measures to match this requirement must be laid out in a gender-equality plan to be adopted by all companies with 30 and more employees. Measures for the prevention of discrimination on the basis of gender

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<sup>30</sup>. Initial steps towards a standardised co-operation model were taken in 2012 and 2013 by the National Institute for Health and Welfare on the basis of the Cut the Violence ("Katkaise väkivalta") model, in which criminal investigators and perpetrator programmes co-operated to ensure that men suspected of domestic violence attended these programmes. That initiative did not, however, lead to a national roll-out of this model.

must feature in such plans. The act specifically states that sexual harassment, gender-based harassment and any order or instruction to engage in discrimination based on gender shall be deemed to constitute discrimination under this act. Where management takes no action against individuals who sexually harass co-workers, it becomes the employer's liability (Section 8d).

83. GREVIO commends the Finnish authorities for placing businesses of a certain size under the obligation to create an inclusive working environment that respects and promotes gender equality and where sexual harassment has no place. GREVIO welcomes with appreciation that the Equality Act does not only ensure accountability for the individual who engages in sexual harassment or discrimination against women, but also that of the management if it were to turn a blind eye. This sends a strong message to the private sector that it has a role to play in addressing violence against women among its workforce.

84. To what extent the above provisions are respected and implemented is monitored by the Equality Ombudsman, who may support companies in setting up the required gender-equality plans and demand their adoption by calling on the National Non-Discrimination and Equality Tribunal, which can issue fines where this is not done. GREVIO recalls that gender equality and inclusive and supportive work environments for women and men are beneficial for all, in particular for business interests, because they may put private companies at a corporate advantage.<sup>31</sup>

85. In relation to the media, self-regulatory standards exist in the form of Guidelines for Journalists published and monitored by the Finnish Council for Mass Media. These set out basic principles of ethical journalism, such as respect for human dignity. They specifically state that victims of highly sensitive crime must be protected, unless the matter is of considerable public interest. Complaints about violations of the Guidelines can be submitted to the Council for Mass Media, which may issue a notice that must be published by the journalist or publisher in question. For public broadcasting, the Act on Finnish Public Service Broadcasting specifically requires the Finnish public service company Yle to take gender equality into consideration in the programmes it offers.<sup>32</sup>

86. Ethical advertising and marketing practices are regulated by legislation and self-regulation. The Consumer Protection Act, Chapter 2, Section 2(1)(2), specifically states that marketing is in conflict with generally accepted social values if it discriminates on the basis of gender and other personal characteristics such as age, disability or sexual orientation. In addition, the Council of Ethics in Advertising (MEN), the self-regulatory body, issues statements on whether an advertisement or advertising practice is ethically acceptable. The Council deals with issues such as discrimination, decency and social responsibility.

87. GREVIO recognises the long history in Finland of monitoring advertisements and the role of women in the media<sup>33</sup> but notes that none of the existing self-regulatory instruments specifically regulate the representation of women in a stereotyped and sexualised manner and observes that questionable images and messages in relation to women continue to be spread by the media and advertising sector. The language used in the traditional and new media to report on incidents of violence often portrays a stereotypical image of women and enhances the acceptance of violence against women. Only one journalism school in Finland has mandatory courses on applying a gender perspective to journalistic work, while all others only briefly touch upon this issue in the context of other subject matters.<sup>34</sup>

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<sup>31</sup>. See [www.inc.com/shama-hyder/why-investing-in-gender-equality-is-crucial-for-your-businesss-future.html](http://www.inc.com/shama-hyder/why-investing-in-gender-equality-is-crucial-for-your-businesss-future.html).

<sup>32</sup>. Public Broadcasting Act, Section 7(3).

<sup>33</sup>. For more details, see *Regulation of gender-discriminatory advertising in the Nordic countries*, Nordic Council of Ministers, 2017, and *Women and men in the news: report on gender representation in Nordic news content and the Nordic media industry*, Nordic Council of Ministers, 2017.

<sup>34</sup>. The journalism programme at the Swedish School of Social Science (part of the University of Helsinki) has been teaching gender in journalism as part of the mandatory curriculum for the past 20 years. See *Women and men in the news, report on gender representation in Nordic news content and the Nordic media industry*, Nordic Council of Ministers, 2017, p. 55.

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88. **With a view to the important role of the media and the private sector in shaping and changing attitudes to the status and role of women in society and the level of acceptance of violence against women, GREVIO encourages the Finnish authorities to set incentives, or otherwise promote, the development and monitoring of self-regulatory standards in relation to the non-stereotypical and non-sexist portrayal of women in the media, including in the context of reporting on violence they have suffered.**

## IV. Protection and support

89. Chapter IV of the Istanbul Convention aims at a multi-faceted, professional and victim-oriented support structure for any woman who has experienced any of the forms of violence covered by the convention, as well as children who have witnessed violence.

### A. General obligations (Article 18)

90. In line with the general multi-agency and comprehensive approach promoted by the Istanbul Convention, Article 18, paragraph 1, requires parties to take the necessary legislative or other measures to protect all victims from any further acts of violence. Paragraph 2 requires parties to ensure that there are appropriate mechanisms in place that provide for effective co-operation among the judiciary, public prosecutors, law-enforcement agencies, local and regional authorities and NGOs. This would require structures such as round tables and agreed protocols that would enable a number of professionals to co-operate around individual cases in a standardised manner. According to the Istanbul Convention, such co-operation must be based on a gendered understanding of violence against women and domestic violence and focus on the human rights and safety of the victim. Specialist women's support services representing the victim with her consent play an important role in guaranteeing that the rights of victims, including the right to data protection, are safeguarded in multi-agency co-operation.

91. In Finland, local efforts exist to ensure multi-agency responses to domestic violence, including through the use of restraining orders and multi-agency case conferences to assess the level of risk (see Chapter VI, Section B. Risk assessment and risk management (Article 51)). GREVIO welcomes these initiatives and appreciates in particular the fact that the Ministry of Social Affairs and Health has issued guidelines to social and health care services on how to respond to domestic violence in a co-ordinated manner.<sup>35</sup> Such protocols and/or established routines based on multi-agency co-operation do not seem to exist in relation to other forms of violence, such as FGM, forced marriage or "honour-related violence".

92. GREVIO recalls that the need for strong multi-agency co-operation, including co-operation between statutory agencies and specialist support services provided by NGOs stems from the conviction that violence against women is best addressed in a concerted and co-ordinated manner by a number of agencies and entities. Article 18 of the convention requires that any co-ordinated measures take into account the relationship between victims, perpetrators, children and their wider environment in order to address their needs in full recognition of their social reality. Against this backdrop, GREVIO is concerned that the Action Plan for the Istanbul Convention for 2018-2021 does not contain any specific measures to enhance and promote – at local, regional or national level – multi-agency co-operation beyond the use of MARACs. GREVIO further recalls the requirement to ensure the empowerment and economic independence of women victims of violence, the need to avoid secondary victimisation, the requirement to provide, where appropriate, for a range of protection and support services located on the same premises and the need to address the specific needs of vulnerable persons, including child victims.

**93. GREVIO strongly encourages the Finnish authorities to take adequate measures to set up institutionalised structures for co-ordination and co-operation among the different governmental and non-governmental agencies and service providers to ensure adequate forms of multi-agency co-operation based on a gendered understanding of violence against women and domestic violence and focusing on the human rights and safety of victims, as well as on their empowerment and economic independence. This should include guidelines and co-operation procedures/protocols for authorities dealing with violence against women and domestic violence, including specific forms such as forced marriage and "honour-related violence", as well as a system for sharing expertise and experience in handling such cases.**

<sup>35</sup>. Ministry of Social Affairs and Health, *Identify, secure and act: recommendations on the prevention of intimate partner violence and domestic violence to social and health care services for guiding and managing local and regional activities* (2008), p. 19; available at <http://julkaisut.valtioneuvosto.fi/handle/10024/74213>.

**GREVIO strongly encourages the inclusion of specialist women's support services run by NGOs, and representing victims in multi-agency work, in any formal and informal co-operation structures.**

## **B. Information (Article 19)**

94. Information on support services and legal measures available to victims of violence against women is provided in numerous ways. The website Infopankki.fi contains information about life in Finland in 12 languages, including information about domestic violence, sexual violence, "honour-related violence", restraining orders and where to turn for help, as well as information on perpetrator programmes. A leaflet for victims of crime is also available in eight languages to explain the availability of support services, legal aid, protection orders, the right to interpretation and translation of documents and the right to compensation for victims of crime. Law-enforcement officials are obliged by law to inform victims of crime of the possibility of obtaining support from support lawyers or victim-support persons – and of their right to free legal aid and interpretation where needed (Sections 29 and 37 respectively of the Criminal Investigation Act). The project called Enhancing Professional Skills and Raising Awareness on Domestic Violence, Violence against Women and Shelter Services (EPRAS), launched in 2017, specifically seeks to ensure, through the training of police officers and social workers, that this is done systematically.

95. Moreover, the National Institute for Health and Welfare has published separate leaflets and a video on the help offered by domestic violence shelters and where to find them – in Finnish and English. It also actively advertises the national telephone helpline Nollalinja (see Section F of this chapter). A number of leaflets produced by NGO-run services seek to provide information to women and girls who have experienced sexual violence and rape.

96. While GREVIO notes with appreciation that efforts are undertaken to provide information on domestic violence services and support for sexual violence, it is concerned that less is done to inform victims of other forms of violence, in particular victims or women/girls at risk of FGM, forced marriage and "honour-related violence", but also girls and young people generally. It is unclear to what extent efforts are made to reach out to migrant women and others who may not be particularly aware of the services offered for these forms of violence or others.<sup>36</sup>

## **C. General support services (Article 20)**

### **1. Social services**

97. The Finnish Social Welfare Act sets out the obligation of social welfare services to provide support and assistance to women who experience or are at risk of domestic violence and other violence and ill-treatment (Section 11). GREVIO welcomes this legal obligation to act and notes with appreciation that it extends to all forms of violence covered by the Istanbul Convention.

98. Information material, in-service training and more general guidance on how to respond to some specific forms of violence against women is being provided to professionals in various sectors of the municipal social welfare services. Some efforts seem to be made to ensure that this information also covers the specific situation and needs of groups of women at risk of intersectional discrimination, such as Roma women.<sup>37</sup> The first national Action Plan for the Prevention of Circumcision of Girls and Women (2012-2016) sought to improve the level of knowledge around

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<sup>36</sup>. There are very few women of migrant background among the SERI Centre's clients, and the Centre itself has referred to the fact that their outreach work has not been successful enough in reaching women from all pockets of Finnish society, in particular those living in tightly-knit migrant communities or Roma women.

<sup>37</sup>. See, for example, "Know and act: Roma women in domestic violence shelters", National Institute for Health and Welfare, available at [www.julkari.fi/bitstream/handle/10024/130038/THL\\_TT\\_kortti\\_turvakoti\\_romaninaisille\\_05012016\\_ENG.pdf?sequence=1&isAllowed=y](http://www.julkari.fi/bitstream/handle/10024/130038/THL_TT_kortti_turvakoti_romaninaisille_05012016_ENG.pdf?sequence=1&isAllowed=y).

FGM among relevant professionals, but most training that was delivered seemed to focus on child welfare services and the immigration service.

99. GREVIO notes that social services across Finland seem to be less well equipped to tailor their response to the specific situation and challenges which women from particular communities face (such as migrant or Sámi women) when exposed to violence. Sámi women in Finland, as elsewhere in the Nordic countries, experience cultural and language barriers when turning to social and health care services.<sup>38</sup> The Council of Europe Advisory Committee on the Framework Convention on the Protection of National Minorities has thus called on the authorities to intensify their efforts to ensure that linguistic training is provided to a sufficient number of municipal employees.<sup>39</sup>

100. Cultural interpreters exist in some places to help steer Sámi users of social services through the system, but research indicates that, in general, public welfare services lack a sufficient understanding of Sáminess, and of the special style of communication and way of life in Sámi culture.<sup>40</sup> Awareness seems to be low of the patriarchal nature of Sámi communities, the dual exposure of Sámi women to structural violence (from within the community and from outside) and the importance of Sámi identity. A pressing issue is that, in the Sámi Homeland, public welfare services are scarce and available only in bigger towns, which means travelling long distances – an additional logistical barrier for many Sámi women in rural areas.

101. Shortcomings in the quality of service provision for women victims of (post-separation) stalking have also been documented.<sup>41</sup> Research has revealed the extent to which misinterpretations of a woman's situation, lack of awareness of the complexity of stalking and perceptions of women as victims on the part of professionals have prevented stalking victims from receiving the help and support they need. Instead, women seeking help have been positioned as 'alienating parents', 'unprotective mothers', 'overcautious women' or 'implausible victims'.<sup>42</sup> This shows the urgent need for more guidance and professional training on the complexities and needs of victims of stalking in the context of separation – many of whom will have endured control, coercion and possibly abuse before separation.

102. Issues around the quality of interventions for victims of the different forms of violence against women may be the result of a lack of prioritisation of resources. Research shows that some municipal decision-makers have a limited understanding of the extent of violence against women and its impact on the community, which is reflected in municipal resource allocation.<sup>43</sup> The available oversight mechanisms of the central government are limited to interview-based evaluations with municipalities, which does not allow for a thorough assessment of the quality and quantity of service provision for women victims of the different forms of violence against women in Finland. Without a thorough assessment, however, disparities in service provision will continue to exist.

103. Similarly, GREVIO recalls that Article 20 of the convention requires that necessary measures be taken to ensure that victims of violence have access to services facilitating their recovery from violence, such as financial assistance, housing, education, training and assistance in finding employment. This is very important for women victims of violence in order to enable them to

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<sup>38</sup>. Information provided to GREVIO during the evaluation visit. See also: Rauna Kuokkanen, "Gendered violence and politics in indigenous communities", *International Feminist Journal of Politics*, Vol. 17, No. 2, 2015 [published online 20 May 2014], pp. 271-88.

<sup>39</sup>. A summary of the present situation can be found in paragraphs 15 and 16 of the Fourth Opinion of the Advisory Committee on Finland, Framework Convention for the Protection of National Minorities, CM(2016)96, Paragraph 104. See also "Experiences of inclusion and welfare services among Finnish Sámi with disabilities", Project Report, Nordic Welfare Centre, 2017, p. 80.

<sup>40</sup>. See also "Experiences of inclusion and welfare services among Finnish Sami with disabilities", Project Report, Nordic Welfare Centre, 2017, p. 87.

<sup>41</sup>. Anna Nikupeteri, "Professionals' critical positioning of women as help-seekers: Finnish women's narratives of help-seeking during post-separation stalking", *Qualitative Social Work*, April 2016, Vol. 16, No. 6, pp. 1-17, available at DOI: [10.1177/1473325016644315](https://doi.org/10.1177/1473325016644315).

<sup>42</sup>. Ibid., pp. 7-11.

<sup>43</sup>. Amnesty Finland, *Kuka ottaa vastuun? Naisiin kohdistuva väkivalta ja ihmisoikeusvelvoitteiden toteutuminen* [Who carries the responsibility? Violence against women and implementation of human rights obligations] (2017), p. 123.

recover from violence and to be economically independent (Article 18, paragraph 3). Violence not only causes injuries but also diminishes women's life chances and possibilities. The support system must remove any barriers for victims by providing the best services and support in a co-ordinated and non-bureaucratic way, to give all victims and their children a realistic chance to live a life without violence. Financial assistance, education, training, employment and housing are basic elements of support and recovery from violence, which needs to be provided to all women, according to their needs, including migrant and refugee women. GREVIO notes with concern that in Finland such support does not seem to exist for all women victims of violence. GREVIO also notes that the housing situation for women who are trying to rebuild their lives is difficult; especially after a stay in shelters, permanent and affordable housing is often not available, which increases the danger that women victims of violence and their children continue to live with the abusive husband or partner. Thus housing programmes, providing affordable housing to women victims of violence from all groups, and their children, in all regions, are of crucial importance to guarantee the right to an independent live free from violence.

**104. GREVIO strongly encourages the Finnish authorities to ensure, among local, municipal and regional authorities and social services, the setting-up of programmes to ensure the recovery of victims from violence and to ensure their economic independence, in the area of financial assistance, education, training and assistance in finding employment. Specific attention should be given to the provision of affordable, permanent housing to all women victims of violence and their children, in particular to victims who cannot stay in their home and as a follow-up measure after a stay at a women's shelter. Higher degrees of awareness of the different forms of violence against women, and cultural sensitivity towards the specific situation of women from national minorities such as the Sámi as well as other distinct groups of women in Finland, are also needed. The aim of such heightened awareness must be the provision of adequate support tailored to the individual specificities, rights and needs of all victims, and to overcome language barriers.**

## 2. Health care

105. The public health sector provides a range of important services to victims of various forms of violence against women, and standardised care paths and methods to identify victims of intimate partner violence exist.<sup>44</sup> In addition, standardised forms exist to document injuries for reporting to the police.<sup>45</sup> GREVIO welcomes these measures but notes with concern that, in the absence of any formal obligation to co-operate, health care professionals do not always know where to refer domestic violence victims to – once they have identified them as such.<sup>46</sup> The level of training of professionals in public health care and the time and resources available to them do not always allow for the provision of adequate support and/or referral. This seems to be the case also in relation to health care professionals in maternity or child health clinics who, for lack of training and awareness, hesitate to address the issue of FGM with clients from communities affected by the practice because they consider it a cultural practice.<sup>47</sup> GREVIO is concerned by this lack of victim identification, and emphasises the need to establish and implement quality standards and guidelines in the health sector for the identification and adequate first assistance to victims of violence, and their referral to specialist women's support services. The implementation of protocols, such as the protocol around maternity health care which requires maternal health professionals to address the issue of FGM, needs to be improved. More must be done to ensure that FGM and other specific forms of violence

<sup>44</sup>. See the material developed by the National Institute for Health and Welfare available at [www.thl.fi/vakivalta](http://www.thl.fi/vakivalta). Recent data show that 60% of the health care centres' child health clinics and school health services use written guidelines for the identification of intimate partner violence. See: National Institute for Health and Welfare, *Lähisuhdeväkivalta [Violence in close relationships] 2017 (2018)*, available at [www.julkari.fi/handle/10024/137215](http://www.julkari.fi/handle/10024/137215), accessed 8 March 2019.

<sup>45</sup>. See the PAKE body-map developed by health care staff to document physical injuries.

<sup>46</sup>. Marita Husso, Tuija Virkki, Marianna Notko, Juha Holma, Aarno Laitila and Mikko Mäntysaari, "Making sense of domestic violence intervention in professional health care", *Health and Social Care in the Community*, July 2012, Vol. 20, No. 4 [online 2011], pp. 347-55, at p. 350.

<sup>47</sup>. The evaluation of the implementation of the National Action Plan on FGM (2012-2016) has highlighted this reluctance among professionals as an issue. See also the Finnish League for Human Rights blog, which refers to interviews with women from Somalia and Eritrea in Finland, 28 August 2017, *Laki ei auta, jos ammattilaiset eivät vieläkään ota puheeksi tyttöjen silpomista* [The law does not help if professionals still do not bring up the subject of FGM], available at <https://ihmisoikeusliitto.fi/laki-ei-auta-jos-ammattilaiset-eivat-vielakaan-ota-puheeksi-tyttojen-silpomista/>.

are not treated as a “cultural practice” but as forms of violence against women, requiring professional intervention, including long-term care and psychological support.

106. **GREVIO strongly encourages the Finnish authorities to establish and implement quality standards and protocols on all forms of violence against women in all health institutions and to increase the capacity of health care professionals to identify women victims of all forms of violence in order to provide adequate treatment and assistance to them, as well as their referral to appropriate specialist women’s support services as part of a co-ordinated response.**

#### **D. Specialist support services (Article 22)**

107. The drafters of the Istanbul Convention created a distinction between general and specialist services, indicating their respective roles in the process of the victims’ recovery. Thus, specialist services are aimed at empowering victims through optimal support and assistance catered to their specific needs, an aim which can be best ensured by women’s organisations and support services provided, for example, by local authorities with specialist and experienced staff with in-depth knowledge of gender-based violence.

108. A number of services exist in Finland that women and girls can turn to for help and support for different forms of violence. Examples include sheltered accommodation and counselling for women at risk of domestic violence, including one shelter that specialises in support and protection for migrant women and girls who experience or are at risk of not only domestic violence but also forced marriage or other forms of “honour-related violence”. This is the Monika Multi-Cultural Women’s Association, which also offers peer support groups and counselling. The Federation of Mother and Child Homes and Shelters and other NGOs offer online counselling for women who, for reasons of distance or logistics, cannot come in for an appointment. Stalking victims can turn to Viola – Free from Violence for support and counselling. In addition, Girls Houses (Tyttöjen Talo) have been set up by several municipalities and offer low-threshold services for girls and young women between the ages of 10 and 28. Some provide counselling for sexual violence, related trauma and aftercare and help to raise awareness of violence and to empower girls more generally.

109. Despite these efforts to provide specialist support, GREVIO notes with concern that specialist women’s support services remain lacking in Finland. In addition to shelters, specialist women’s non-residential services would be needed in all regions of Finland, in order to ensure immediate, short- and long-term support to women victims of all forms of violence and their children. Such services would need to provide holistic and comprehensive support and a range of services, so that victims are not burdened by having to seek help at different places, which increases the danger of secondary victimisation (see Article 18, paragraph 3). Such comprehensive services would include counselling and psychosocial support, legal support and also practical support, including accompanying them to police stations, courts and other institutions, social services and meetings relating to decisions to be taken regarding their children. Article 22 specifies that specialist support services must address different types of violence covered by the Istanbul Convention and that they must provide support to all groups of victims, including hard-to-reach groups.<sup>48</sup> Moreover, they must be sufficiently spread throughout the country and accessible for all victims.<sup>49</sup> Against this standard, GREVIO notes that, in Finland, specialist women’s support services for specific forms of violence are very scarce. Very few counselling and support services exist for women/girls who are victims or at risk of stalking, FGM or forced marriage. Most services are based in the south of Finland, leaving large rural areas of Finland seriously underserved. The lack of services (specialist and general) is of particular concern for women who live in the Sámi Homeland.<sup>50</sup>

<sup>48</sup> Istanbul Convention, Explanatory Report, paragraph 132.

<sup>49</sup> Ibid.

<sup>50</sup> The only available specialist service is a shelter in Rovaniemi. No other specialist services exist, resulting in Sámi women turning to emergency hospital services for lack of other options.

110. The only service that exists throughout the entire country, including the Sámi Homeland, is Victim Support Finland (RIKU). Women victims of all forms of violence are frequently referred to this organisation, in particular, victims of domestic violence, who make up a large proportion of their clients. Although GREVIO welcomes the wide geographic coverage that this organisation ensures, it is important to point out that it is a support organisation for all victims of crime and cannot be considered a specialist support service for women experiencing violence against women. While GREVIO recognises the challenges involved in service provision in a sparsely populated country such as Finland, it considers that specialist women's support services should also be resourced in adequate numbers. The aim must be to provide support immediately after reporting so that victims are assisted practically to obtain protection orders and to exercise their rights in legal proceedings. Women victims of violence should be actively referred to specialist women's support services by the police and other agencies, and repeat referrals (first to general victim support and then to specialist support) should be avoided. A model where women victims of violence are actively contacted by a specialist women's support service after police interventions and reporting to the police should be considered, because relatively few victims seem to be able to obtain protective measures, which points to a lack of specialist support of women victims of violence and their children.

**111. GREVIO strongly encourages the Finnish authorities to take measures to ensure the provision of specialist women's support services with a gendered approach, providing comprehensive, immediate, short- and long-term support to all women victims of violence and their children in all parts of Finland. Police and other institutions need to refer to such specialist women's services directly and must avoid repeat referrals. Especially after police intervention a proactive approach is needed to ensure that victims are reached and can exercise their rights to protection and support.**

## **E. Shelters (Article 23)**

112. The number of domestic violence shelters is steadily growing, as is their regional coverage. GREVIO welcomes the increase in public funding from 11.55 million EUR in 2015 to 19,55 million EUR in 2019, which has led to a significant increase in shelter places.<sup>51</sup> The ratio of one family place per 10 000 head of population as suggested in the Explanatory Report to the Istanbul Convention is, however, far from attained.<sup>52</sup>

113. Shelters in Finland are mostly operated by NGOs, although some municipalities also maintain domestic violence shelters. Most, though not all, NGO-run shelters are part of the Federation of Mother and Child Homes and Shelters, which had been originally set up to work mainly with families and children in difficult circumstances. It thus promotes a child-welfare perspective, as opposed to the shelter movements in other countries which are more explicitly linked to the feminist movement.

114. Service provision and compensation is regulated by the Act on State Compensation to Providers of Shelter Services, which ensures annual funding by the state for safe accommodation, psychosocial support, counselling and guidance for those who are victims of violence in close relationships or live under such a threat. It makes the management, assessment, development and nationwide co-ordination of shelters the obligation of the National Institute for Health and Welfare (Section 12). A Government Decree on the Prerequisites for the Provision of Shelter Services (598/2015) sets out quality standards and requirements for professionals working in shelters.

115. The introduction of a legal basis for funding by the central government is generally considered an improvement, as funding is made available in advance for a period of twelve months irrespective of service use. It also allows shelters to take in women anonymously, and decisions around the length of stays are made by shelter staff based on the individual need instead of by municipal social workers. GREVIO welcomes the fact that this system allows women from all pockets

<sup>51</sup>. The number of shelter places has gone up from 123 in 2015 to 179 in 2018.

<sup>52</sup>. Istanbul Convention, Explanatory Report, paragraph 135. In the case of Finland, this would require 550 family places in domestic violence shelters.

of society to access shelters, including migrants with irregular migration status. However, GREVIO notes that such women can hardly benefit from the shelter's services beyond the provision of safe accommodation, because reporting their abusers or obtaining protection orders in their name is not possible without disclosing their irregular status to the authorities, thus risking deportation.

116. Although the above measures seek to ensure the availability of places in shelters for Swedish-speaking Finns, migrant women and women with disabilities, disability rights groups point to a number of barriers that persist for disabled women seeking shelter from domestic violence. These include the lack of timely transport to shelters, inaccessible sanitary facilities and the fact that most shelters do not admit personal disability assistants. Moreover, GREVIO notes that the current shelter network does not seem to provide sufficient options to the Roma women of Finland whose safety issues are much more pronounced and whose social norms are often insufficiently understood by shelters, which acts as a significant barrier. GREVIO is concerned about the fact that specialist women's shelters do not exist, despite the fact that such shelters are best equipped to address the multiple, interlocking problems that victims face in relation to their health, safety, financial situation and the well-being of their children. Shelter provision in Finland seems to apply a gender-neutral approach, accommodating both male victims and perpetrators. This raises questions of the safety as well as the empowerment of women victims of violence. In order to ensure recognition of the gendered nature of violence against women, women-only shelters should be provided. Male victims should be accommodated in separate facilities.

**117. GREVIO strongly encourages the Finnish authorities to pursue and step up their efforts in expanding the number of shelter places and the geographic distribution of shelters in Finland to reach the minimum standard of one family place per 10 000 head of population as set out in the Explanatory Report to the Istanbul Convention, to resource shelters adequately, to provide long-term funding and to provide women-only shelters for women victims of violence and their children. Moreover, GREVIO encourages the Finnish authorities to assess the availability, in practice, of shelters for women with disabilities, women from the different Roma communities and women with substance-abuse issues.**

#### **F. Telephone helplines (Article 24)**

118. The national telephone helpline on domestic violence and violence against women (Nollalinja) was set up by the National Institute for Health and Welfare in December 2016 in response to the entry into force of the Istanbul Convention and is run by the Setlementti Tampere association. It is available state-wide, free of charge and round the clock. It offers professional support and referrals to specialist services by trained social workers. In addition, several other hotlines exist, such as the Women's Line (Naisten Linja), which offers women-to-women counselling and support for any experiences or fear of abuse and violence. This line is operated by an NGO and served by trained volunteers. It operates daily for four hours (in Finnish and one day a week in English) but offers additional support through an online chat forum and peer-support groups.

119. GREVIO welcomes the setting-up of a nationwide helpline and notes with appreciation that it is being more widely used. However, GREVIO notes that its focus seems to be on intimate partner violence only. It also seems unclear to what extent it frames violence against women, including intimate partner violence, as gender-based violence. At the same time, the hotline does not seem to advertise specific support in relation to other forms of violence, such as forced marriage or FGM. Moreover, many women might be barred from making a call because of language barriers, as the services are available only in Finnish, Swedish and English. Sámi women, in particular in the Sámi Homeland who already feel cut off from services, may perceive this line to be yet another service that does not cater to their needs.

**120. GREVIO encourages the Finnish authorities to ensure the services of the Nollalinja national telephone helpline in a wider variety of languages, in particular Sámi, in order to reduce the language barriers that some women in Finland currently experience when seeking help. GREVIO also encourages the Finnish authorities to actively advertise the Nollalinja**

**helpline as a service for all forms of violence which women in Finland may experience, in particular forced marriage, FGM and “honour-related” forms of violence.**

### **G. Support services for victims of sexual violence (Article 25)**

121. In response to the obligation contained in Article 25, which requires a holistic and sensitive response to rape and sexual violence by specialist support services, a sexual violence referral centre (the SERI Support Centre) was established in 2017 at the Women’s Hospital in Helsinki. The aim is to ensure a roll-out of such centres to Turku, Tampere, Oulo and Kuopio, accompanied by satellite support centres in each province. GREVIO welcomes these plans as they would fill a considerable gap in service provision for victims of rape and sexual violence. The only other available specialist counselling service in addition to the SERI Centre in Helsinki is the Rape Crisis Centre Tukinainen. The counselling around sexual assault, rape and sexual harassment offered by other support services (municipality-based or run by NGOs) is equally important, but forms part of a panoply of counselling services provided and focuses less on face-to-face counselling or on the collection of forensic evidence.<sup>53</sup>

122. GREVIO notes with some concern that the SERI Support Centre limits its service provision to women who have experienced a rape or sexual assault up to 30 days prior to contacting the Centre. GREVIO recalls that many victims of rape do not easily take action, in particular if other factors – such as insufficient language skills of the host country, membership of a social group or minority or irregular migration status – compound the situation. Prevalence rates are high, with 17% of women in Finland having experienced sexual violence and only less than 10% of all rapes reported.<sup>54</sup> This renders the need for sufficient counselling and support very urgent.

123. The data on service use indicate that the large majority of victims seek the SERI Support Centre’s services within three days of the assault, or even straight from the crime scene and accompanied by the police.<sup>55</sup> This indicates that this service is not being accessed by victims who report days, weeks or months after the event or who do not intend to report at all. The data also suggest that migrant women, and women with low command of Finnish or Swedish, rarely turn to the Centre at all, indicating insufficient outreach to such vulnerable groups.

124. Until completion of the roll-out of SERI Centres, victims of rape and sexual assault across Finland can turn to any doctor on call for forensic exams and the collection of crucial evidence. GREVIO notes, however, that this approach does not, as such, offer specialist services to victims and much will depend on the degree of specialisation and sensitisation of the doctor on duty.

125. GREVIO emphasises the need to ensure support services for all victims of rape and sexual violence, including vulnerable and hard-to-reach groups, who may not seek help immediately. At the same time, GREVIO recalls the importance of ensuring comprehensive support to victims of sexual violence, including long-term services and services offering practical support such as accompaniment in court and victim support in legal proceedings. The psychological services currently provided by the SERI Centre are limited to crisis assistance, consisting of two or three meetings. While the SERI Support Centre will assist the victim in reaching other services which provide continued psychosocial counselling, rape crisis centres are limited to only some areas in Finland. In addition to highly specialist services in hospitals which offer support immediately after a crime has been committed, rape crisis services are needed which provide low-threshold services for all women victims of sexual violence, including comprehensive, practical, legal and long-term support, and support to access victims’ rights and protective measures. Repeat referrals should be

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<sup>53</sup>. See, for example, the services provided by the organisation Youth Exit (Nuorten Exit ry) or Pro-tukipiste, which offer counselling for sexual violence in the framework of their work on the rights of women in the sex industry and in the context of offering ways out of prostitution.

<sup>54</sup>. EU Fundamental Rights Agency, *Violence against women: an EU-wide survey. Main results*, 2014; p.162 [as cited in n.20, above].

<sup>55</sup>. According to data provided by the SERI Centre Helsinki, 55% of victims come with police officers and usually straight from the crime scene; 80% of victims come within three days.

avoided, and the services which victims need should be offered on the same premises, as re-living the experience of abuse time and again always bears the danger of secondary traumatisation.

**126. GREVIO strongly encourages the Finnish authorities to pursue their efforts in setting up sexual violence referral centres across the country and to ensure the availability of additional services to offer support to women and girls who seek help days, weeks, months or even years after the event. GREVIO also strongly encourages the Finnish authorities to ensure the setting-up of low-threshold services providing comprehensive and practical support, including legal support to access victims' rights and protective measures as well as long-term psychosocial support for all victims of rape and sexual violence.**

#### **H. Protection and support for child witnesses (Article 26)**

127. The obligation set out in this article is to ensure that whenever children have witnessed domestic violence, rape, sexual harassment or other forms of violence covered by the convention, the services provided to direct victims are also equipped to address the needs and rights of any child witnesses. While this is most relevant to domestic violence cases, it is important to bear in mind that other forms of violence may also be witnessed by children, for example stalking.

128. In Finland, public welfare interventions on the basis of the Social Welfare Act must ensure the provision of care and support to children that correspond to their age and development. Children who move to shelters with their mothers are clients in their own right and receive counselling and support to help them deal with their experiences of witnessing or being exposed to violence (Section 5 of the Act on State Compensation to Providers of Shelter Services). The National Institute for Health and Welfare offers training for shelter staff to ensure quality interventions and work with children in shelters. In some municipality-run shelters, the Trappan operating model has been introduced and training provided to key professionals. At the heart of this model lies a method developed to assist children who have witnessed domestic violence.

129. NGO-run services for women victims of domestic violence, however, seem to find it difficult to ensure sufficient funding to offer counselling for children witnessing violence against their mothers. The Action Plan for the Istanbul Convention 2018-2021 envisages the development of tools to ensure more systematic case management for children and service co-ordination at family centres where different branches of social services co-ordinate interventions for children.

130. Moreover, GREVIO notes that children who have witnessed abuse by one parent against the other are frequently continuing to be exposed to or to witness abuse and stalking after separation. The custody arrangements in place exacerbate this exposure and/or provide avenues for one parent to deny children the much needed psychosocial counselling by withholding consent to such services.

**131. GREVIO strongly encourages the Finnish authorities to ensure the availability of age-appropriate psychosocial counselling for child witnesses of all forms of violence covered by the Istanbul Convention, in particular for children who witness domestic violence and post-separation stalking by one parent against the other.**

#### **I. Reporting of professionals (Article 28)**

132. A number of professionals, including social and health care service providers, education staff and child day care staff, are under a legal obligation to report any ill-treatment of children or situations in which the child's welfare is threatened (Article 25 Child Welfare Act). This would include a child witnessing domestic violence or experiencing it themselves, but also any suspicion of plans to marry a child against her will or to perform FGM on her.

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133. Not all professionals, however, seem to be sufficiently aware of this obligation. Without specific training or guidelines for professionals, the general wording in which the obligation is couched may not trigger action in relation to less common forms of violence such as (suspicions of) FGM and forced marriage.<sup>56</sup>

134. With a view to improving the prevention of homicides, in particular within families, legislative amendments were introduced in 2015 to the Act on the Status and Rights of a Social Welfare Client as well as the Act on the Status and Rights of a Patient. These changes allow professionals who had previously been bound by confidentiality rules to notify statutory agencies where they suspect a risk to the life of a woman or child in the context of domestic violence.

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56. Training for social and health care professionals conducted by the Finnish League for Human Rights showed that very few professionals were aware of the fact that the suspected planning of FGM would come under the remit of their duty to notify the ill-treatment of children.

## V. Substantive law

135. Chapter V of the Istanbul Convention covers a range of provisions related to substantive law, in the area of both civil and criminal law. Their aim is to help create, in all parties to the convention, the necessary legislative framework to prevent violence against women, to protect them from further victimisation and to ensure robust intervention and prosecution by law-enforcement agencies. In the interest of prioritisation, this section of the report addresses several but not all provisions of Chapter V of the convention.

### A. Civil law

#### 1. Civil remedies against the state – ensuring due diligence (Article 29)

136. A core aim of the convention is to end impunity for acts of violence against women. This not only requires that individual perpetrators be held accountable through criminal law and other measures, but also that legal avenues be available to challenge and address any wrong-doing by state actors. If a state agency, institution or individual official has failed diligently to prevent, investigate and punish acts of violence (Article 5 of the convention), victims and/or their relatives must be able to hold them accountable.

137. In Finland, public officials are criminally liable for any negligent or intentional violation of their public duties and may be dismissed if convicted thereof (Criminal Code Chapter 40, Sections 9 and 10). Under the Tort Liability Act, the state, municipality or any other public entity may be liable for damages caused by a public official or employee. Oversight of municipal social welfare services lies with the National Supervisory Authority for Welfare and Health and the relevant Regional State Administrative Agency as set out by the Social Welfare Act (Sections 55 and 56).

138. In addition, accountability of the actions of state officials may be obtained through the complaints mechanisms established in relation to the Chancellor of Justice and the Parliamentary Ombudsman. Only very few cases concern the accountability of public officials in cases of violence against women, although they do exist. A large number of complaints are made in relation to decisions taken by the social services, however. Cases of discrimination by social services and the health sector are frequently taken to the Non-Discrimination Ombudsman, who adjudicates on questions of discrimination.

139. Finally, the Chancellor of Justice is vested with investigatory powers to ensure accountability of public institutions. One example of how such powers have been used in the context of law-enforcement agencies is a case under scrutiny that concerns the lack of action by local police in a domestic violence case based on a complaint made by a victim-support organisation. In addition, an on-site inspection of the National Police Board was recently carried out in relation to its duties to plan, direct, develop and supervise police operations. The Board is currently reviewing its guidelines concerning disciplinary measures which may be taken in relation to officers who are found guilty of criminal conduct, including domestic violence.

#### 2. Compensation (Article 30)

140. Under the Tort Liability Act, the primary obligation to compensate lies with the perpetrator.<sup>57</sup> Claims can be made either during the criminal proceedings or by bringing a separate civil law suit, which the prosecutor can initiate on behalf of the victim. Where compensation cannot be obtained from the perpetrator or through insurance, the Act on Compensation for an Offence offers compensation for damages paid for by the State Treasury.

141. GREVIO welcomes the fact that primary and secondary compensation is, in principle, available to women victims of violence in Finland. It notes, however, that no information is available on the extent to which they receive such compensation in practice. The available data only provide

<sup>57</sup>. Chapter 2, Section 1, of the Tort Liability Act.

the total number of women who apply for compensation annually, without reference to the type of crime it relates to. This does not allow any conclusions to be drawn as to whether damages are awarded to women victims of domestic violence, rape, sexual assault and the like, and whether these are primarily awarded by the perpetrator or by the state.

**142. GREVIO invites the Finnish authorities to collect data on the number of cases of violence against women in which perpetrators have been ordered to pay compensation to the victim.**

### **3. Custody and visitation rights (Article 31)**

143. Custody and visitation decisions in relation to families with a history of abuse require a careful balancing of the different interests at stake. Article 31 of the Istanbul Convention requires such decisions to take into account any incidents of violence covered by the convention, in particular incidents of domestic violence. Furthermore, it requires parties to ensure that the exercise of any visitation or custody rights does not jeopardise the rights and safety of the victim or children while taking into account the parental rights of the perpetrator. In particular, in cases of domestic violence, issues regarding children often represent the only ties that remain between victim and perpetrator. For many victims and their children, complying with contact orders can be seen as a continuation of the violence and can also present a serious safety risk because it means meeting the perpetrator face-to-face.<sup>58</sup>

144. The Finnish Act on Child Custody and Right of Access proclaims the best interests of the child as the guiding principle in all decisions on custody and right of access (Chapter 1, Section 9 (4)). In agreements reached mutually by parents in meetings with social services, the best interests of the child are ensured by the municipal child supervisor and all agreements require confirmation by the Social Welfare Board. A guidebook on mapping and intervening in domestic violence is available to social workers, in particular child supervisors, in order to understand the impact on children of witnessing violence among parents.

145. Where parents cannot agree, custody decisions are referred to the district court (Chapter 1, Section 9). As part of a comprehensive assessment of the situation, incidents of violence in the family must be considered. A range of measures exist to facilitate contact, such as supervised exchanges from one parent to another or supported and supervised visitation schemes, where social workers attend meetings between the non-residential parent and the child. Research shows, however, that judges do not always consider violence by one parent against another as a reason to restrict the violent parent's access to the child. This may result from a lack of awareness of the impact that past exposure to violence may have on children's development.<sup>59</sup> It may also be linked to the quality of social welfare reports, which courts heavily rely upon and which do not always mention nor accurately describe the violence experienced or witnessed by children.<sup>60</sup>

146. More and more research, including from Finland, reveals the extent to which the position of children during separation and in post-separation parenting is overlooked, in particular in cases where intimate partner violence has preceded the separation.<sup>61</sup> The ensuing custody and visitation decisions and their enforcement are frequently used by domestic abusers to continue the pre-separation tactics of power and control.<sup>62</sup> Children's vulnerability in this context is exacerbated by

<sup>58</sup>. Istanbul Convention, Explanatory report, paragraph 176.

<sup>59</sup>. Teija Hautanen, "Domestic violence and child custody disputes", English summary of doctoral thesis, University of Tampere 2010, available at <http://tampub.uta.fi/bitstream/handle/10024/66642/978-951-44-8192-5.pdf>.

<sup>60</sup>. According to the Act on Child Custody and Right of Access, courts must request a report from the social welfare board in all decisions on child custody and right of access (Chapter 2, Section 16).

<sup>61</sup>. Anna Nikupeteri and Merja Laitinen [University of Lapland], "Children's everyday lives shadowed by stalking: post-separation stalking narratives of Finnish children and women", *Violence and Victims*, 2015, Vol. 30, No. 5, pp. 830-45, at p. 831.

<sup>62</sup>. Ibid., p. 836 onwards. Interviews conducted with children show the extent to which the shadow of violence and abuse they have lived with continues because of visitation arrangements. According to Minna Piispa and Martta October, domestic abusers continue to stalk their former partners in 40% of all cases which were subject to a MARAK procedure. M. Piispa and M. October, *Vaikuttava työkalu toistuvaan parisuhdeväkivaltaan puuttumiseen* [Efficient tool for intervention in repeated partner violence], 2017, available at [www.julkari.fi/handle/10024/134851](http://www.julkari.fi/handle/10024/134851).

the fact that restraining orders in Finland do not have a bearing on the abuser's right of access to their child unless the order has been specifically issued to protect the child.

147. The United Nations CEDAW Committee has raised concerns regarding the measures in place in Finland to ensure that domestic violence is given due consideration in child custody decisions.<sup>63</sup> Women's support services and lawyers share these concerns and point to the difficulties that persist for women who are seeking to have their experiences of violence and its impact on their children reflected in child contact decisions.

148. In light of the above, GREVIO welcomes the information that a reform of the legislation on child custody is currently under way. It does not, however, seem to include a (temporary) prohibition of contact with the child in instances where a parent has been violent to the child or another parent. GREVIO notes with concern that the *travaux préparatoires* to the draft legislative reform maintain the notion that access rights can be facilitated through supervised or supported visitation despite confirmed reports of violence – although on a case-by-case basis and not as a general rule.<sup>64</sup> Where children have experienced or witnessed violence by the non-resident parent, the reform calls for supervised or supported visitation as a tool to manage the risks and fear a child may be exposed to during visitation, but it may be suspended in an exceptional situation. GREVIO notes the efforts made to balance out the different interests at stake and recalls the need to ensure that the rights of access of parents to their children are not put before the child's physical, emotional and psychological safety and well-being. To adequately ensure a child's safety and well-being, behavioural change on the part of the perpetrator will be necessary in order to grant visitation rights in line with the convention.

149. GREVIO thus points to the need to, first and foremost, remedy any shortcomings in taking into consideration incidents of domestic violence in decisions on child contact by ensuring a unified approach by all statutory agencies, an approach which would prioritise the need for protection and safety of victims of domestic violence and which would recognise that children witnessing abuse by one parent against another can be as affected as much as if they had experienced it themselves. Such an approach should clearly spell out the obligation of child protection services when to act, and how, where allegations of violence are made in relation to the exercise of visitation rights – a recommendation already made in the Study on the background to family and child killings 2003-2012.<sup>65</sup>

**150. GREVIO urges the Finnish authorities to take the necessary measures, including legislative amendments, to ensure that courts are under the obligation:**

- **to consider all issues related to violence against women when determining custody and visitation rights;**
- **to ensure the recognition of witnessing violence against a close person as jeopardising the best interest of the child, and**
- **to restrict custody and visitation rights where this is warranted to guarantee the safety and best interest of the child.**

#### **4. Civil consequences of forced marriages (Article 32)**

151. Article 32 of the Istanbul Convention requires that “marriages concluded under force may be voidable, annulled or dissolved without undue financial or administrative burden placed on the victim”. The aim of this provision is to ensure that where women and girls free themselves from marriages concluded without their free consent, they do not have to bear any consequences regarding their civil status. The Ministry of Justice, in a memorandum published in 2017,

<sup>63</sup>. CEDAW/C/69/D/103/2016, paragraph 10.

<sup>64</sup>. HE 88/2018 vp, pp. 51-2.

<sup>65</sup>. Minna Piispa, Jukka Taskinen and Helena Ewalds, *Selvitys perhe- ja lapsensurmien taustoista vuosilta 2003–2012* [Study on the background to family and child killings 2003-2012] (2012), p. 26; Study conducted by the National Institute of Health and Social Welfare. It analysed all cases of lethal violence against children under 15 by a biological parent between 2003 and 2012 and recommended preventive measures for the future.

acknowledges the need for voiding forced marriages.<sup>66</sup> Yet, this is not possible under current Finnish legislation.

**152. GREVIO encourages the Finnish authorities to incorporate in the relevant legislative act(s) the possibility of voiding, annulling or dissolving marriages concluded under force.**

## **B. Criminal law**

153. A number of criminal law provisions exist in the Finnish Criminal Code to criminalise the forms of behaviour covered by Articles 33 to 40 of the Istanbul Convention. With the exception of stalking, these are general criminal provisions rather than specific offences. GREVIO's review of their letter and spirit and their application in practice suggests that they do not adequately cover all forms of violence against women. Some explicit examples of criminalisation are inadequate, and various forms of violence against women are hidden and invisible in general offences – although GREVIO recognises that guidance on their use is provided in the *travaux préparatoires*.

154. GREVIO appreciates that the Finnish Action Plan for the Istanbul Convention for 2018-2021 identifies the need to improve effective enforcement of the criminal offences for sexual violence, including rape, forced marriage and female genital mutilation through further training and additional guidelines for police officers and prosecutors. GREVIO also welcomes the information that NAPE will examine any possible need to amend legislation midway through the action plan period. However, GREVIO is concerned that no research has been commissioned to assess the level of gender responsiveness of the general criminal provisions on violence against women and domestic violence, and thus, the need for criminal legislative reform.

155. As a general observation, states have an obligation to ensure that the gender-specific nature of violence against women can be effectively taken into account in the implementation by law-enforcement agencies, prosecutors and the courts. GREVIO is concerned that in Finland there are no specific guidance tools (policies, protocols or instructions) on how to address violence against women as a gender-based crime. Instead, the available tools continue to use gender-neutral language. With the existing statistics showing low reporting rates, high rates of attrition (the process whereby cases drop out of the criminal justice system) and low conviction rates in cases involving violence against women, GREVIO is concerned that the current approach to criminal legislation may not allow for the specific experiences of women to become visible, thereby reducing women's access to justice.

### **1. Psychological violence**

156. Psychological violence is not explicitly criminalised, although the offence of assault, aggravated assault and petty assault (Chapter 21, sections 5-7) and the offences of coercion (Chapter 25, Section 8) and menace (Chapter 25, Section 7) cover some forms of psychological abuse that are frequently experienced in domestic violence situations. While the offence of assault includes injuries to the health of another without employing physical violence, it only covers a single incident and thus inadequate to cover a course of conduct which Article 33 aims for (see paragraph 181 of the Explanatory Report). The offence of coercion is met when a person unlawfully by violence or threat forces another to do, endure or omit to do something. Menace requires a person to raise a weapon at another or to otherwise threaten another with an offence. This sets the threshold of conduct very high to be considered criminal behaviour. It does not encompass a course of conduct which might consist of several incidents of conduct of a lower intensity, which often form part of the pattern of abuse in domestic violence situations and which is what Article 33 of the Istanbul Convention seeks to capture. In essence, the existing criminal offences in the Finnish Criminal Code

66. Virve-Maria Toivonen, Pakkoavioliittojen esiintyminen ja ilmitulo Suomessa [in Finnish], Helsinki University, 2017, available at <http://oikeusministerio.fi/documents/1410853/4750802/Avioliittoon+pakottaminen+-+selvitysmuistio+2017+HY.pdf/8b68f4a4-8c0e-43e0-9314-a40af9e4c56f/Avioliittoon+pakottaminen+-+selvitysmuistio+2017+HY.pdf.pdf>.

do not correspond to all acts that seriously impair the psychological integrity of a person as required by Article 33.

157. Psychological violence may take on very serious forms, such as a death threat, which is not only a crime in and of itself but also serves as an indicator of the risk of lethality in intimate partner violence. Threats of violence often escalate into actual physical violence. Explicit threats of harm and death are often concurrent with other forms of violence, distress and fear, all of which are aspects of coercive control in a relationship. GREVIO is concerned that there is both a lack of understanding by police and prosecutors of the seriousness of death threats and a lack of specific training for the criminal justice authorities on using the Criminal Code offences of assault, coercion and menace in these situations.

158. Moreover, it is not possible with the current criminal administrative system to determine the number of cases of psychological violence in abusive relationships that are reported, investigated, prosecuted and eventually lead to a conviction. Lawyers and representatives of civil society indicate that the law on assault is rarely used for psychological violence. The challenge with psychological violence is that certain aspects are covered under various offences and it is unclear how the police and prosecutors implement these provisions in practice to fully capture victims' experiences with domestic violence in all its manifestations. Homicide rates have been higher in Finland than in other Western and Nordic European countries for decades.<sup>67</sup> Research from the period 2003-2008 shows an annual average of 23 women killed in partnerships. In fatal cases of intimate partner violence, 80% of the victims are women. This highlights the importance of addressing psychological violence at an early stage.

**159. GREVIO strongly encourages the Finnish authorities to investigate, prosecute and punish effectively acts of psychological violence by making full use of the available provisions in the Finnish Criminal Code. To effectively criminalise all acts that seriously impair the psychological integrity of a person as required by Article 33, GREVIO strongly encourages the authorities to consider introducing a new provision that would better fit the Istanbul Convention's framework.**

## **2. Stalking (Article 34)**

160. GREVIO commends Finland for introducing the specific crime of stalking in 2014 (Chapter 25, Section 7). Of concern is that, according to the *travaux préparatoires* of the Criminal Code, a prerequisite for stalking is that the victim has expressed their concern that the acts are unwanted, even though the offence of stalking as defined in the Criminal Code does not require this. According to civil society and lawyers, this has had negative consequences in practice where the law-enforcement authorities have placed high relevance on the victims' own behaviour.<sup>68</sup> A recent judgment by the Helsinki District Court indicates that explicitly asking the stalker to stop cannot be considered a general requirement in stalking cases, which GREVIO welcomes.<sup>69</sup> GREVIO considers this an important message to show that requiring the victim to engage in communication with the stalker may only encourage acts of stalking and places an undue burden on the victim.

161. Civil society and lawyers who represent victims of stalking, however, note the lack of knowledge by police and prosecutors regarding this offence, and their limited understanding of both the complex nature of stalking, and women's reactions to it, and also how to effectively stop this continued form of violence against women. Some police are not willing to file a complaint of stalking if it is part of a post-separation situation. Research provides examples where police have minimised

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<sup>67</sup>. Homicide trends from the Finnish Homicide Monitor. See also Consuelo Corradi and Heidi Stockl, "Intimate partner homicide in 10 European countries: statistical data and policy development in a cross-national perspective", *European Journal of Criminology* 2014, Vol. 11, No. 5, pp. 601-18.

<sup>68</sup>. For instance, the District Court of Espoo found in one case that the stalking offence commenced only after it emerged in the victim's messages to the stalker that the victim did not wish to receive the messages. Judgment of the District Court of Espoo (2015: 106335, R 14/2611).

<sup>69</sup>. Judgment of the District Court of Helsinki, R18/4821 (2018).

the suspect's behaviour, viewed the women as being overly emotional and perceived inconsistent behaviour by the victim as a credibility issue.<sup>70</sup>

162. According to a study of stalking cases in the court system, there have been few cases that proceed to trial.<sup>71</sup> From 1 January 2014 to 31 March 2016, there had been only a total of 44 cases, of which 32 cases led to a conviction and seven to a partial conviction for stalking, and in five cases the charges were dismissed. As of today, lawyers estimate that there are approximately 100 cases that have been handled by District Courts or Courts of Appeal. The Finnish Supreme Court has not yet dealt with any stalking cases. This is compared to findings of the prevalence rate of 24% of women in Finland reporting being stalked by a person known or unknown to them, with 9% of women having been stalked by a previous partner.<sup>72</sup>

163. While it is possible to demand punishment for other offences in connection with stalking offences, such as menace (Chapter 25, Section 7), assault (Chapter 21, Section 5), violation of a restraining order (Chapter 16, Section 9a), criminal damage (Chapter 35, Section 1), invasion of domestic premises (Chapter 24, Section 1), dissemination of information violating personal privacy (Chapter 24, Section 8) and defamation (Chapter 24, Section 9) along with the aggravated forms of these offences, the punishment for stalking is very weak. While the punishment ranges from a fine to imprisonment for two years, the study found that the punishment in cases involving solely stalking was between 20 and 70 day-fines. Victims are, as a rule, awarded only minor damages. There is no aggravated form of stalking in the Criminal Code. GREVIO is concerned that the imposition of minimal fines in stalking cases does not reflect the seriousness of this offence and takes the view that the perpetrators' actions are not taken seriously. More use should be made of the higher range of sentencing and of pre-trial detention to stop the continued stalking behaviour.

**164. GREVIO strongly encourages Finland to revise or reform the existing guidance to ensure that the offence of stalking as enshrined in the Finnish Criminal Code does not require that the acts are made against the victim's will and to ensure that continual stalking represents an aggravated form of stalking. In order to ensure the effective implementation of the stalking offence, GREVIO encourages the Finnish authorities to conduct specialised training on the gendered and serious nature of stalking and to ensure the application of preventive operational measures to avoid re-offending.**

### **3. Sexual violence and rape (Article 36)**

165. Sexual violence is criminalised in Chapter 20 of the Criminal Code of Finland. Sections 1 and 2 cover rape offences; Section 4 covers coercion into a sexual act; Section 5 covers sexual abuse; and sections 6 and 7 cover sexual abuse of a child. The offence of rape is not based exclusively on the lack of consent, which is the central element in the way the Istanbul Convention frames sexual violence. Rape continues to be categorised according to the degree of physical violence used or threatened by the perpetrator or a requirement to show that the victim was in a state of fear or helplessness and unable to defend herself or to formulate or express her will. The problem with this approach is that it does not fully capture the realities of women experiencing sexual violence and how they respond to threat (i.e. flight, fight, freeze, flop or befriend). The consequence is that not all forms of sexual violence are criminalised in Finland, as required by the convention. Other consequences include the requirement of higher thresholds of evidentiary standards of physical resistance and a shifting of the focus onto the victim's behaviour rather than the accused's actions.

<sup>70</sup>. A. Nikupeteri, "Professionals' critical positioning of women as help-seekers", *Qualitative Social Work*, 2016, as cited in n.41 above.

<sup>71</sup>. Laura Tornqvist, "Vainoaminen oikeuskaytannossa" in *Kirjoituksia modernista rikosoikeudesta* Publication of the Helsinki Court of Appeal (2017).

<sup>72</sup>. EU FRA (European Union Agency for Fundamental Rights) 2014. *Violence against women: an EU-wide survey. Main results*, as cited in n.20 above; also cited in Anna Nikupeteri, "Stalked lives: Finnish women's emotional experiences of post-separation stalking", *Nordic Social Work Research*, 2016, Vol. 7, No. 1, pp. 6-17.

166. In addition, GREVIO notes with concern that the criminal penalties that may be imposed for any of the sexual offences in Finland are very low. This is particularly the case for sexual abuse of a child (Chapter 20, sections 6 and 7 of the Finnish Criminal Code). Moreover, GREVIO notes with grave concern that this provision results in the prosecution of all cases of sexual intercourse with a child – irrespective of the age – as the lower offence of sexual abuse of a child rather than rape. A similar issue exists in relation to sexual intercourse following the abuse of authority (Chapter 20, section 5 of the Finnish Criminal Code). The capacity to consent to sexual acts varies on the basis of a number of factors, including for example age, dependency and victim-perpetrator-relationship. In many circumstances, they preclude valid consent, resulting in sexual intercourse without the woman's consent in the same way as the use of force and threats does. The wording, structure and sentencing regimes for all sexual offences must reflect this in order to ensure that they are commensurate with the gravity of the crime. GREVIO is thus of the opinion that a comprehensive reform of all sexual offences, including those against minors, is urgently needed. The aim should be to base sexual offences on the absence of freely-given consent as required by Article 36 of the convention.

167. The principle established by the Istanbul Convention is that all sexual acts without the consent of the victim shall give rise to dissuasive sanctions. The fact that the act is carried out without the consent of the victim is the point which punishment shall hinge upon, whether this is committed by someone who employs violence or abuses their position of power over the victim. GREVIO warns against the creation of a hierarchy of victims on the basis of their characteristics such as young age, helplessness, dependence, illness or other circumstances, and calls for appropriate legislative measures to send the message that rape is rape. Where the circumstances of the act are particularly violent, abusive and traumatising, aggravating circumstances should be applied to ensure a sanction commensurate with the gravity of the act.

168. GREVIO is encouraged that there have been calls, including by the Network of Women Parliamentarians, for reform to the crimes of rape and sexual violence so that these offences move to a definition of rape to be based on lack of consent. A private member's bill to amend the definition of rape will also be submitted to be discussed by parliament and a working group has been set up by the Ministry of Justice to prepare a comprehensive reform of all sexual offences. GREVIO welcomes the institution of this working group and its comprehensive mandate.

**169. GREVIO strongly encourages Finland to speedily reform all sexual offences contained in Chapter 20 of the Finnish Criminal Code to fully incorporate the notion of freely given consent as required by Article 36 of the Convention and to ensure appropriate sanctions for all sexual acts without the consent of the victim, including where the circumstances of the case preclude valid consent.**

#### **4. Forced marriage (Article 37)**

170. Forced marriage is not explicitly criminalised in the Criminal Code but rather it is punishable as (aggravated) human trafficking (Chapter 25, Section 3 and 3a) or as the offence of coercion (Chapter 25, Section 8). Chapter 1, Section 11(8) of the Criminal Code ensures its criminalisation where the act of forced marriage was committed in a country where this behaviour does not constitute a criminal offence – referring explicitly to the Istanbul Convention.

171. While the Istanbul Convention does not require establishing specific offences for each form of violence against women, its aim is to help parties create the necessary legal framework to ensure robust intervention and prosecution by law. The problem with the inclusion of the specific form of violence of forced marriage into the broader offence of human trafficking is that such offences do not cover all forms of forced marriage. They mainly focus on modalities such as coercion, surrender, transfer, transport, receipt and the provision of accommodation, among others, "for the purposes of sexual abuse" in the sense of "pandering" (Chapter 20, Section 9, sub-section 1).

172. The concern about applying the offence of coercion to address forced marriage is that it is a complainant offence, meaning that the police will only investigate if the victims report to the police and the prosecution requires the consent of the victims, who are extremely vulnerable in forced marriage situations. The current approach thus appears to hinder the adequate response by law enforcement and criminal justice institutions.

173. GREVIO recognises the potential overlap between forced marriage and trafficking in human beings. Forced marriage may be linked to sexual exploitation, labour exploitation and financial or other benefits to the wider family, such as immigration sponsorship. It should also, however, be a stand-alone offence. In view of the two Criminal Code provisions covering forced marriage in Finland, GREVIO stresses the need for conceptual clarity and an operational distinction between the two. Thorough investigations into each individual case can help to assess fully its circumstances and the purposes for which women and girls have been forced to marry. In practice, this seems to be presenting challenges, as only very few cases lead to criminal proceedings.

174. According to research, cases of forced marriage are on the rise, and girls of migrant background have difficulties in reaching out to Finnish authorities for protection where they fear being married against their will.<sup>73</sup> More efforts must be made to empower girls, for instance by providing low-threshold specialist support services, by providing protective measures for them and by enabling staff in schools and health care professions to identify and address signs of such violence, in particular where girls themselves share their fear of being forced into marriage (see Chapter III Prevention).<sup>74</sup> In this context, GREVIO welcomes the amendments to sections 4 and 109 of the Finnish Marriage Act as proposed by the Finnish Government in order to remove the possibility of minors getting permission to marry.<sup>75</sup>

**175. GREVIO strongly encourages the Finnish authorities to consider introducing a specific criminal offence of forced marriage to cover the special nature of these offences and to make it operational for law-enforcement authorities and courts. Moreover, GREVIO encourages Finland to criminalise the intentional conduct of luring an adult or a child to the territory of another state with the purpose of forcing this person into a marriage, as required by Article 37, paragraph 2, of the Istanbul Convention.**

## 5. Female genital mutilation (Article 38)

176. Although there is no specific criminal offence to cover female genital mutilation, there is general agreement that this falls within the scope of (aggravated) assault (Chapter 21, Sections 5 and 6, of the Criminal Code). The *travaux préparatoires* specifically indicate that freedom of religion can under no circumstances justify the mutilation of any human being. They also explain that, depending on the circumstances, preparatory acts or acts of inciting, coercing or procuring a girl to undergo the procedure would come within the remit of aiding, abetting or instigating aggravated assault. GREVIO notes, however, that Article 38 c requires the criminalisation of behaviour that involves the intentional exertion of influence on a girl who herself does not harbour the intention of undergoing FGM. The requirement to criminalise aiding or abetting the commission of FGM stems from Article 41 of the convention, and differs from Article 38 c both in terms of the constituent element of the crime (*actus reus*) and the scope of intent (*mens rea*). The aim of Article 38 c is to ensure that criminal liability incurs, for example, where relatives or community members incite, coerce or procure a girl to undergo FGM but do not take an active part in ensuring the procedure is carried out.

177. GREVIO notes with concern that very few reports are made – none of which have led to prosecution. While some efforts have been made to identify women and girls who have undergone the procedure or who are at risk in the health care sector (see Chapter IV, Section C. General Services (Article 20)), awareness of this being a crime, not merely a cultural practice, is only slowly

<sup>73</sup> Finnish League for Human Rights, "Honour conceptions and violence" (2016), as cited in n.7 above; and Toivonen *Pakkoavioliittojen esiintyminen ja ilmitulo Suomessa*, 2017 [in Finnish], as cited in n.66 above.

<sup>74</sup> According to the study by V-M. Toivonen, there have been instances where girls have contacted child-protection authorities at their own initiative, fearing to be forced into a marriage during a family holiday. Nonetheless, the families were able to take the girls abroad and they were married abroad. Toivonen (2017), p. 9.

<sup>75</sup> Bill HE 211/2018, proposed in October 2018.

rising among the relevant professionals. A citizen's initiative has been launched to place the question of introducing a specific criminal offence of FGM on the parliament's agenda.

**178. GREVIO encourages the Finnish authorities to criminalise the intentional conduct of inciting, coercing or procuring a girl to undergo FGM as required by Article 38 c of the Istanbul Convention.**

## **6. Sexual harassment (Article 40)**

179. The offence of sexual harassment defined in Article 40 of the Istanbul Convention captures any unwanted behaviour of a sexual nature that affects or might affect the dignity of a person. Sexual harassment is neither limited to the workplace nor to the family and can occur in multiple contexts. Accordingly, the context or setting in which it occurs does not constitute an element of the offence as defined in the convention.

180. In Finland, unwanted physical conduct of a sexual nature is criminalised by Chapter 20, Section 5 (a), of the Criminal Code, although this provision does not require a violation of the dignity of a person as required by the Istanbul Convention but a violation of a person's sexual self-determination. Verbal or non-verbal acts of sexual harassment are covered by equality legislation and the Act on Occupational Safety, which provide only limited sanctions. For example, the Act on Equality between Women and Men provides for civil sanctions in the form of compensation for verbal, non-verbal and physical sexual harassment experienced in the workplace or educational institutions, and in the provision of goods and services. It does not apply to sexual harassment in private life. The Act on Occupational Safety carries sanctions against the employer, not the individual perpetrator, for work-related sexual harassment if it has damaged the health of the victim, thus requiring a very high threshold. Verbal or non-verbal acts of sexual harassment outside these spheres of life do not seem to carry a legal sanction, unless such behaviour amounts to defamation or stalking.

181. In the absence of data on the number of cases brought under the different regimes/laws, it is difficult to assess the effectiveness of the existing legal framework on sexual harassment.

**182. GREVIO encourages the Finnish authorities to ensure that sexual harassment experienced in all areas of life is subject to a legal sanction.**

## **7. Sanctions and measures (Article 45)**

183. While the Istanbul Convention leaves discretion to the parties as to the types of offence that merit a prison sentence and which other measures can apply, it requires that sanctions must be effective, proportionate and dissuasive. In Finland, a number of offences include fines as the lower range of punishment. These offences include petty assault, stalking, coercion (for forced marriages), sexual harassment, defamation, coercion into a sexual act and violation of a restraining order. Although no official data exist, judicial practice seems to suggest that sentences remain at the lower range of the spectrum, leading to the frequent imposition of fines for stalking, domestic violence and breaches of restraining orders.<sup>76</sup>

184. While GREVIO recognises the differences in penal policy and sanctioning regimes across member states of the Council of Europe, it is nonetheless concerned that judges do not easily resort to the full range of punishment in their sentencing practice. Weak sanctions send a message to victims, perpetrators and society that violence against women is less serious than other crime, which can lead to more toleration and a sense of impunity.

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<sup>76</sup>. Information provided to GREVIO by governmental and non-governmental interlocutors during the evaluation visit.

185. **GREVIO strongly encourages the Finnish authorities to ensure – through legislative measures and the effective training of members of the judiciary and prosecution services – that sentences and measures imposed for all forms of violence against women are effective, proportionate and dissuasive.**

## 8. Aggravating circumstances (Article 46)

186. The Finnish criminal legislation gives judges extensive freedom to consider matters relating to the determination of the sentences. Any aggravating circumstances are taken into account in the determination of a sentence either through the general provisions relating to the determination of a sentence (Chapter 6, Section 4) or through general or specific grounds for its determination. Specific grounds are listed in Section 5 of Chapter 6 and include the criminal history of the offender but also motives based on race, skin colour, national or ethnic origin, religion or belief or sexual orientation. These do not, however, include any of the circumstances set out in Article 46 of the convention to aggravate the crime, such as, for example, the commission of the act against or in the presence of a child, which is frequently the case in domestic violence.

187. While GREVIO notes the wide discretion with which judges may increase or mitigate a sentence, it is unclear to what extent judicial practice in Finland ensures that all circumstances listed in Article 46 of the Istanbul Convention are considered to aggravate a crime. It has been brought to GREVIO's attention that, in court practice, violent crimes committed by strangers are considered more reprehensible than violent crimes committed by persons known to the victim. This would not be in line with Article 46, which requires offences committed against former or current spouses or partners and members of the family to be punished more severely. Moreover, GREVIO is concerned that, instead of featuring among the grounds increasing punishment in Chapter 6, Section 5, the abuse of authority is a mitigating factor in sexual violence cases (see above, Section B.3. Sexual violence and rape (Article 36)).

188. **GREVIO strongly encourages the Finnish authorities to take appropriate measures to ensure that the presence of children is considered as an aggravated circumstance by the judiciary, together with all other aggravating circumstances listed in Article 46 of the Istanbul Convention.**<sup>77</sup>

## 9. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)

189. In Finland, mediation is covered by the Act on Conciliation in Criminal and Certain Civil Cases. The act requires voluntary consent by both parties and either party may withdraw their consent at any time. The act also restricts mediation in cases of intimate partner violence because only prosecutors or the police may propose it, whereas it can be initiated by perpetrators and victims of other type of crime. While mediation is not mandatory in Finland, there appears to be extensive use of mediation by police and prosecution. The Finnish Forum for Mediation seems to promote a proactive approach to mediation and considers mediation in domestic violence and other cases of serious crime as a viable option.<sup>78</sup> Numbers of domestic violence cases referred to mediation doubled from approximately 1 000 cases in 2010 to almost 2 000 cases in 2011, and 2 300 cases in 2016.<sup>79</sup> In 2017, domestic violence accounted for 16.4% of all mediation cases.<sup>80</sup> Moreover, GREVIO notes with concern that mediation is carried out by lay mediators with only a small amount of training and that they may not be able to recognise the power dynamics at play in intimate partner violence.

<sup>77</sup>. See also the emerging case law of the European Court of Human Rights, which states that under the Istanbul Convention, "more severe sentences are required when the offence is committed against or in the presence of a child" (*D.M.D. v. Romania*, Judgment, 3 October 2017, p. 9, paragraph 27).

<sup>78</sup>. Finnish Forum for Mediation (SSF), Arenas of mediation, available at <http://sovittelu.com/in-english/>.

<sup>79</sup>. National Institute for Health and Welfare: Mediation in criminal and civil cases, statistics available at <https://thl.fi/fi/tilastot-ja-data/tilastot-aiheittain/aikuisten-sosiaalipalvelut/rikos-ja-riita-asioiden-sovittelu> [Finnish only].

<sup>80</sup>. Data on mediation cases available at: <https://sotkanet.fi/sotkanet/fi/taulukko/?indicator=s44otNY1iTc0stY1BAA=&region=s07MBAA=&year=sy6rsDbT0zUEAA=&gender=t&abs=f&color=f&buildVersion=3.0-SNAPSHOT&buildTimestamp=201802280718>, accessed 9 March 2019.

190. The power to propose mediation is placed with the police and prosecution. This may have, in practice, an impact on the investigation and thus raises serious issues regarding women's access to justice. Although mediation is not intended to replace a thorough investigation, GREVIO was informed that, depending on the case, less effort is made to investigate domestic violence cases which have already been routed to mediation.<sup>81</sup> With the police proposing the majority of cases for mediation, often as early as the moment when the crime is being reported, this may result in many women accepting mediation in order to see any outcome at all.<sup>82</sup>

191. Although mediation is not intended to replace prosecution, various approaches seem to be applied by prosecutors. Some seem to be dropping criminal charges when the case is referred to mediation, some seem to be taking its outcome into account when determining what penalty to seek at sentencing while others may not allow mediation to affect the criminal proceedings in any way at all.<sup>83</sup> Agreements reached during mediation may result in the discontinuation of criminal proceedings, the waiving of a sentence or a lower sentence – but only for lesser crimes. It is unclear whether agreements reached in domestic violence cases would have the same effect.

192. GREVIO welcomes the information that a working group was set up in 2016 to investigate mediation in intimate partner violence, to clarify the criteria applied when referring and approving cases involving violence against women for mediation and how the mediation process is proceeding. Proposals for common criteria for mediation in cases of domestic violence are being considered as are procedures for their uniform application, which GREVIO welcomes.

193. **GREVIO urges the Finnish authorities to introduce clear protocols and guidelines on mediation in domestic violence cases with a view to ensuring that:**

- **all law-enforcement and prosecution staff are aware that mediation is prohibited in cases of repeated violence;**
- **all offers of mediation are accepted entirely voluntarily;**
- **an offer of mediation does not result in the discontinuation of criminal investigation and prosecution in violence against women cases.**

**In addition, GREVIO urges the Finnish authorities to reconsider the power vested in the police to propose mediation as a criminal justice measure in domestic violence cases, because having this power might jeopardise the effectiveness of criminal investigations.**

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<sup>81</sup>. Information provided during GREVIO's evaluation visit to Finland.

<sup>82</sup>. Around 80% of referrals to mediation come from the police, compared to 14% from prosecution services. Women who experienced intimate partner violence and who were offered mediation by the police seem to have accepted this proposal for many reasons, including feeling the need to accept the proposal. See the research report by Daniela Bolívar, Ivo Aertsen and Inge Vanfraechem, eds, *Victims and restorative justice: country reports*, Leuven, Belgium: European Forum for Restorative Justice, 2015, p. 70 onwards.

<sup>83</sup>. Päivi Honkatukia, "Victims in the criminal process: vulnerability, services and treatment", research report 252, Helsinki: National Research Institute of Legal Policy, 2011.

## VI. Investigation, prosecution, procedural law and protective measures

194. Full accountability for all acts of violence against women requires an adequate response from law-enforcement agencies and the criminal justice sector. Chapter VI of the Istanbul Convention establishes a set of measures to ensure criminal investigations, prosecutions and convictions of the various forms of violence covered therein.

### A. Immediate response, prevention and protection (Article 50)

#### 1. Reporting to and investigations by law-enforcement agencies

195. The Finnish law-enforcement agencies are instructed and trained to respond promptly to incidents of crime. The change in law in 2011 which made petty assaults in domestic violence cases *ex officio* offences also legally obligates the police to record and investigate all assaults, including petty assaults, occurring in close relationships. GREVIO welcomes this shift in burden from the victim to the police as it limits the traditional use of police discretion which often minimised domestic violence. It notes, however, some concerns as to how this obligation is implemented in practice. For example, research has shown that not all call-outs received for domestic violence are attended to in person, but some may be dealt with over the phone. Out of 26 089 calls to the police for domestic violence in 2017, crime reports were made in only 5 554 instances.<sup>84</sup> It also showed that repetition of visiting an address did not increase the probability of recording the offence, as domestic violence is defined narrowly, with a focus on physical violence and single incidents of assault instead of looking at patterns of coercive and controlling behaviour.

196. The reasons stated for not recording incidents of domestic violence vary. Overall they show that, rather than sending the message that every incident of domestic violence, even in the form of petty assault, is a crime that is taken seriously and recorded, police in Finland focus too much on evidence of physical violence, do not routinely screen for risk factors – even when called to the same address repeatedly – and do not take into account the context and history of violence and primary aggressor analysis, so if there is ‘mutual violence’ both persons will be viewed as perpetrators and victims. Moreover, patrol police officers who are generally sent out to calls do not have any specific training on domestic violence or other forms of violence against women, and do not have the authority to arrest, detain and issue temporary protection orders.

197. In this context, GREVIO draws attention to the decrease, over the past years, in the number of police officers in Finland, which is currently at around 7 200 officers.<sup>85</sup> This equals 137 police officers per 100 000 inhabitants and is by far the lowest per capita ratio of police officers in Europe.<sup>86</sup> As a result, resources are scarce to deal with a growing number of *ex officio* offences such as petty assault in domestic violence. Only very few police units specialised in domestic violence exist, which would explain the low priority assigned to domestic violence. The fact that the police regularly offer mediation to victims of domestic violence in a bid to handle such cases in a cost-effective manner may also be indicative of the level of priority that such cases have in investigation and prosecution.

198. Sexual violence, including rape, is one of the most under-reported crimes in Finland. It is estimated that less than 10% of all rape cases are reported.<sup>87</sup> Among the measures that exist to provide rape victims with the support they need are the newly established sexual violence support centres in Helsinki, soon to be replicated in several other cities (see Chapter IV), the possibility of being assisted by a victim-support person as early as at the first interview with the police, and the right of victims, particularly sexual violence victims, to be interviewed by a police officer of the same sex.

<sup>84</sup>. Data provided by the Ministry of the Interior.

<sup>85</sup>. From 7 766 in 2010, the number of police officers in Finland decreased to 7 200 in 2016. Figures from *The Statistics Portal – statistics and studies from more than 22 500 sources*, available at [www.statista.com/statistics/540383/finland-number-of-police-officers/](http://www.statista.com/statistics/540383/finland-number-of-police-officers/).

<sup>86</sup>. Source: Pordata, Police officers per 100 thousand inhabitants, available at: [www.pordata.pt/en/Europe/Police+officers+per+100+thousand+inhabitants-3356](http://www.pordata.pt/en/Europe/Police+officers+per+100+thousand+inhabitants-3356), accessed 9 March 2019.

<sup>87</sup>. Amnesty International submission to GREVIO, p. 7.

199. GREVIO welcomes these measures but notes that, with only 15% of Finnish police officers being female, it is difficult to ensure women-to-women interviews. The all-time high of 49% of female police cadets in 2019 will, however, improve the gender balance among police officers in the future. There is limited information available as to how often women victims make use of the right to be interviewed by a police officer of the same sex, how victims are informed of this right and the impact of the limited availability of female police officers. At the same time, victim-support persons and lawyers seem rarely available to assist women early on in the investigation. Police practice seems to vary between very early interviews with victims, often immediately after the event, and long waits for the first interview to be conducted. Issues arise with perceptions of incoherence where women have been interviewed early and under the influence of the incident and give more nuanced statements at a later stage of the criminal proceedings. On average, investigations into (attempted) rapes take around 200 days, which, in and of itself, seems to have a deterrent effect on reporting. Migrant women, in particular those in prostitution, seem to refrain from reporting rape and sexual violence for fear of being accused of selling sex – a ground for deportation or expulsion under Section 148 of the Finnish Aliens Act.

200. Moreover, stark differences exist across Finland in relation to the outcome of police investigations into rape and sexual assault. According to a study, clearance rates vary between 85.4% (in Oulu) and 49.3% (in Lahti), while the national average is 67.9%.<sup>88</sup> GREVIO welcomes the fact that the National Police Board was requested to report to the Ministry of the Interior the reasons for such disparity in rape clearance rates, although its findings are unavailable to GREVIO.

201. Lastly, concerns have been raised regarding the capacity of the Finnish law-enforcement agencies to identify and adequately investigate “honour-related” offences. Lack of knowledge and awareness of the underlying dynamics seem to be the main factor in this context, which seems to negatively affect their ability to secure safety and protection for victims of such crimes.<sup>89</sup>

202. From the above, GREVIO notes with concern that more must be done to ensure a prompt and appropriate response from the responsible law-enforcement agencies in relation to all forms of violence covered by the Istanbul Convention. This would require a variety of measures, including an increase in human resources, the targeted training and specialisation of police, including patrol police, around the different forms of violence, the development of checklists and guidelines and their implementation. GREVIO is concerned that there is no specific plan in any of the criminal justice institutions nor a co-ordinated approach among the criminal justice sector as to how to reconcile the requirements of the Istanbul Convention in the area of criminal justice for victims of domestic violence.

**203. GREVIO urges the Finnish authorities to equip all relevant law-enforcement authorities with the resources, knowledge and powers to respond promptly and appropriately to all forms of violence covered by the Istanbul Convention, in particular by raising the number of female police officers and equipping police with the mandate to refer victims of violence against women and domestic violence to specialist women’s support services in order to ensure the provision of adequate support.**

## **2. The role of the prosecution services and conviction rates**

204. Guidelines issued by the Office of the Prosecutor General in 2016 specify that offences against women and children must be handled swiftly – because of the nature of the crimes and the importance of ensuring evidence which frequently rests squarely on the victim’s testimony. Police are therefore instructed to immediately inform prosecution services of serious cases in order to ensure effective co-operation in the investigation.

205. The data that are available on the number of prosecuted cases of domestic violence and rape, for example, raise concerns around attrition, which GREVIO wishes to address. As discussed above, only 20% of all calls made to the police about domestic violence are officially recorded

<sup>88</sup>. Research published in *Helsingin Sanomat*, 26 January 2017.

<sup>89</sup>. Finnish League for Human Rights, “Honour conceptions and violence” (2016), as cited in n.7 above, pp. 140-1.

(around 5 500 annually) by the police. Of these, roughly half are handed over for prosecution.<sup>90</sup> No data are available as to the outcome of such prosecutions.

206. Although increasing numbers of rape cases are being brought to the prosecutor, the number of non-prosecutions has risen.<sup>91</sup> This means that women who report rape to the police have only a small chance of having their case tried in court and only around 15.5% of reported rapes result in a conviction. Among the factors contributing to such high levels of attrition are the quality of police investigations (see above) and the inadequate definition of rape, resulting in an over-reliance on evidence of violence. Lawyers and women's specialist support services have brought to GREVIO's attention concerns regarding the use of myths and negative stereotyping of women by law-enforcement and prosecution services when assessing the credibility of victims of sexual violence. One example mentioned was the belief that women with disabilities are viewed as not credible and therefore not making good witnesses, which contributes to decisions to drop such cases.

207. Prosecutorial discretion in rape cases has not been studied in Finland, and neither have the reasons for attrition been identified through research. A worrying trend shows that there is a correlation between the time that has elapsed from the incident of rape/sexual assault to the reporting of it and the chances of conviction. Where police receive a report immediately following the incident, a conviction is likely. If the report is within a couple of hours of the incident, 75% chance of conviction. If there is a delay of even one day to less than one week during which a medical test can be done, less than 50% chance of getting a conviction.<sup>92</sup> If more than one-week delay, chances of conviction drop to 10-30%. This is despite a Supreme Court decision which ruled that delays in reporting should not be considered as evidence against the credibility of the victim. These data also raise the concern of over-reliance on forensic evidence, which can have serious implications for victims who delay reporting.

208. Anecdotal evidence of myths and stereotypes of women and rape entering the criminal proceedings at the level of the criminal courts seems to surface regularly.<sup>93</sup> With no explicit rule against referring to the sexual history of the victim during cross-examination, judges are reluctant to intervene for fear of limiting the right of the accused to a fair trial. Moreover, there appears to exist a high evidentiary threshold for the crime of preparation of an aggravated offence against life or health in "honour-related" cases (Criminal Code Chapter 21, Section 6a), with little consideration for gender-related considerations as a driving factor for the act. This makes it difficult to ensure accountability for "honour-related violence".<sup>94</sup>

209. GREVIO is concerned by the high level of attrition rates in relation to several forms of violence against women, in particular domestic violence and rape, and the lack of efforts made at identifying causes thereof. More must be done to ensure criminal justice for victims of all forms of violence against women.

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<sup>90</sup> In 2017, 2 361 cases of domestic violence were handed over to prosecution by police, compared to an average of 25 500 call-outs to police annually. Data provided by the Ministry of the Interior.

<sup>91</sup> According to the Amnesty International submission to GREVIO, between 2011 and 2015, around 1 160 cases of rape were reported to the police annually, of which 686 were handed over for prosecution. More than 30% of rape cases were closed by the prosecution services.

<sup>92</sup> Fighting the lottery – Overcoming barriers to justice for women rape survivors in Finland, Amnesty International Finnish Section, 2019, p.43.

<sup>93</sup> Information provided by lawyers and specialist support services during the evaluation visit. See also Helena Jokila, *Tahdonvastainen suostumus ja liiallisen luottamuksen hinta: Raiskauksen ja muiden seksuaalirikosten oikeudellisen tiedon konstruktioit* [Consent against one's will and the price of undue trust. The legal constructions of knowledge in Finnish sexual crimes], Helsinki University, 2010, available at <https://helda.helsinki.fi/handle/10138/18334>.

<sup>94</sup> In a case concerning the suspicion of "honour-related violence", the Court of Appeal found there was insufficient evidence of a detailed plan to kill his sister, only a preparedness to do so would the opportunity arise. This did not fulfil the characteristics of the crime of preparing a crime. The case was appealed to the Supreme Court, which upheld the Court of Appeal's verdict (KKO:2017:52). However, shortly thereafter, the Supreme Administrative Court heard a case regarding the same perpetrator's deportation from Finland (KHO:2017:52). The Supreme Administrative Court held that he could be deported based on the assault verdict (a six-month suspended sentence and supervision for a year and three months) and his violent behaviour, which he explained as being based on his culture, as these evidenced disregard for values guaranteed in the Constitution and in international conventions to which Finland is a party. He was held to pose a danger to the safety of others. The judgment includes a review of relevant case-law from the European Court of Human Rights on deportation.

210. **GREVIO strongly encourages the Finnish authorities to swiftly identify and address any/all factors which contribute to attrition in cases of rape, domestic violence and any other forms of violence against women, in order to increase the number of convictions.**

## **B. Risk assessment and risk management (Article 51)**

211. Since 2010, social services and health care professionals as well as law-enforcement agencies are trained to assess the risks of intimate partner violence in individual cases, using the Multi-Agency Risk Assessment Conference tool (MARAC) first developed in the United Kingdom. This tool has been rolled out throughout Finland and is currently in use in 90 municipalities. A case becomes eligible for discussion in the MARAC working group if professionals have identified a person at risk or if more than three police call-outs within 12 months have been made to the same family. In the working group, a wide range of professionals, including victim-support organisations such as RIKU or women's support services, assess the situation with the express consent of the victim. The aim is to improve the victim's safety. Although this system seems to work quite well, GREVIO wishes to recall the need to ensure that, in practice, multi-agency work focuses on the human rights and safety of victims while allowing for their representation by a specialist women's support service which the victim trusts, in order to guarantee the safeguarding of the victim's rights and needs.

212. An assessment showed that, although MARAC working groups exist widely, the use of such risk assessment and safety management needs to be established systematically and comprehensively.<sup>95</sup> Possession of firearms seems to be very common in Finland and it is important to ensure that protective measures include the monitoring of a perpetrator's possession of or access to firearms. MARACs are most widely used in municipalities where multi-agency co-operation forms part and parcel of the local actors' response to domestic violence. In over 80% of the cases dealt with by way of a MARAC, the violence had stopped six months after the process.

213. GREVIO notes with concern that law-enforcement agencies are the least likely authority to refer cases to the MARAC process. Against the backdrop of high numbers of police call-outs for domestic violence (around 26 000 annually), of which only 20% are recorded, this raises concerns regarding the extent to which police apply systematic risk assessment and safety management. Standards or protocols do not seem to exist for law-enforcement officers – despite the recommendation made in the 2012 report on family killings by the National Institute for Health and Social Welfare and the Ministry of Justice, which called for authorities to always use MARAC as a screening tool when the client mentions violence or risk of violence.

214. **GREVIO encourages the Finnish authorities to ensure that, in cases of violence against women and domestic violence, systematic and gender-sensitive risk assessment and safety management become standard procedure for all agencies involved, especially criminal justice agencies, and that effective multi-agency work is carried out in all regions, based on the human rights and safety of the individual victim, all the while ensuring that the rights and needs of children are represented by specialist women's support services.**

## **C. Emergency barring and protection orders (Articles 52 and 53)**

215. In Finland, protection (restraining) orders exist as a criminal law measure and are regulated by the Act on Restraining Orders. This act sets out temporary protection orders as an emergency measure and longer-term protection orders. Temporary protection orders can be issued immediately by a civil servant with power to arrest (senior police officers and prosecutors) as well as by the district courts (Chapter 3, Section 11 (2)), provided that both parties have been heard. Such temporary measures must be brought before the competent court for judicial review within three days. Longer-term protection orders can only be issued by district courts upon hearing both parties and any witnesses to the case.

<sup>95</sup> M. Piispa and M. October, "Efficient tool for intervention in repeated partner violence", 2017, as cited in n.62 above.

216. The Act on Restraining Orders distinguishes between protection orders among family members who share a permanent residence (“inside-the-family restraining order”), and those imposed on anyone who is suspected of or threatening to commit an offence against the life, health, liberty or privacy of another person. Both orders prohibit contact with the protected person, but only the “inside-the-family restraining order” may expel a person from the shared residence with the protected person – for a maximum of three months, renewable once. Extended restraining orders widen the protection to specific places such as the workplace, holiday home or other place to be included in the order (Chapter 1, Section 3 (3)).

217. GREVIO welcomes the fact that the emergency expulsion of a domestic violence perpetrator from a shared residence is possible in a situation of immediate danger – and that restraining orders can be imposed in a wide range of circumstances where individuals are at risk. The Act on Restraining Orders and its implementation by the Finnish authorities, however, raises a number of concerns which GREVIO wishes to address in some detail.

218. First, the current conceptualisation of the “inside-the-family restraining order” does not seem to fully comply with the requirements for emergency barring orders as set out in Article 52 because it is only available to victims who permanently share a residence. Victims in less permanent living arrangements with their intimate partners do not seem to be eligible to request the removal of an abuser. Although they may be eligible for a regular restraining order, this consists of a contact ban, not the removal from a (temporary) joint residence.

219. In 2016, of 1 591 restraining orders, a total of 426 ordered a ban on contact with a (formerly) cohabitating or married partner. In the absence of an obligation to note the relationship between those concerned, this number might be higher, allowing no conclusions to be drawn as to the frequency with which restraining orders are used for non-cohabiting partners or former partners. This would, however, be important to assess, not least because “inside-the-family restraining orders” require proof of more severe threats and risk (Chapter 1, Section 2 (2)) compared to a general restraining order (Chapter 1, Section 1 (1)). GREVIO also notes with concern that the order to vacate the shared residence expires after three months and may be renewed for the same period only once, whereas basic restraining orders are issued for up to 12 months.

220. Second, emergency barring orders may be ordered *ex officio*, but not all officers who respond to an emergency call for domestic violence are granted the power to do so. In many cases, victims are thus required to apply for the order themselves, unless the patrol police report back to more senior officers who then apply on the victim’s behalf (Chapter 2, Section 5 (1)). GREVIO draws attention to the fact that, as a measure of protection, emergency barring orders must not depend on the will of the victim but must immediately be ordered *ex officio* as part of the state obligation to prevent any act of violence covered by the Istanbul Convention that is perpetrated by non-state actors (Article 5, paragraph 2). In this context, GREVIO welcomes that patrol police are under instruction to inform their superiors of a situation of immediate danger in order to ensure the swift ordering of emergency barring orders.

221. Third, even where police are equipped with the power to expel, this is done very rarely: only 80 of such “inside-the-family restraining orders” seem to have been issued to guarantee that victims can stay in their own home. According to Article 52 of the convention, however, emergency barring orders are to be issued in cases of immediate danger. This does not necessarily require the risk of death or other serious violence, which would represent an unacceptably high threshold. They should also be issued for less serious violence. Annually, 1 500 basic restraining orders are issued against men in Finland.<sup>96</sup> Against the backdrop of over 25 000 call-outs for (and over 5 000 recorded cases of) domestic violence, the number of abusers expelled from the shared residence seems extremely low. Although prosecutors would be in a position to issue emergency barring orders upon transfer of the case by the police, there is a tendency to rely on the assessment of the police.

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<sup>96</sup>. Data provided by the Ministry of the Interior. It does not indicate the relationship of the perpetrator to the victim, nor the purpose of the order.

222. While GREVIO observes a high degree of engagement among members of the Finnish police and prosecution services to ensure women's safety, there seems to be an absence of awareness of the positive effects that emergency barring and protection orders can have. This may be the result of insufficient standards and guidance from the hierarchy and very little training on how to apply and enforce such orders. GREVIO recalls that the purpose of emergency barring orders is to ensure the safety of domestic violence victims in full respect of their right to remain in their own home. The aim is to ensure the physical distance between victim and perpetrator by removing the perpetrator instead of uprooting victims and their children. As such, these orders are an important element in the prevention and combating of domestic violence and other forms of violence against women, and it is the responsibility of the law-enforcement agencies to instil trust in such measures by positively promoting and vigilantly enforcing them. The number of breaches of restraining orders in Finland is high,<sup>97</sup> which seems to discourage many a professional from resorting to their use. Aware of the difficulties in monitoring compliance with emergency barring and protection orders 24/7, GREVIO draws attention to the possibility of employing electronic tools such as attack alarms, regular checks on the victim by phone and follow-up meetings with the perpetrators to explain the order in place and the consequences that a breach may have.

223. Another reason for the low number of emergency barring and basic restraining orders might be the fact that the financial risk of applying to the court for such orders lies with the victims. The relevant procedural costs are only waived if the application is successful or the victim is eligible for legal aid. For many victims of domestic violence and stalking, this amounts to an undue financial or administrative burden prohibited by Article 53, paragraph 2, of the Istanbul Convention.

224. Lastly, GREVIO is concerned about the possibility of allowing for exceptions to protection orders for communication around children. Chapter 1, Section 3 (4), of the Act on Restraining Orders specifically allows for contacts "for which there is an appropriate reason and that are manifestly necessary". Orders are to define, on a case-by-case basis, how the necessary contacts are to be arranged. Visitation rights and general contact with children come under this provision, unless the order is issued for the benefit of the child. In this context, GREVIO recalls that emergency barring and protection orders are tools to create much-needed distance from an abusive partner in the physical sense as much as in the emotional sense. Allowing contact around children, in the same way as requiring the abused partner to facilitate visitation, undermines the purpose of such bans. As a temporary measure to ensure the safety of the victim, they should be absolute, and protection should not be jeopardised by parental rights.

**225. GREVIO strongly encourages the Finnish authorities to step up efforts to increase the use of emergency barring and protection orders by promoting their usefulness and ensuring their vigilant enforcement. In this regard, GREVIO urges the Finnish authorities to assess the level of implementation of the Act on Restraining Orders with a view to identifying and remedying any obstacles in the letter of the law or in its practical implementation. Moreover, GREVIO strongly encourages the Finnish law-enforcement authorities to actively refer victims to specialist women's support services to ensure support in exercising their right to protective measures. Lastly, GREVIO strongly encourages the Finnish authorities to end the practice of allowing for exceptions in prohibitions on contact.**

#### **D. Victim support in legal proceedings (Article 55, paragraph 2)**

226. The Finnish Criminal Procedure Act sets out the right to victim-support lawyers for any injured party in sex offences and in cases of homicide and bodily injury, with the exception of petty assault (Section 1a). In cases of homicide and bodily injury, the appointment of a victim support lawyer must be justified with consideration to the relationship between the injured party and the suspect. Where such a lawyer is appointed, they may assist victims starting from pre-trial investigation. The costs of the support person and/or lawyer are in this case paid from state funds.

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<sup>97</sup> In 2015, a total of 972 breaches of restraining orders were reported to the police, while this figure was 1 070 in 2016. Data provided by the Ministry of the Interior.

227. GREVIO welcomes the fact that lawyers can be called upon as soon as a crime is reported and before victims make their first statement. Most of these lawyers come from the Public Legal Aid Service and are generalists, as they take on a wide variety of cases. Concerns have been raised with GREVIO that legal aid lawyers might not have experience or training to understand the gendered nature of violence and trauma.

228. In addition to or instead of legal representation, victims may request the presence of a victim-support person. While this provision is in itself very positive, GREVIO notes with some concern that these support persons are frequently provided by Victim Support Finland (RIKU), which is a general victim-support service, not a specialist women's support service. In cases of violence against women and their children, these specialist services should be able to offer comprehensive support in order to ensure that repeat referrals of victims are avoided. The current shortage of such services frequently results in women not being provided with a specialist victim-support person in legal proceedings.

229. Although law-enforcement agencies are obliged to inform victims of their right to a victim-support lawyer and/or support person, GREVIO notes that there is limited knowledge or study as to how this right is facilitated, to what extent it is used in practice, including at what stage of the criminal process do victims exercise this right; and the impact on the criminal justice outcome. Among the concerns that have been shared with GREVIO by lawyers and representatives of civil society are the levels of bureaucracy for police officers, their tendency to ensure victim-support lawyers where victims claim compensation and the general lack of specialisation among the lawyers provided in cases under the remit of the Istanbul Convention (domestic violence, sex offences etc.). This points to the urgent need to introduce a system which would instantly inform specialist women's support services, to ensure their swift provision of proactive support to victims with the aim of ensuring victims' access to protection and justice.

**230. Considering the stress and trauma that victims experience in court, particularly by aggressive defence cross-examination, victim-support lawyers and victim-support persons play an important role in facilitating victims' access to protection measures, in reducing stress and in ensuring victims' access to rights and justice. GREVIO strongly encourages the Finnish authorities to ensure the practical facilitation of women's access to victim-support lawyers and victim-support persons by specialist women's support services offering comprehensive support and thus avoiding secondary traumatising through repeat referrals in cases of domestic violence and rape.**

#### **E. Legal aid (Article 57)**

231. Where women require legal representation in relation to offences that are not included in Section 1a of the Finnish Criminal Procedure Act, legal aid is, in principle, available free of cost for hearings before the court. This is particularly important for women with low income who wish to bring cases of petty assault by a partner or spouse or stalking. The available financial means of a victim is the only eligibility criterion and it will decide whether legal representation is to be granted free or on payment of a small sum.

232. Concerns around the quality and experience of the pool of Public Legal Aid Service lawyers have surfaced. Amendments to the Aliens Act in 2016 have abolished free legal counsel during asylum interviews. This change is affecting women asylum seekers who are basing their claims on gender-specific persecution (see Chapter VII). Such cases require a nuanced understanding of the gendered nature of violence against women, as well as issues of fear and trauma. Specialisation in legal representation, at the earliest possible stage, is thus of the utmost importance to build a robust case/application.

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233. Little information has been made available regarding the application procedure for legal aid. Lawyers and representatives of civil society organisations have indicated that victims perceive it as cumbersome and bureaucratic. Moreover, in relation to restraining orders, victims do not know ahead of the application whether they are eligible for legal aid or not. This places an unnecessary burden on victims of domestic violence.

234. **GREVIO strongly encourages the Finnish authorities to monitor the impact of the amendments to free legal aid made to the Aliens Act in 2016 with a view to ensuring women's continued access to justice through high-quality legal representation and to remove any administrative or procedural barriers to obtaining legal aid.**

## VII. Migration and asylum

235. In the area of migration and asylum, the main requirement of the Istanbul Convention is to ensure that residence status laws and asylum procedures do not turn a blind eye to the realities of women living in abusive relationships or subjected to sexual violence and exploitation and other forms of gender-based violence. Residence status laws shall provide for the possibility of obtaining autonomous residence permits for women in specific circumstances (Article 59). Asylum procedures, on the other hand, must be gender-sensitive and allow women to disclose their stories in full, and grounds for persecution shall be interpreted in a gender-sensitive manner. This can only be achieved if, in turn, reception procedures and support services for asylum seekers are sensitive to the needs of women who are victims or at risk of violence (Article 60).

### A. Migration (Article 59)

236. The Finnish Aliens Act contains all rules on visas, asylum, refugee status and subsidiary protection, residence and work permits, returns and detention. The right to an autonomous residence permit for domestic violence victims was added to Section 54, sub-section 7, of the Aliens Act in August 2015. According to this provision, anyone who was issued a residence permit by reason of family ties may be granted an extended temporary residence permit where those family ties have ended – if their personal situation is especially difficult because of violence directed at them or their child by the sponsoring family member and if refusing leave to remain in Finland is unreasonable. In addition, the right to remain after separation from an abusive sponsoring spouse would also be possible on the basis of the applicant's close ties to Finland. This is irrespective of the grounds on which the sponsoring permit had been issued and is thus also available for migrants who were sponsored by recognised asylum seekers or those with subsidiary protection.

237. GREVIO welcomes the introduction of a specific provision in response to the obligation set out in Article 59, paragraph 1, of the Istanbul Convention. It notes, however, that obstacles persist in its practical implementation. For example, the Finnish Immigration Service (MIGRI) seems to place a strong focus on the need for applicants to produce robust evidence of the abuse suffered, such as police reports or criminal convictions. This regularly presents difficulties to women of migrant background in Finland who, for a wide range of reasons, do not report or disclose their exposure to violence to the authorities but turn to NGO-run services instead. Women's support services are frequently approached for help in cases where migrant women have been denied the extension of their residence permit after separating from their sponsoring spouse for extreme violence.<sup>98</sup> These support services may provide valuable information, which should be tapped into, regarding the situation of women who are applying for an independent resident permit. GREVIO notes, however, that opinions drawn up by social welfare authorities are also taken as evidence, thus lowering the threshold for victims.

238. In the absence of data on the number of applications made to MIGRI on the basis of Section 54, sub-section 7, of the Aliens Act and their outcomes, it is not possible to assess to what extent it is a realistic possibility for migrant women to leave their abusive partners and spouses without fearing deportation. This is worrying against the backdrop of a government mapping exercise that shows the heightened prevalence rate of domestic violence among women who move to Finland for marriage purposes.<sup>99</sup>

239. GREVIO is particularly concerned about the situation of the many young women who enter Finland for marriage and depend on their spouses and in-laws for information and help regarding the Finnish language and society, their rights and obligations. This dependency is easily exploited by abusive spouses, who may lead their young wives to believe that leaving a violent sponsoring spouse will result in deportation, often without her children. The separation of mothers and children

<sup>98</sup>. Information obtained from women's support services during GREVIO's evaluation visit to Finland.

<sup>99</sup>. Mapping study carried out by a working group of the Ministry of the Interior (2008-2009), D Bill HE 211/2018.

in the context of deportation is indeed a practice by MIGRI that has made headlines<sup>100</sup> and that has affected several women victims of domestic violence who have turned to specialist support services for help.<sup>101</sup>

**240. GREVIO encourages the Finnish Migration Service to recognise the particular hardship which the revocation of a residence permit may result in for foreign women in Finland abused by their sponsoring spouse or partner, in particular where this may lead to them being separated from their children.**

**241. GREVIO urges the Finnish authorities to ensure that fear of deportation from Finland, with or without their children, may not prevent migrant women from leaving abusive spouses or partners. This should be done by informing newly arrived migrant women of their rights, including the possibility of obtaining an independent residence permit after leaving an abusive relationship. It should also involve awareness raising and capacity building of immigration officials to increase their level of understanding of the trauma and victimisation of women who are separated from their children because their act of leaving the abusive relationship has resulted in their deportation from Finland.**

**242. Lastly, GREVIO urges the Finnish authorities, in particular the Finnish Migration Service, to take all measures to remove excessively high evidential barriers, such as the requirement of a criminal conviction of the abuser, for applications for extended residence permits on the basis of Section 54, sub-section 7, of the Aliens Act.**

## **B. Gender-based asylum claims (Article 60)**

243. Like other European countries, Finland experienced an increase in asylum applications in 2015 and 2016, which has caused a number of difficulties in relation to the reception of asylum seekers and case processing. Many of these difficulties have been overcome as the number of applications has dropped to just over 5 000 in 2017.<sup>102</sup>

### **1. Reception and accommodation**

244. Despite the official recognition that a basic principle of accommodation for asylum seekers is that of same-sex accommodation (i.e. single women are placed with other single women, men with men and families by themselves or together with other families), this is difficult to ensure in practice at all times. Efforts are made in all reception centres to ensure women's safety at all times, and the feedback provided by women asylum seekers regarding their perception of safety is generally positive. Reception capacity is currently considered sufficient and efforts are made to identify and address the specific needs of vulnerable persons such as women entering Finland on their own and unaccompanied minors. One way of doing so is offering standard medical checks upon arrival, during which sensitive issues such as exposure to FGM or sexual and domestic violence may be raised. Instructions and guidelines have been developed by MIGRI for this purpose. Staff at reception facilities also seek to speak to all families and single women upon arrival to discuss safety concerns and where to get support, and staff members are available 24/7 in most places. Group work with men to inform them about women's sexual rights and general gender-equality issues take place even at transit centres as a preventive measure. Where women experience domestic violence in reception facilities, they are often referred to domestic violence shelters and other specialist counselling services.

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<sup>100.</sup> See Yle Uutiset (news report) at [https://yle.fi/uutiset/osasto/news/interior\\_minister\\_calls\\_for\\_probe\\_over\\_decision\\_to\\_deport\\_iraqi\\_mother\\_father\\_and\\_baby\\_to\\_stay\\_in\\_finland/8932519](https://yle.fi/uutiset/osasto/news/interior_minister_calls_for_probe_over_decision_to_deport_iraqi_mother_father_and_baby_to_stay_in_finland/8932519).

<sup>101.</sup> Information obtained from women support services during GREVIO's evaluation visit to Finland.

<sup>102.</sup> Statistics published by the Finnish Immigration Service (MIGRI), available at [https://migri.fi/en/artikkeli/-/asset\\_publisher/vuoden-2017-tilastot-turvapaikanhakijoita-selvasti-edellisvuosia-vahemman-ensimmaisen-hakemuksen-jatti-reilut-2-100-hakijaa](https://migri.fi/en/artikkeli/-/asset_publisher/vuoden-2017-tilastot-turvapaikanhakijoita-selvasti-edellisvuosia-vahemman-ensimmaisen-hakemuksen-jatti-reilut-2-100-hakijaa).

245. The diversity in service operators, ranging from municipalities, the Finnish Red Cross and MIGRI to private providers, however, means a wide range of approaches to ensuring adequate, safe and gender-sensitive accommodation. GREVIO thus points to the need to find modalities which would allow for the harmonisation of standards and procedures, in particular where new service providers enter this field as a result of the ongoing public procurement tender.

**246. GREVIO invites the Finnish authorities to pursue their efforts to ensure that all women and girls are offered adequate and safe accommodation, preferably in reception facilities with separate facilities for single women, including bathroom facilities.**

## **2. Gender as ground of asylum**

247. Women make up only a small percentage of asylum seekers in Finland, as most applicants are male.<sup>103</sup> In 2015, a total of 5 998 women applied for asylum, while 316 were granted refugee status and an additional 70 received subsidiary protection. For girls the number was much lower: 188 applications for asylum were submitted by girls, five girls were granted refugee status and seven subsidiary protection.

248. The legal basis for international protection is found in the Finnish Aliens Act. Chapter 6, Section 87, paragraph 1, which lists all refugee grounds set out in the 1951 Convention relating to the Status of Refugees. Section 87 (a), paragraphs 2(1) and 2(6), specifically defines the term “persecution” to include physical, mental and sexual violence as well as any gender-specific or child-specific persecution. The exact nature of cases that come within the remit of this type of persecution is not clear, as the data-collection system on asylum applications and their outcomes does not allow for categorisation by type of persecution. Chapter 4, Section 52, of the Aliens Act allows immigration services to issue residence permits on humanitarian grounds. However, no manual case review or research has been conducted to identify the number of women who are granted asylum, subsidiary protection or leave to remain in Finland on humanitarian grounds for gender-related persecution and violence. This allows no conclusions to be drawn as to the level of gender responsiveness of the asylum process in Finland.

249. GREVIO welcomes the fact that measures are taken, however, to enable Finnish asylum case managers to identify and assess gender-related risk factors of persecution that may apply to women – and to help women disclose relevant information. Training is conducted with the help of European Asylum Support Offices (EASO) learning modules on gender and vulnerable groups. Since 2015, internal guidelines have existed for MIGRI staff on identifying FGM-related risks and how this can give rise to international protection. Similar guidelines on forced marriage are under discussion. Training has also been provided by the Finnish League for Human Rights on FGM and different forms of “honour-related violence”, including forced marriage. As a result, inquiries regarding the risks of FGM are routinely made if the asylum applicant is a girl from a FGM-practising country or community. This is less often the case for women applicants, unless their entire asylum claim is related to FGM.

250. As regards the ability of MIGRI staff generally to apply a gender perspective to asylum claims and ensure a gender-sensitive interpretation to each of the refugee grounds as required by Article 60, paragraph 2, of the Istanbul Convention, the information provided to GREVIO offers more of a mixed picture. Much emphasis is placed on informing asylum seekers upon arrival, in particular women, of their rights and the relevance of their experiences of gender-based violence and persecution for their asylum claim.<sup>104</sup> The positive impact of such efforts, however, seems to be somewhat offset by the recent changes to the asylum process to accelerate the processing time. While GREVIO welcomes the desire to ensure the swift handling of asylum claims, more and more asylum applicants are called in for their interview within a week of arrival, with no possibility of postponement. This presents a significant barrier to women who would need to disclose sensitive and traumatic experiences in support of their claim, as they may not have developed sufficient levels of trust in authorities to do so or may have never divulged their experiences to their family members

<sup>103</sup>. In 2015, only 18% of applications for asylum were made by women.

<sup>104</sup>. Information provided during GREVIO's evaluation visit to Finland.

that they are being interviewed with (for example in the case of sexual violence during conflict or in transit to Finland). Separate interviews are of course possible, but without a strong sense of agency and knowledge of the procedure and their rights, women asylum applicants will not ask for such, with an obvious impact on their likelihood of sharing information relevant to their asylum claim. Asylum and refugee lawyers and women's support services have pointed out that no particular effort is made by MIGRI to ensure that women attend interviews on their own. Instead, male relatives are used as interpreters or interlocutors, seemingly without any awareness as to the limits this places on a woman's ability to speak about her experiences of gender-based violence or persecution.

251. The reduction in time between notice of interview and the interview also causes difficulties in obtaining legal aid in a timely manner, and quality concerns around the available legal representation persist.<sup>105</sup> The limits placed on the choice of lawyer by the legal aid reform discussed above mean that asylum-seeking women are assigned legal aid staff lawyers who may not have any experience in asylum law or understanding of gender-based violence. A similar situation seems to arise with regard to interpretation services offered to asylum seekers. The high demand for interpreters has presented challenges in assuring the availability of female interpreters<sup>106</sup> and problems with high-quality interpretation persist. The absence of any formal accreditation for interpreters by MIGRI seems to result in instances where the interpretation is informed by the social norms and gender bias of interpreters.

252. GREVIO is concerned by the above structural limitations which the asylum determination procedure places on women whose asylum claims are based on gender-related persecution. Whether they are rooted in the applicable legal framework or the *de facto* implementation thereof, they significantly limit women's possibilities of getting good outcomes.

253. **With the purpose of furthering gender-sensitive asylum procedures, GREVIO encourages the Finnish Immigration Service (MIGRI):**

- **to incorporate specific gender-sensitive questions into the standard procedure for interviews in order to systematically assess whether a female applicant has been exposed to or is at risk of gender-based persecution;**
- **to take active measures to ensure that women asylum seekers are interviewed separately from, and without the presence of, any relatives;**
- **to ensure the availability of interpretation services of adequate quality in the asylum determination processes; and**
- **to ensure the adequate quality of legal representation for women asylum seekers throughout the asylum application process, starting from the first interview.**

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<sup>105</sup>. Restricted availability or low quality of legal aid in Finland continued to concern civil society actors, such as the Finnish Refugee Advice Centre and the Finnish Section of Amnesty International. See EU FRA (European Union Agency for Fundamental Rights), Periodic data collection on the migration situation in the EU, November 2018: Highlights 1 September to 31 October 2018, p. 5, available at <http://fra.europa.eu/en/publication/2018/migration-overviews-november-2018>.

<sup>106</sup>. Outi Lepola, "Mapping of gender aspects in asylum processes in the Nordic countries", Discussion paper for the Meeting of the Nordic Council of Ministers for Gender Equality on 3 October 2016, available at <http://norden.diva-portal.org/smash/get/diva2:1047056/FULLTEXT02.pdf>.

## Concluding remarks

254. As a strong supporter of women's rights and gender equality at national and international level, Finland has taken a range of measures to implement the Istanbul Convention. Some of these measures date back to well before the convention's entry into force while others are still ongoing. This attests to the political commitment of the authorities in Finland to move towards the convention's comprehensive implementation, which GREVIO welcomes. Several national action plans, past and present, and the setting-up of a national co-ordinating body (NAPE) are ensuring that headway is made in this regard. The Action Plan for the Istanbul Convention sets out the most urgent measures to be taken in the immediate future.

255. The past years have thus seen a range of developments, of which GREVIO welcomes in particular the increase in service provision for victims of domestic violence and sexual assault. These measures are an important first step in filling significant service gaps that had emerged across the country. The provision of support services to all groups of victims and in all regions of Finland will need to remain at the heart of the convention's implementation in order to ensure a more even geographic coverage of specialist support services for all victims of violence against women. This is particularly crucial for the Sámi women of Finland, many of whom live in underserved regions of the country.

256. GREVIO's review of existing policy approaches to and discourses around violence against women in Finland has revealed, however, the need to enhance the application of a gender perspective. Not all policy documents, guidelines and protocols make connections between gender inequalities and violence against women. The support services available (governmental and non-governmental) almost exclusively operate with a view to providing services to both men and women victims without necessarily viewing the different forms of violence against women as a manifestation of gender-based violence against women because they are women. Similarly, law-enforcement officials are not routinely trained on the dynamics of domestic violence and the gendered nature of other forms of violence against women. Police responses do not always comply with the Istanbul Convention's obligation to ensure swift and adequate investigations into all forms of violence, as many cases of domestic violence are not recorded and emergency barring or restraining orders are not routinely issued.

257. Moreover, the evaluation has shown a greater need to pool expertise by strengthening multi-agency co-operation across the boundaries of professions. Responses to individual cases, ranging from risk assessment to the provision of timely and adequate support services, as well as accommodation and long-term housing, can be enhanced if social services, law-enforcement agencies and women's specialist services work hand in hand.

258. With the present report, GREVIO wishes to support the Finnish authorities in this endeavour and invites them to keep it regularly informed of developments as regards the implementation of the Istanbul Convention. GREVIO looks forward to continuing its fruitful co-operation with the Finnish authorities.

259. With a view to facilitating the implementation of its suggestions and proposals, GREVIO requests that the national authorities translate this report into their official national language(s) and ensure that it is widely disseminated, not only to the relevant state institutions at all levels (national, regional and local), in particular to the government, the ministries and the judiciary, but also to NGOs and other civil society organisations which work in the field of violence against women.

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## **Appendix I**

### **List of proposals and suggestions by GREVIO**

#### **I. Purposes, definitions, equality and non-discrimination, general obligations**

##### **B. Scope of application of the convention and key definitions (Articles 2 and 3)**

1. GREVIO recalls that Article 2, paragraph 1, of the Istanbul Convention affirms the notion that all forms of violence against women, including domestic violence, affect women disproportionately. GREVIO thus strongly encourages the Finnish authorities to enhance the application of a gendered perspective in the implementation of the Istanbul Convention, including its provisions in relation to domestic violence (paragraph 5).

##### **C. Fundamental rights, equality and non-discrimination (Article 4)**

###### **1. Intersectional discrimination**

2. GREVIO strongly encourages the Finnish authorities to take measures to ensure that the provisions of the Istanbul Convention are implemented without discrimination on any of the grounds listed in Article 4, paragraph 3. This includes improving the regional accessibility of shelters as indicated in the Action Plan for the Istanbul Convention (paragraph 14).

#### **II. Integrated policies and data collection**

##### **A. Comprehensive and co-ordinated policies (Article 7)**

3. GREVIO strongly encourages the Finnish authorities to develop, on the basis of the existing NAPs and the lessons learnt therefrom, a long-term co-ordinated plan/strategy placing the rights of victims at the centre of all measures to implement the Istanbul Convention in its entirety, giving due importance to all forms of violence against women. GREVIO encourages the Finnish authorities to ensure that the gendered nature of all forms of violence against women, including domestic violence, receives the necessary policy attention (paragraph 22).

##### **B. Financial resources (Article 8)**

4. GREVIO strongly encourages the Finnish authorities to ensure appropriate human and financial resources for any policies, measures and legislation aimed at preventing and combating violence against women and for the institutions and entities mandated with their implementation. GREVIO also encourages Finland, as a champion in gender budgeting, to engage in the appropriate budgeting of comprehensive measures to prevent and combat violence against women and domestic violence (paragraph 28).

##### **C. Non-governmental organisations and civil society (Article 9)**

5. GREVIO strongly encourages the Finnish authorities to further recognise, encourage and support co-operation with all non-governmental actors involved in preventing and combating violence against women in Finland to ensure their participation in the design of policies and programmes, in particular NAPs and the provision of services, counselling, advocacy and awareness raising. In order to ensure diversity and build policies around the experiences of all women in Finland, GREVIO further encourages the Finnish authorities to recognise, encourage and support, including financially, a greater variety of women's NGOs, including the support of community-based grassroots movements of migrant and other women in Finland (paragraph 31).

#### **D. Co-ordinating body (Article 10)**

6. GREVIO strongly encourages the Finnish authorities to assign the role of co-ordinating body to fully institutionalised entities, to equip these with clear mandates, powers and competences and to allocate the necessary human and financial resources to these entities in order to guarantee the effective independent evaluation of national policies to prevent and combat violence against women (paragraph 35).

#### **E. Data collection and research (Article 11)**

##### **1. Administrative data collection**

7. GREVIO strongly encourages the Finnish authorities to develop data categories for mandatory use by the law-enforcement agencies and the judiciary on the type of relationship between the perpetrator and the victim, in order to document the nature of their relationship more specifically. Additional elements such as the gender and age of victim and perpetrator, type of violence and geographical location must also be recorded. GREVIO also encourages the Finnish authorities to move towards a common data-collection system for all levels of the judiciary and the law-enforcement agencies (paragraph 40).

8. GREVIO encourages the Finnish authorities to ensure the collection in the health care sector and social services of data related to violence against women – disaggregated by sex, age and relationship of the perpetrator to the victim, type of violence and geographical location (paragraph 43).

9. GREVIO encourages the Finnish authorities to conduct dedicated surveys on all forms of violence against women at regular intervals and to carry out a population-based survey to assess Sámi women's exposure to sexual and domestic violence as a starting point for further policy measures (paragraph 47).

10. GREVIO encourages the Finnish authorities to : (paragraph 51)

- a. address, through research, all forms of violence against women, such as sexual violence, stalking, forced sterilisation, forced marriage or other traditional practices harmful to women and not previously covered;
- b. support research into violence which affects specific groups of victims, such as migrant women and women from ethnic minorities;
- c. support research in order to study the effects on children of witnessing domestic violence;
- d. continue investing in the evaluation of existing policies and practices, including protective measures for victims, to assess their efficiency and level of implementation, as well as the level of victim satisfaction with the services provided, in close co-operation with specialist support services.

### **III. Prevention**

#### **A. Awareness raising (Article 13)**

11. GREVIO strongly encourages the Finnish authorities to promote or conduct, on a regular basis and at all levels, awareness-raising campaigns or programmes on the different manifestations of violence against women, including in co-operation with national human rights institutions, equality bodies, civil society and non-governmental organisations, especially women's organisations. GREVIO also strongly encourages the Finnish authorities to take measures to promote programmes and activities for the empowerment of women and girls, including women and girls from specific groups and communities (paragraph 57).

## **B. Education (Article 14)**

12. GREVIO encourages the Finnish authorities to review their central policy documents and materials, including school materials, in order to ensure that all forms of violence against women and girls are addressed in an age-appropriate way. GREVIO also encourages Finland to ensure that staff in educational institutions are aware of how to identify and address the different forms of violence covered by the convention. Finally, it encourages Finnish authorities to promote inclusion of these issues in the curricula of all relevant professions (paragraph 64).

## **C. Training of professionals (Article 15)**

13. GREVIO urges the Finnish authorities to introduce systematic and mandatory initial and in-service training on all forms of violence covered by the Istanbul Convention for all law-enforcement officers and prosecutors. GREVIO strongly encourages training for all professionals working with women or children who are victims of violence to ensure knowledge of the particular characteristics and needs of different vulnerable groups and to base this training on clear protocols and guidelines that set the standards that staff are expected to follow in their respective fields (paragraph 72).

14. GREVIO also encourages the Finnish authorities to develop and widely disseminate guidelines for the handling of different forms of violence covered by the Istanbul Convention, taking into account the characteristics of each form, their interconnectedness, the risk factors for re-victimisation and how violence can affect the ability and willingness of persons with different backgrounds to disclose the violence to the police or other public authorities (paragraph 73).

## **D. Preventive intervention and treatment programmes (Article 16)**

### **1. Programmes for perpetrators of domestic violence**

15. GREVIO notes the need to ensure more standardised approaches and strongly encourages the Finnish authorities to adopt and implement uniform standards which place at their centre the safety of, support for and human rights of victims by co-operating closely with specialist support services for victims as required by Article 16, paragraph 3, of the Istanbul Convention. GREVIO further strongly encourages the Finnish authorities to use all available means to ensure that such programmes are widely attended, including by incorporating them into the criminal justice system, including the probation service, as a tool to reduce recidivism. The authorities are encouraged to initiate scientific outcome studies (evaluation) of the programmes to assess, among other aspects, the risk of re-offending, in order to ensure higher levels of safety and protection for victims (paragraph 79).

## **E. Participation of the private sector and the media (Article 17)**

16. With a view to the important role of the media and the private sector in shaping and changing attitudes to the status and role of women in society and the level of acceptance of violence against women, GREVIO encourages the Finnish authorities to set incentives, or otherwise promote, the development and monitoring of self-regulatory standards in relation to the non-stereotypical and non-sexist portrayal of women in the media, including in the context of reporting on violence they have suffered (paragraph 88).

## **IV. Protection and support**

### **A. General obligations (Article 18)**

17. GREVIO strongly encourages the Finnish authorities to take adequate measures to set up institutionalised structures for co-ordination and co-operation among the different governmental and non-governmental agencies and service providers to ensure adequate forms of multi-agency co-operation based on a gendered understanding of violence against women and domestic violence

and focusing on the human rights and safety of victims, as well as on their empowerment and economic independence. This should include guidelines and co-operation procedures/protocols for authorities dealing with violence against women and domestic violence, including specific forms such as forced marriage and “honour-related violence”, as well as a system for sharing expertise and experience in handling such cases. GREVIO strongly encourages the inclusion of specialist women’s support services run by NGOs, and representing victims in multi-agency work, in any formal and informal co-operation structures (paragraph 93).

### **C. General support services (Article 20)**

#### **1. Social services**

18. GREVIO strongly encourages the Finnish authorities to ensure, among local, municipal and regional authorities and social services, the setting-up of programmes to ensure the recovery of victims from violence and to ensure their economic independence, in the area of financial assistance, education, training and assistance in finding employment. Specific attention should be given to the provision of affordable, permanent housing to all women victims of violence and their children, in particular to victims who cannot stay in their home and as a follow-up measure after a stay at a women’s shelter. Higher degrees of awareness of the different forms of violence against women, and cultural sensitivity towards the specific situation of women from national minorities such as the Sámi as well as other distinct groups of women in Finland, are also needed. The aim of such heightened awareness must be the provision of adequate support tailored to the individual specificities, rights and needs of all victims, and to overcome language barriers (paragraph 104).

19. GREVIO strongly encourages the Finnish authorities to establish and implement quality standards and protocols on all forms of violence against women in all health institutions and to increase the capacity of health care professionals to identify women victims of all forms of violence in order to provide adequate treatment and assistance to them, as well as their referral to appropriate specialist women’s support services as part of a co-ordinated response (paragraph 106)

### **D. Specialist support services (Article 22)**

20. GREVIO strongly encourages the Finnish authorities to take measures to ensure the provision of specialist women’s support services with a gendered approach, providing comprehensive, immediate, short- and long-term support to all women victims of violence and their children in all parts of Finland. Police and other institutions need to refer to such specialist women’s services directly and must avoid repeat referrals. Especially after police intervention a proactive approach is needed to ensure that victims are reached and can exercise their rights to protection and support (paragraph 111).

### **E. Shelters (Article 23)**

21. GREVIO strongly encourages the Finnish authorities to pursue and step up their efforts in expanding the number of shelter places and the geographic distribution of shelters in Finland to reach the minimum standard of one family place per 10 000 head of population as set out in the Explanatory Report to the Istanbul Convention, to resource shelters adequately, to provide long-term funding and to provide women-only shelters for women victims of violence and their children. Moreover, GREVIO encourages the Finnish authorities to assess the availability, in practice, of shelters for women with disabilities, women from the different Roma communities and women with substance-abuse issues (paragraph 117).

### **F. Telephone helplines (Article 24)**

22. GREVIO encourages the Finnish authorities to ensure the services of the Nollalinja national telephone helpline in a wider variety of languages, in particular Sámi, in order to reduce the language barriers that some women in Finland currently experience when seeking help. GREVIO also encourages the Finnish authorities to actively advertise the Nollalinja helpline as a service for all

forms of violence which women in Finland may experience, in particular forced marriage, FGM and “honour-related” forms of violence paragraph 120).

## **G. Support services for victims of sexual violence (Article 25)**

23. GREVIO strongly encourages the Finnish authorities to pursue their efforts in setting up sexual violence referral centres across the country and to ensure the availability of additional services to offer support to women and girls who seek help days, weeks, months or even years after the event. GREVIO also strongly encourages the Finnish authorities to ensure the setting-up of low-threshold services providing comprehensive and practical support, including legal support to access victims’ rights and protective measures as well as long-term psychosocial support for all victims of rape and sexual violence (paragraph 126).

## **H. Protection and support for child witnesses (Article 26)**

24. GREVIO strongly encourages the Finnish authorities to ensure the availability of age-appropriate psychosocial counselling for child witnesses of all forms of violence covered by the Istanbul Convention, in particular for children who witness domestic violence and post-separation stalking by one parent against the other (paragraph 131).

# **V. Substantive law**

## **A. Civil law**

### **2. Compensation (Article 30)**

25. GREVIO invites the Finnish authorities to collect data on the number of cases of violence against women in which perpetrators have been ordered to pay compensation to the victim (paragraph 142).

### **3. Custody and visitation rights (Article 31)**

26. GREVIO urges the Finnish authorities to take the necessary measures, including legislative amendments, to ensure that courts are under the obligation:

- to consider all issues related to violence against women when determining custody and visitation rights;
- to ensure the recognition of witnessing violence against a close person as jeopardising the best interest of the child, and
- to restrict custody and visitation rights where this is warranted to guarantee the safety and best interest of the child (paragraph 150).

### **4. Civil consequences of forced marriages (Article 32)**

27. GREVIO encourages the Finnish authorities to incorporate in the relevant legislative act(s) the possibility of voiding, annulling or dissolving marriages concluded under force paragraph 152).

## **B. Criminal law**

### **1. Psychological violence**

28. GREVIO strongly encourages the Finnish authorities to investigate, prosecute and punish effectively acts of psychological violence by making full use of the available provisions in the Finnish Criminal Code. To effectively criminalise all acts that seriously impair the psychological integrity of a person as required by Article 33, GREVIO strongly encourages the authorities to consider

introducing a new provision that would better fit the Istanbul Convention's framework (paragraph 159).

## **2. Stalking (Article 34)**

29. GREVIO strongly encourages Finland to revise or reform the existing guidance to ensure that the offence of stalking as enshrined in the Finnish Criminal Code does not require that the acts are made against the victim's will and to ensure that continual stalking represents an aggravated form of stalking. In order to ensure the effective implementation of the stalking offence, GREVIO encourages the Finnish authorities to conduct specialised training on the gendered and serious nature of stalking and to ensure the application of preventive operational measures to avoid re-offending (paragraph 164).

## **3. Sexual violence and rape (Article 36)**

30. GREVIO strongly encourages Finland to speedily reform all sexual offences contained in Chapter 20 of the Finnish Criminal Code to fully incorporate the notion of freely given consent as required by Article 36 of the Convention and to ensure appropriate sanctions for all sexual acts without the consent of the victim, including where the circumstances of the case preclude valid consent (paragraph 169).

## **4. Forced marriage (Article 37)**

31. GREVIO strongly encourages the Finnish authorities to consider introducing a specific criminal offence of forced marriage to cover the special nature of these offences and to make it operational for law-enforcement authorities and courts. Moreover, GREVIO encourages Finland to criminalise the intentional conduct of luring an adult or a child to the territory of another state with the purpose of forcing this person into a marriage, as required by Article 37, paragraph 2, of the Istanbul Convention (paragraph 175).

## **5. Female genital mutilation (Article 38)**

32. GREVIO encourages the Finnish authorities to criminalise the intentional conduct of inciting, coercing or procuring a girl to undergo FGM as required by Article 38 c of the Istanbul Convention (paragraph 178).

## **6. Sexual harassment (Article 40)**

33. GREVIO encourages the Finnish authorities to ensure that sexual harassment experienced in all areas of life is subject to a legal sanction (paragraph 182).

## **7. Sanctions and measures (Article 45)**

34. GREVIO strongly encourages the Finnish authorities to ensure – through legislative measures and the effective training of members of the judiciary and prosecution services – that sentences and measures imposed for all forms of violence against women are effective, proportionate and dissuasive (paragraph 185).

## **8. Aggravating circumstances (Article 46)**

35. GREVIO strongly encourages the Finnish authorities to take appropriate measures to ensure that the presence of children is considered as an aggravated circumstance by the judiciary, together with all other aggravating circumstances listed in Article 46 of the Istanbul Convention (paragraph 188).<sup>107</sup>

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<sup>107</sup>. See also the emerging case law of the European Court of Human Rights, which states that under the Istanbul Convention, "more severe sentences are required when the offence is committed against or in the presence of a child" (*D.M.D. v. Romania*, Judgment, 3 October 2017, p. 9, paragraph 27).

## **9. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)**

36. GREVIO urges the Finnish authorities to introduce clear protocols and guidelines on mediation in domestic violence cases with a view to ensuring that:

- all law-enforcement and prosecution staff are aware that mediation is prohibited in cases of repeated violence;
- all offers of mediation are accepted entirely voluntarily;
- an offer of mediation does not result in the discontinuation of criminal investigation and prosecution in violence against women cases.

In addition, GREVIO urges the Finnish authorities to reconsider the power vested in the police to propose mediation as a criminal justice measure in domestic violence cases, because having this power might jeopardise the effectiveness of criminal investigations (paragraph 193).

## **VI. Investigation, prosecution, procedural law and protective measures**

### **A. Immediate response, prevention and protection (Article 50)**

#### **1. Reporting to and investigations by law-enforcement agencies**

37. GREVIO urges the Finnish authorities to equip all relevant law-enforcement authorities with the resources, knowledge and powers to respond promptly and appropriately to all forms of violence covered by the Istanbul Convention, in particular by raising the number of female police officers and equipping police with the mandate to refer victims of violence against women and domestic violence to specialist women's support services in order to ensure the provision of adequate support (paragraph 203).

#### **2. The role of the prosecution services and conviction rates**

38. GREVIO strongly encourages the Finnish authorities to swiftly identify and address any/all factors which contribute to attrition in cases of rape, domestic violence and any other forms of violence against women, in order to increase the number of convictions (paragraph 210).

### **C. Risk assessment and risk management (Article 51)**

39. GREVIO encourages the Finnish authorities to ensure that, in cases of violence against women and domestic violence, systematic and gender-sensitive risk assessment and safety management become standard procedure for all agencies involved, especially criminal justice agencies, and that effective multi-agency work is carried out in all regions, based on the human rights and safety of the individual victim, all the while ensuring that the rights and needs of children are represented by specialist women's support services (paragraph 214).

### **D. Emergency barring and protection orders (Articles 52 and 53)**

40. GREVIO strongly encourages the Finnish authorities to step up efforts to increase the use of emergency barring and protection orders by promoting their usefulness and ensuring their vigilant enforcement. In this regard, GREVIO urges the Finnish authorities to assess the level of implementation of the Act on Restraining Orders with a view to identifying and remedying any obstacles in the letter of the law or in its practical implementation. Moreover, GREVIO strongly encourages the Finnish law-enforcement authorities to actively refer victims to specialist women's support services to ensure support in exercising their right to protective measures. Lastly, GREVIO strongly encourages the Finnish authorities to end the practice of allowing for exceptions in prohibitions on contact (paragraph 225).

## **E. Victim support in legal proceedings (Article 55, paragraph 2)**

41. Considering the stress and trauma that victims experience in court, particularly by aggressive defence cross-examination, victim-support lawyers and victim-support persons play an important role in facilitating victims' access to protection measures, in reducing stress and in ensuring victims' access to rights and justice. GREVIO strongly encourages the Finnish authorities to ensure the practical facilitation of women's access to victim-support lawyers and victim-support persons by specialist women's support services offering comprehensive support and thus avoiding secondary traumatisation through repeat referrals in cases of domestic violence and rape (paragraph 230).

## **F. Legal aid (Article 57)**

42. GREVIO strongly encourages the Finnish authorities to monitor the impact of the amendments to free legal aid made to the Aliens Act in 2016 with a view to ensuring women's continued access to justice through high-quality legal representation and to remove any administrative or procedural barriers to obtaining legal aid (paragraph 234).

# **VII. Migration and asylum**

## **A. Migration (Article 59)**

43. GREVIO encourages the Finnish Migration Service to recognise the particular hardship which the revocation of a residence permit may result in for foreign women in Finland abused by their sponsoring spouse or partner, in particular where this may lead to them being separated from their children (paragraph 240).

44. GREVIO urges the Finnish authorities to ensure that fear of deportation from Finland, with or without their children, may not prevent migrant women from leaving abusive spouses or partners. This should be done by informing newly arrived migrant women of their rights, including the possibility of obtaining an independent residence permit after leaving an abusive relationship. It should also involve awareness raising and capacity building of immigration officials to increase their level of understanding of the trauma and victimisation of women who are separated from their children because their act of leaving the abusive relationship has resulted in their deportation from Finland (paragraph 241).

45. Lastly, GREVIO urges the Finnish authorities, in particular the Finnish Migration Service, to take all measures to remove excessively high evidential barriers, such as the requirement of a criminal conviction of the abuser, for applications for extended residence permits on the basis of Section 54, sub-section 7, of the Aliens Act (paragraph 242).

## **B. Gender-based asylum claims (Article 60)**

### **1. Reception and accommodation**

46. GREVIO invites the Finnish authorities to pursue their efforts to ensure that all women and girls are offered adequate and safe accommodation, preferably in reception facilities with separate facilities for single women, including bathroom facilities (paragraph 246).

### **2. Gender as ground of asylum**

47. With the purpose of furthering gender-sensitive asylum procedures, GREVIO encourages the Finnish Immigration Service (MIGRI) (paragraph 253):

- to incorporate specific gender-sensitive questions into the standard procedure for interviews in order to systematically assess whether a female applicant has been exposed to or is at risk of gender-based persecution;

- 
- to take active measures to ensure that women asylum seekers are interviewed separately from, and without the presence of, any relatives;
  - to ensure the availability of interpretation services of adequate quality in the asylum determination processes; and
  - to ensure the adequate quality of legal representation for women asylum seekers throughout the asylum application process, starting from the first interview.

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## **Appendix II**

### **List of the national authorities, other public bodies, non-governmental organisations and civil society organisations with which GREVIO held consultations**

#### **National authorities**

Under-Secretary of State Ms Pirkko Hämäläinen  
Committee for Combating Violence Against Women and Domestic Violence (NAPE)  
Ministry of Foreign Affairs  
Ministry of Justice  
Ministry of the Interior  
Ministry of Social Affairs and Health  
Ministry of Economic Affairs and Employment  
Ministry of Education and Culture  
Ministry of Environment  
Ministry of Finance

#### **Local authorities**

Association of Finnish Local and Regional Authorities  
Social Protection Authorities Turku  
Prosecution Service Turku  
Turku Police

#### **Public bodies**

Chancellor of Justice  
Finnish Human Rights Centre/ NHRI and the Parliamentary Ombudsman  
Non-Discrimination Ombudsman  
Ombudsman for Equality  
Criminal Sanctions Agency  
Office of the Prosecutor General  
Institute of Criminology and Legal Policy (Finnish Homicide Monitor)  
Helsinki District Court  
National Institute for Health and Welfare  
Sámi Parliament  
SERI Centre Helsinki  
Statistics Finland  
Punavuori Refugee Accommodation Centre

#### **Non-governmental organisations**

Amnesty International  
Coalition of Finnish Women's Associations (NYTKIS)  
Federation of the Mother and Child Home Shelters  
Feminist Association Unioni  
Finnish Disability Forum  
Finnish Refugee Advice Centre  
International Organisations for Migration  
Lyömätön Linja Espoo  
Monika - Multicultural Women's Association Finland  
Pro-Tukipiste  
Women's Network of Disability Organisations (Ruseti ry)  
SETA

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Victim Support Finland  
VIOLA -Free from violence/ Stalking support center Varjo

**Representatives of civil society and experts**

Pia Holm, Attorney at Law, Law Office Pia Holm Ltd  
Kirsi Hytinantti, Attorney at Law  
Martina Kronström, Sotamaa & Co Attorneys Ltd  
Aziza Hossaini, freelance interpreter Afghan-Finnish  
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GREVIO, the *Group of Experts on Action against Violence against Women and Domestic Violence*, is an independent human rights monitoring body mandated to monitor the implementation of the *Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention) by the Parties.

The Istanbul Convention is the most far-reaching international treaty to tackle violence against women and domestic violence. Its comprehensive set of provisions spans far-ranging preventive and protective measures as well as a number of obligations to ensure an adequate criminal justice response to such serious violations of human rights.

This report contains an overall analysis of the implementation of the provisions of the Istanbul Convention. It highlights positive initiatives in preventing and combating all forms of violence against women at national level and provides suggestions and proposals to improve the situation of women facing such violence.

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The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.