

**Universal Periodic Review - Finland**

**Written information from NGO NYTKIS - The Coalition of Finnish Women's Associations**

**22<sup>nd</sup> September, 2016**

## Introduction

Violence against women must be considered one of the most severe human rights violation in Finland. Therefore this particular question is the main focus of NYTKIS's submission.<sup>1</sup>

Despite the concluding observations by the UN Committees over the years, the prevalence of VAW, including intimate partner homicide, remains high in Finland.<sup>2</sup> At the same time, due to the austerity policy women's organisations monitoring the implementation of international and regional treaties and conventions are facing cuts to their state funding.

The European Institute for Gender Equality has estimated that the annual costs of gender-based violence against women exceed 2 billion euros in Finland.<sup>3</sup> However, work on VAW is systematically under-resourced in Finland. This applies to work done by NGOs as well as by relevant state institutions. NGOs often work with temporal and limited resources without funding from private donors such as e.g. the Finnish Slot Machine Company RAY. However, RAY does not finance activities which are the responsibility of the state. The national action plan to reduce VAW was in effect 2010-2015. However, no required resources were earmarked for the implementation. Tentative results from the evaluation indicate that this lead to the plan not being fully implemented. The Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) was ratified in April 2015 and came into effect on August 1, 2015. Since then no resources have been allocated for the implementation as a whole, despite demands by the NGOs and the Parliament.<sup>4</sup> NGOs have pointed out that the funding earmarked for some specific measures falling under the Convention, such as shelters and the development of a 24/7 hotline, is not sufficient.

- The NGOs request that sufficient funding be allocated for the implementation of the Istanbul Convention as whole.<sup>5</sup>

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<sup>1</sup> About NYTKIS, see <http://www.nytkis.org/en>

<sup>2</sup> See European Agency for Fundamental Rights surveys 2014: <http://fra.europa.eu/en/publication/2014/violence-against-women-eu-wide-survey-main-results-report> [http://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-main-results-apr14\\_en.pdf](http://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-main-results-apr14_en.pdf) and Institute of Criminology and Legal Policy report 2015:

[https://helda.helsinki.fi/bitstream/handle/10138/160000/Katsauksia\\_10\\_Lehti\\_2016.pdf?sequence=1](https://helda.helsinki.fi/bitstream/handle/10138/160000/Katsauksia_10_Lehti_2016.pdf?sequence=1) (in Finnish).

<sup>3</sup> <http://eige.europa.eu/sites/default/files/documents/MH0414745EN2.pdf>, p. 142.

<sup>4</sup> Valtiovarainvaliokunnan mietintö 34/2013 vp. Parliamentary Body for Finance demanded that funding required for the implementation needs to be taken into account when making decision for national budget for 2015-18.

<sup>5</sup> NYTKIS is very concerned about the implementation of the Convention. Several legislative and other measures remain to be taken in order to fully implement the convention. In addition to what has already been mentioned earlier in this report, such legislative measures include review of legislation concerning forced marriage (arts. 36, 37); psychological violence (art. 33); sexual harassment (art. 40); custody, visitation rights and safety (art. 31); forced sterilization (art. 39) and gender sensitive processes concerning asylum seeking (arts. 59-61).

## Coordination of the Work on Ending Violence against Women

The CEDAW Committee has recommended that Finland redirect the coordination of the work on ending VAW to the governmental level. NGOs have been demanding a coordination unit since the 1990s. In accordance with the Istanbul Convention's article 10, the Ministry of Social Affairs and Health presented a draft decree on the establishment of a coordinating body last year. The draft proposes establishment of a network of government officials, however it does not propose additional, earmarked resources (in terms of personnel or funding) for these tasks. This is insufficient. With Istanbul Convention and the EU directive 2012/29/EU<sup>6</sup> in force, implementation, evaluation and monitoring of the enforcement of these two important new instruments require a coordinating unit focusing solely on VAW. This unit requires expert staff and funding for its operations. NGOs have also voiced their concerns that there are no plans to include NGOs, academics or municipalities in the body.

- The NGOs recommends that a coordinating unit, focusing on the implementation of the Istanbul Convention with expert staff and earmarked funding, be established.

## Mediation in Cases of Intimate Partner Violence

Despite the strong opposition of women's and human rights organizations, in 2006 the Finnish parliament approved legislation that enabled mediation in cases of intimate partner violence. *Mediation was originally developed to deal with petty crimes by young people.* Since then, even if not mandatory, mediation in cases of intimate partner violence has been established in Finland. In 2014, 16 %<sup>7</sup> of all mediation cases concerned violence in intimate relationships. The mediation referrals also included 13 cases of aggravated assault or attempted aggravated assault in domestic settings and five cases of violent sex crime.

Mediation in cases of violence in intimate relationships is extremely problematic. Recurring acts of violence make the victim vulnerable, frightened and dependent of the perpetrator. Thus, the victim and the perpetrator are not equal participants in the mediation process. It is also very difficult to ensure that the victim participates in the mediation process voluntarily. This applies particularly in cases of so called 'honour'-related violence or other violence against migrant women.

- Mediation in cases of violence in intimate relationships must be prohibited due to the ongoing specific power dynamics between perpetrator and victim in cases of intimate partner violence.

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<sup>6</sup> Directive on the establishment of minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA" comes into force in March 2016 in Finland.

<sup>7</sup> Page 3 in the English section: [http://www.julkari.fi/bitstream/handle/10024/126309/Tr13\\_15.pdf?sequence=4](http://www.julkari.fi/bitstream/handle/10024/126309/Tr13_15.pdf?sequence=4)

## Definition of Rape

Under Finnish law, the definition of rape is based on the concept of "forcing by the use or threat of violence"<sup>8</sup>. In 2011 and 2014, the provision on rape has been reformed towards a consent-based definition<sup>9</sup> but more comprehensive changes are still needed and lack of consent needs to be incorporated in the definition of rape.

Legislative changes are urgently needed in the Criminal Code, Chapter 20, Section 5, subsection 1. This section states that acts committed by someone in a position of authority or trust against a person in their custody or in relation to who they have a duty of care such as a patient in a hospital or other institution, or whose capacity to consent is impaired due to illness, handicap or other infirmity, are punishable under the crime of sexual abuse, and carry a minimum sentence of a fine.

The NGOs demand effective and equal protection of persons who are residents in closed institutions (prisons, hospitals, institutions for people with intellectual disabilities). The NGOs call for change in law so that sexual acts committed in these settings or comparable circumstances (residential homes for disabled and elderly persons, rehabilitation institutions, hospitals) by persons in position of authority or trust against persons in their care should be treated as non-consensual sexual acts by definition. Such acts should be prosecuted and punished in the same way as other sexual offences in accordance with the gravity of the crime. In the current law, they are defined as sexual abuse and receive much milder punishment of a fine even when in fact they constitute rape. The NGOs also propose the addition of "in comparable situations" - the ground for this extension is the de-institutionalisation process whereby many vulnerable persons have been rehoused in what is termed "open care" or "home-based care" where they can also may face sexual violence by care providers.

Around 1000 rape cases are under investigation annually but only around 150 cases per year result in conviction. The number of investigating officers is low. It takes about one year from the reporting of a case to the police till the investigation starts.

- The lack of consent must be incorporated in the definition of rape.
- Legislative changes are urgently needed in Criminal Code Act, Chapter 20, Section 5, subsection 1.

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<sup>8</sup> Chapter 20 Section 1 in Criminal Code <http://www.finlex.fi/en/laki/kaannokset/1889/en18890039.pdf>

<sup>9</sup> The paragraph on rape now states that "also a person who, by taking advantage of the fact that another person, due to unconsciousness, illness, disability, state of fear or other state of helplessness, is unable to defend himself or herself or to formulate or express his or her will, has sexual intercourse with him or her, shall be sentenced for rape"

## Lack of Shelters

By ratifying the Istanbul Convention, Finland has committed to ensuring funding for services provided to victims of domestic violence in shelters. The Act on State Compensation to Providers of Shelter Services (1354/2014) took effect on January 1, 2015. The National Institute for Health and Welfare (THL) is responsible for the national co-ordination of shelters for victims of domestic violence. The state funding for shelter services in 2015 amounted at 11,3 million euros in total. The annual budget for shelters is adjusted with and dependent on the state budget.

The Council of Europe<sup>10</sup> and the Istanbul Convention Explanatory Report recommend that the amount of family places (i.e. including children) in shelters should be one for every 10,000 citizens and should be available in every region. In Finland, this means approximately 550 family places altogether. It is estimated that the cost of recommended number of places would amount to 40 million euros per year.

According to these recommendations Finland is lacking 433 family places in shelters. Since the Act entered into force, the number of places for families in shelters has reduced from 121 to 118 currently.<sup>11</sup> Currently there are 19<sup>12</sup> shelters for victims of violence altogether (compared to 26 service providers earlier). 13 of the shelters are run by NGOs. There is only one secret shelter in Finland, Shelter Mona maintained by MONIKA - Multicultural Women's Association.

The current state funding is not sufficient for maintaining adequate number and geographical coverage of shelters. There are large areas without a shelter. In the densely populated areas (e.g. capital city of Finland, Helsinki) the number of shelters is not sufficient. In 2015, more than 348 clients and their children were turned away by the Helsinki Shelter Association due to full capacity.<sup>13</sup> Shelter Mona is also continually full. In 2015, approximately 180 women could not be provided with a place in a shelter due to lack of space.

Although more attention has started been paid to women with disabilities since clients in shelters have increased and accessibility has improved<sup>14</sup>, not all of the currently operating shelters have free and easy access. Shelters are not as accessible as they should be, because the accessibility regulations have not been applied, nor has there been any consultation with accessibility experts from disability NGOs. State funding does not cover the investments made in renovations. Moreover, the shelters should be able to provide

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<sup>10</sup> [http://www.coe.int/t/dg2/equality/domesticviolencecampaign/Source/Final\\_Activity\\_Report.pdf](http://www.coe.int/t/dg2/equality/domesticviolencecampaign/Source/Final_Activity_Report.pdf)

<sup>11</sup> In 2014: 121 places for families, in 2015: 114 places for families, in 2016: 118 places for families.

<sup>12</sup> A list of shelters receiving state funding is available at [www.thl.fi/turvakotipalvelut](http://www.thl.fi/turvakotipalvelut).

<sup>13</sup> At the same time the number of clients staying at the shelter was 157 adults and 180 children.

<sup>14</sup> Accessible shelters have been established, eg. Vaasa, Lahti, Joensuu, Porvoo and Mikkeli.

special attention and individual assistance to women with disabilities and elderly women taking into consideration their particular needs.

Due to insufficient state funding some of the shelters have been forced to run down their specialized work with children of victims of domestic violence. Systematic collaboration between shelters, community care services and municipalities is essential in supporting the victims, but it is not fully realized due to resource constraints.

There have been several positive changes: the professionals and the client together evaluate the length of the stay in the shelter. Previously the municipalities were responsible for funding the clients' stay in a shelter and the length of the stay was dependent on the funding decision. It was common that women with children got funding decisions easier than women without children<sup>15</sup>. At present, there is no barrier for women without children to access shelters. Another positive sign is that the state has started to coordinate information management and national statistics concerning shelters. However, there is no information available regarding vulnerable groups' equal access to services.

THL has developed Multi Agency Risk Assessment Conferences (MARAC) to protect the victims in situations where there is a threat of serious violence. Nationwide implementation however is incomplete and lacks resources.<sup>16</sup> If fully implemented, the model would relieve the pressure from shelters.

The NGOs recommend that Finland

- Increase state funding for shelter services in order to increase the number and geographical coverage of shelters for victims of violence. More secret shelters are needed.
- Guarantee and further develop individual support for every child during a crisis due to violence, with particularly attention to vulnerable groups.
- Allocate and make state funding available for development of accessible shelters.
- Take into account the particular needs of minority and vulnerable groups (as defined in Istanbul Convention) in the development of shelter services<sup>17</sup>.

### **Victims of sexual violence**

In Finland there is only one rape crisis center, The Rape Crisis Center Tukinainen (NGO-run), which provides services to victims of sexual violence and their families, including legal advice, psychological support etc.

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<sup>16</sup> Based on UK model, see: [http://www.richmond.gov.uk/domestic\\_abuse\\_multi-agency\\_risk\\_assessment\\_conference](http://www.richmond.gov.uk/domestic_abuse_multi-agency_risk_assessment_conference)

<sup>17</sup> Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence. Istanbul, 11.V.2011

Tukinainen has two units. Due to the limited funding, the center cannot respond to the increasing number of reported cases.<sup>18</sup>

Support services for victims of sexual crimes require skilled professionals. The improvement of services also requires co-operation between, among others, relevant state or other institutions, crisis workers as well as legal workers. According to THL, there are plans to establish a multi-professional unit as a part of one of the central hospitals in Helsinki, which will treat victims of sexual violence. This is a step in the right direction, but it is insufficient as these services are not available in other geographical areas.

According to a study by the Institute of Criminology and Legal Policy (2014), the risk to become a victim of homicide for migrant women is nearly twice as that for the native population. Only a fraction of the violence experienced by migrant women comes up at the surface.<sup>19</sup>

There is a serious lack of data on violence against women among many minority groups in Finland, and there is for example no information available on violence against women among LBT women and Sámi women. Since 2007<sup>20</sup> no research has been conducted on the prevalence of violence against migrant women in Finland. Only tracking statistics, collected by the organizations providing assistance to women victims of violence, are available. The lack of information often leads to insufficient support systems and prevention programs. There is a need for targeted services in order to increase access for women from minority groups.<sup>21</sup>

MONIKA (Multicultural Women's Association) provides assistance to approximately 700 migrant women who have experienced violence yearly. Reported cases are only a small part of all cases: these include about 15 cases of forced marriage, 40-50 cases of 'honour'-related violence, and about 15-20 cases of possible human trafficking are identified each year. The number of women seeking help has remained at high level for the past five years.

**Resources for NGO's providing support services to migrant women facing violence are inadequate.** In 2015 the increased number of asylum seekers also increased the demand for specialized services. There

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<sup>18</sup> The Rape Crisis Center Tukinainen has submitted their own report to the Committee.

<sup>19</sup> Lehti, Martti & al.: Maahanmuuttajat rikosten uhreina ja tekijöinä. Oikeuspoliittisen tutkimuslaitoksen tutkimuksia 265. Helsinki: 2014.

<sup>20</sup> Korhonen, Kaija & Ellonen, Noora: Maahanmuuttajanaiset väkivallan uhrina. Poliisiammattikorkeakoulun julkaisu 60/2007.

<sup>21</sup> There is also need to provide targeted services to female and especially LBT asylum seekers, refugees and migrant due to the harassment and violence they face in reception centers and other services.

must be better resources and expertise to provide migrant women with the assistance and support they need.

In addition, in Finland there is not enough training provided to the law-enforcement authorities on an ongoing basis to build their capacity to understand the specific circumstances of migrant women who experience violence. There is not enough training in how to handle such cases in a sensitive manner, particularly in relation to 'honour'-related violence and FGM,<sup>22</sup> and provide the necessary information, protection and support to the victims, including referrals to appropriate assistance and support services.

The special needs of migrant women and children should be taken into account in all work and service planning for prevention of VAW. In order to provide better protection and assistance to migrant victims financial resources for the services are required as well as ongoing capacity building of the personnel and guidance on how to identify violence and make appropriate interventions. It is also important that information and services are provided in different languages.

- Finland needs to establish a network of walk-in-centers to guarantee service to all victims of VAW, including the most vulnerable groups (for example "paperless" migrants and refugees).
- The new 24/7 helpline (to be established) must have expertise in VAW

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