

**Baseline report by the Government of Finland  
on measures giving effect to the provisions of  
the Council of Europe Convention on  
Preventing and Combating  
Violence against Women and Domestic Violence**

**April 2018**

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## **1. INTRODUCTION**

1. Finland signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, the Istanbul Convention, hereinafter the Convention, among the first signatory countries in Istanbul on 11 May 2011. Finland ratified the Convention in April 2015, and the Convention entered into force on 1 August 2015. In connection with the ratification process, the Criminal Code and the Aliens Act were amended.

2. Under Article 78 of the Convention, Finland has made a reservation with regard to Article 55, paragraph 1 in respect of Article 35 regarding minor offences. Article 55, paragraph 1 requires that an investigation into or prosecution of any offence shall not be entirely dependent upon a report filed by a victim and that the proceedings may continue even if the victim withdraws her/his statement or complaint. In Finland, petty assault is a complainant offence, for which a prosecutor may not bring charges without the request of the injured party. However, violence in an intimate partner relationship is an offence in which prosecution is not dependent upon report filed by the victim. The same applies to petty assault when the act has been directed at a minor or at a person due to her/his employment and the offender is not part of the personnel at the place of employment. The declaration was given in connection with depositing of the instrument of ratification.

3. The monitoring mechanism, GREVIO, established by the Convention, requested in a letter dated 31 October 2017, Finland to submit its baseline report by 1 March 2018 as part of the evaluation process of Finland. In addition to different authorities, such as the ministries and agencies, various public authority actors, such as the Association of Finnish Local and Regional Authorities, as well as, on a large scale, the Finnish Civil Society and its actors, especially women's organisations and labour unions and other social/advocacy players, have also participated in the preparation of the baseline report.

## **2. INTEGRATED POLICIES AND DATA COLLECTION**

### **2.1. Strategies and Action Plans**

#### **Government Strategic Programme**

4. The strategic programme of Prime Minister Sipilä's government of 29 May 2015 includes equality between women and men. The Government Programme emphasises creativity, entrepreneurship and the creation of well-being so that Finland can become a society founded on know-how, entrepreneurship, equality and caring. The Government Programme also recognises the good skills and education of Finns, which promote the renewal of Finnish society and equal opportunities. According to the Government Programme, in foreign and security policy, Finland also promotes international stability, peace, democracy, human rights, the rule of law and equality.

## **Government Action Plan for Gender Equality**

5. Since 2003, governments have drafted Action Plans for Gender Equality. The Government Action Plan for Gender Equality 2016-2019 collates the objectives and measures by which Prime Minister Sipilä's government promotes gender equality. The Action Plan is an instrument for coordinating the government's gender equality policy and it incorporates measures taken by all ministries. The measures included support for the attainment of the objectives of the government programme. The Action Plan consists of approximately thirty measures concerning working life, equal pay, economic decision-making, immigrant reception and integration services, reconciliation of work and family, parenthood, segregation in education and the labour market, education, sports resources and library services, violence against women and intimate partner/domestic violence, and men's health and well-being. In addition, the Action Plan includes measures to ensure mainstreaming of the central government reforms as well as the operations of the ministries and assessment of gender impact. The Action Plan was prepared based on a hearing, a stakeholder survey and negotiations between ministries, and the outlines of the Government Report and Finland's international obligations were also taken into account. The implementation is based on inter-ministerial cooperation and it will be supported and monitored by a working group which reports to the Government.

6. The ministries have drafted their own gender equality and non-discrimination plans in accordance with the outlines of the Government Action Plan for Gender Equality, which implement the principles of the Government Action Plan for Gender Equality as well as the duty laid down by the Act on Equality Between Women and Men to promote equality systematically. (<http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/72267/URN%3aNBN%3afi-fe201504225186.pdf?sequence=1&isAllowed=y>)

7. The Government outlined long-term equality goals in the Government Report on Gender Equality approved in 2010 (<http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/72199/URN%3aNBN%3afi-fe201504227008.pdf?sequence=1&isAllowed=y>). The outlines shall be in force until 2020, and Parliament has required that the Government submit a new Gender Equality Report in 2021. The outlines of the Report also deal with reducing violence against women.

## **National Action Plan on Fundamental and Human Rights**

8. In the Government's Human Rights Report submitted to Parliament in 2014, the Government pledged to prepare a national action plan on fundamental and human rights during the following government term. The objective of the National Action Plan on Fundamental and Human Rights 2017-2019 is to promote the obligation of the public authority to guarantee the observance of basic rights and liberties and human rights as stipulated in the Constitution. The measures of the Action Plan aim at acting on identified problems with fundamental and human rights and complementing the work being carried out in various policy sectors to promote fundamental and human rights. In preparing the Action Plan, special attention was paid to the policies of the Human Rights Report, the recommendations to Finland from international human-rights treaty bodies, the policies of the Government Programme, the

views of the overseers of legality and the special ombudsmen as well as the areas of concern raised by non-governmental organisations. The legal basis of the Action Plan comprises the basic rights and liberties guaranteed by the Constitution, the international and regional human rights treaties ratified by Finland as well as the Charter of Fundamental Rights of the European Union. In accordance with the independent assessment of the First National Action Plan on Fundamental and Human Rights (2012-2013) and the recommendations of the Constitutional Law Committee of Parliament. The Action Plan focuses on promoting the implementation of fundamental and human rights in certain areas of emphasis. The areas of emphasis are fundamental and human rights education, equality, the right to self-determination as well as fundamental rights and digitalisation. The Action Plan comprises altogether 43 projects which are spread across the administrative branches of all ministries, such as projects relating to sexual violence. In addition, the aim is to observe gender equality as a cross-cutting principle in the actions taken in the chosen areas of emphasis.

9. The Action Plan recognises the obligation of the authorities to intervene in situations that violate the right to self-determination, such as violent crimes and situations where a community limits its members' right to self-determination as part of the right to privacy, such as the right of an individual to establish and maintain relations with other people or the right to use contraception. The shortcomings in the implementation of the right to self-determination do not always result from gaps in legislation or the actions of the authorities, but they may be the consequence of the activities of private persons or communities. The Action Plan specifically recognises violence against women and the need to separately criminalise related rape and sexual abuse and the need to criminalise female genital mutilation. With regard to physical integrity, many NGOs have pointed out shortcomings in the legislation or actions of the authorities concerning intimate partner violence, sexual violence and violent hate crimes. For example, persons belonging to sexual minorities and persons with disabilities have a higher risk of facing violence.

10. The Action Plan also recognises the need to provide timely and accurate information and targeted training especially to prevent acts of violence against women. Within the Action Plan project, targeted training is organised, for example, in the form of a seminar and workshops on the prevention of violence against women, and awareness rising on women's rights, such as of the UN Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol as well as of the Council of Europe Convention. The project also supports the implementation of the above-mentioned Conventions and the periodic reporting on their implementation and provides tools for monitoring the enforcement of recommendations related to violence against women.

11. The Action Plan also aims at improving services for victims of sexual violence: piloting and modelling of a victim support centre, such as launching a support centre which provides treatment for acute rape victims. The acute-stage services needed by a victim are concentrated in one service point in the capital region, and the referral to further treatment and services will be ensured from this acute-care point. The purpose of the support centre is to function as a national pilot to be modelled, which will start by the end of 2018. The long-term objective shall be that, in the future, every university hospital will have a support centre for victims of sexual violence. In addition, long-term support for the victim shall be ensured by forming care and

service pathways in a manner defined in more detail in the Action Plan for Gender Equality and as part of the implementation of the Convention.

### **Human rights strategy**

12. The promotion of the rights of women and girls is one of the emphasised areas of the Finnish human rights policy. Finland is committed to the full implementation of the international instruments concerning women's rights and works actively in the EU, the UN and its organisations and international conferences as well as in other international organisations to strengthen women's rights. Particular attention shall be paid to women and girls in vulnerable situations and who are often subjected to multiple discrimination.

### **Development policy strategy**

13. Development cooperation is one of the means of implementing Finland's foreign and security policy. The implementation of Finnish development policy is guided by the Government Report on Development Policy, adopted in February 2016, which is based on the 2030 Agenda for Sustainable Development. The goal of Finland's development policy is the eradication of poverty and inequality and the promotion of sustainable development. One of the four priority areas of Finland's development cooperation is the rights and status of women and girls, as gender inequality is one of the serious problems in developing countries. Enhancing the rights and the position of women and girls and their opportunities to participate strengthens the society as a whole and promotes the attainment of the other development goals.

### **The UN Security Council Resolution 1325: Women, Peace and Security**

14. Finland's first National Action Plan to implement the UN Security Council resolution 1325 "Women, Peace and Security" covered years 2008-2012. In order to enhance the implementation of the resolution, the Action Plan was updated for the years 2012-2016 in cooperation with different ministries, the 1325 Network Finland as well as non-governmental actors and researchers. The national implementation shall be monitored by the national 1325 monitoring group led by the Ministry for Foreign Affairs and comprising the different ministries responsible for the implementation of the Action Plan. The monitoring group also includes representatives of NGOs, such as the 1325 Network Finland and individual researchers.

15. The implementation of the 1325 Action Plan is included in the Government Programme and it is also a significant tool in strengthening women's position and their participation in issues related to peace and security, both nationally and internationally. With the implementation of the 1325 resolution, Finland aims at benefiting the stability and development of the society. Special attention is paid in the Action Plan to prevention, participation as well as protection. The 1325 implementation work is guided by the principles of a human-rights based approach, consistency, openness and good governance.

16. The third 1325 National Action Plan was prepared in 2017, raising new perspectives on the promotion of the rights of women and girls, the mainstreaming of the gender perspective



inter alia in solving challenges related to refugees, human trafficking, violent extremism and arms trade as part of the changing nature of security.

### **Action Plan to Reduce Violence against Women**

17. The Action Plan to Reduce Violence against Women for 2010-2015 was a cross-sectoral Action Plan aiming to tackle all forms of violence against women. The Action Plan used the same definition of violence against women as the one applied in international conventions, according to which gender-based violence includes mental, physical and sexual violence in both the public and private spheres. The Action Plan was prepared by a cross-sectoral working group discussed in more detail in point 2.4. Although the Action Plan officially terminated at the end of 2015, the measures included therein have been implemented also thereafter. The Action Plan was drafted to facilitate the ratification of the Convention and the proactive implementation of its provisions.

18. The starting point of the Action Plan was that violence against women is a human rights violation and State's due diligence to ensure that it does not violate human rights, including human rights violations by private actors. The Action Plan takes a comprehensive approach to reducing violence in accordance with the principles of the Convention observing, in a coordinated manner, the prevention of violence, the protection and support of the victim and the prosecution of the perpetrator.

19. The Action Plan was based on multiprofessional and cross-sectoral cooperation. The plan included 66 different measures, all of which were assigned their own responsible authorities. The Ministry of Social Affairs and Health funded the coordinator of the Action Plan at the National Institute for Health and Welfare in 2010-2014. The cross-sectoral working group on the prevention of intimate partner and domestic violence coordinated and monitored the implementation of the Action Plan and prepared the final report of the implementation.

20. Some 200 key trainers from the public sector and from organisations act as key trainers within their own workplace and sector in cooperation with educational institutions and other training parties. With the Action Plan, a network of contact persons was established at the Regional State Administrative Agencies and the contact person network of municipalities was strengthened. A contact person/coordinator has been appointed to municipalities in accordance with the recommendation of the Ministry of Social Affairs and Health, although the appointment of contact persons has been voluntary and has thus varied by municipality. The Regional State Administrative Agencies have maintained a network of contact persons in their own area and convened the municipal contact persons and the key trainers of the area to handle topical issues on a regular basis. Common guidelines for the implementation of the Action Plan were drafted in regular workshops.

21. The external evaluation deemed that the Action Plan was a good cross-sectoral tool for promoting the measures to reduce violence against women. In addition, the Action Plan enabled the implementation of measures that could not have been created without it and thus promoted the measures to reduce violence extensively through the 66 individual measures. On the other hand, the poor resourcing of the Action Plan also meant that some of the measures,

including certain research projects, were not implemented. The main results of the Action Plan include the recognition of intimate partner and domestic violence as the basis for the need for support in the new Social Welfare Act, the quality criteria for shelters, the delivery of information and know-how to municipalities through the training of key trainers, the development and dissemination of the MARAK, a multiprofessional risk assessment model, various guides such as the Security Skills for the Young -guide, a guide for women with disabilities: Violence against women with disabilities, as well as a guide handling honour-related violence.

22. The Committee for Combating Violence against Women and Domestic Violence (NAPE), which is a co-ordinating body referred to in Article 10 of the Convention, started its operations at the beginning of 2017. The Committee has drawn up an action plan for the Convention for 2018-2021 and NGOs have criticised the implementation plan and deemed that it depicts one of the most central problems in the implementation so far, which is, that the 4-year plan concentrates on the development of the work of the authorities and that the organisations that have traditionally played a significant part in the work combating violence have no role in the implementation. The summary of the Plan mentions the strong traditions in the cooperation between the authorities and the organisations, but the organisations deem that, in the list of measures, their role is not visible as part of the comprehensive violence-reduction work. The different organisations also consider that the prioritisation of the development targets would require broad knowledge of the on-going measures aiming at preventing violence and protecting the victim as well as a successful mapping of the actors in the field. They further deem that the activities, know-how and resources of the authorities and the third sector form an entity of central significance for the national implementation of the Convention and that its development should be planned and implemented in cooperation between the various actors. For said purpose, working groups shall be established in NAPE which will identify and support the actions taken in organisations and where the organisations shall be represented. In addition, when drafting the implementation plan, a workshop was arranged for organisations where the organisations were offered a possibility to bring up flaws.

### **Government Action Plan against Human Trafficking 2016-2017**

23. The first national Action Plan of Finland against Human Trafficking was adopted in 2005, and a revised Action Plan based thereon was adopted in 2008. The revised Action Plan paid particular attention to identifying the victims of human trafficking and comprehensively evaluated the legislation combating human trafficking. Under the Action Plan, the Government appointed the Ombudsman of Minorities, currently the Non-Discrimination Ombudsman, as the National Rapporteur on Human Trafficking from 2009. The revised provisions of the Criminal Code on human trafficking entered into force on 1 January 2015. Application of the amendments relating to assistance to victims of human trafficking started on 1 July 2015, the Anti-Trafficking Coordinator started on 1 June 2014 in the Ministry of the Interior and the coordination structure for actions against human trafficking began operating in 2015. All key ministries engaged in anti-trafficking efforts are members in the Secretariat Coordinating

Government Action. Key experts in anti-trafficking activities, i.e. various authorities and organisations, were invited to join the Government anti-trafficking network.

24. The National Rapporteur on Trafficking in Human Beings issued the first report on human trafficking issues in 2010 and the following reports on human trafficking in 2011-2014. The Non-Discrimination Ombudsman submits a report on human trafficking and related phenomena to the Government each year and to Parliament at four-year intervals.

25. Two anti-trafficking cooperation networks operate in connection with the European Commission, and the European Union is also a key source of funding for the anti-trafficking actions taken in the Member States, including NGOs operating therein. The Nordic Council of Ministers and the Council of the Baltic Sea States, among others, are active in the regional anti-trafficking cooperation.

26. The starting point of the Action Plan 2016-2017 is that human trafficking is a serious crime and a violation of human dignity and integrity where victims are subjugated usually for the purpose of commercial exploitation. The measures required by the Action Plan were implemented within the framework of the available financial resources. The position of Parliament on the securing of long-term funding for the NGOs involved in providing assistance for victims of human trafficking was noted in the same context.

27. The Action Plan includes four areas, namely, the prevention of human trafficking, protection of victims, measures related to bringing offenders to justice and collaboration with various actors. All of the measures of the Action Plan have been placed within their own areas.

28. Actions against human trafficking and its punishability are associated with a number of international obligations. Trafficking and aggravated trafficking in human beings are punishable in Finland as offences against personal liberty under chapter 25, sections 3 and 3a of the Criminal Code. Pursuant to the Criminal Code, the sentence for trafficking in human beings is at least four months and at most six years and the sentence for aggravated trafficking in human beings is at least two years and at most ten years.

29. The human trafficking offences that have come to light in Finland have concerned work-related exploitation and exploitation involving sexual abuse. However, new forms of human trafficking offences are constantly emerging. The National Rapporteur on Trafficking in Human Beings has noted that in criminal activity the forms of human trafficking involving exploitation and forced marriage are becoming more common. The restaurant sector, for example, is one area, where cases of work-related exploitation have emerged. The occupational safety and health authorities encounter potential victims of human trafficking at workplaces.

30. Many victims of human trafficking have arrived in Finland from abroad. There have also been cases where the victims have been Finnish citizens. In recent years, the annual number of suspected human trafficking offences reported to the police has been between 20 and 60. In the past years, the number has increased. Each year, approximately five of these have been considered to be aggravated. A single human trafficking offence appearing in the statistics may comprise more than one perpetrator or more than one victim. Human trafficking has been characterised as a hidden crime. Some of the human trafficking offences remain concealed

from both the authorities and other parties in contact with the victims, such as NGOs or other private actors.

31. The assistance system for victims of human trafficking in Finland operates as part of the Joutseno reception centre. At the end of 2015, the assistance system had 89 clients representing 26 different nationalities. Two were minors. In 2015, the number of clients remained between 84 and 90. Some had been referred to the assistance system in 2015 and some already earlier. The clients of the assistance system for victims of human trafficking represent 26 different nationalities. In 2015, a total of 52 new clients were referred to the assistance system, all of whom were of legal age. The number of women was almost double that of men. Most of them had been subjected to work-related exploitation. In seven cases in 2015, the person had been involuntarily employed as domestic help. Usually being forced to work as a domestic help had taken place abroad, but individual cases have taken place in Finland. In 2015, victims of human trafficking involving forced marriage and forced criminal activity were also referred to the assistance system. In 2015, new clients referred to the assistance system represented 19 different nationalities; the largest groups were Nigerians and Finns. A Nigerian victim has typically been subjected to sexual exploitation in another Member State of the European Union.

32. Since the beginning of 2016, referrals to the assistance system have clearly increased. Between 1 January and 31 August 2016, 41 new referrals were made to the system, most of which involved persons residing in Finland as asylum seekers. Almost without exception, they had fallen victim to human trafficking before their arrival in Finland. The changed situation was also observed in the work of the Government anti-trafficking structure, for example, by further strengthening cooperation with the bodies responsible for receiving asylum seekers.

33. The Finnish Civil Society Platform against Trafficking in Human Beings raised the potential human trafficking of asylum seekers as the theme of its meeting in the spring of 2016. The same issues have also been dealt with at the broad-based regional meetings arranged by Victim Support Finland in the spring of 2016.

### **Action Plan for the Prevention of Circumcision of Girls and Women 2012–2016 (FGM)**

34. The starting point of the Action Plan for 2012-2016 is that female genital mutilation in all its forms constitutes a practice that violates girls' and women's rights and that it involves a significant human right that Finland is responsible to promote. The Action Plan answered to the international commitments of Finland regarding the promotion of human rights of women and girls and the prevention of violence against women. The Finnish League of Human Rights played an active part in the preparation of the Action Plan.

35. The Action Plan was prepared in a cross-administrative expert group with representatives of the ministries, central agencies and various organisations. The Ministry of Social Affairs and Health, in cooperation with the National Institute for Health and Welfare, has annually arranged an FGM workshop, where up-to-date information and practical experiences with the FGM have been shared. The following actors are invited to the workshop: the Ministry of Social Affairs and Health, the Ministry of the Interior, the Ministry of Economic Affairs and

Employment, the Ministry of Education and Culture, the Ministry for Foreign Affairs, the National Institute for Health and Welfare, the National Board of Education, the social welfare and health authorities, the education and youth work authorities, the reception centres, the police, the universities of applied sciences and universities, organisations, and immigrant and religious communities.

36. At the local and regional levels, the municipalities are responsible for information guidance and self-monitoring under the Action Plan and for providing their employees with sufficient training in the prevention of female genital mutilation. In areas with a substantial immigrant population, regional and municipal operating models and cooperation networks are drawn up as part of the other municipality-level programmes.

37. The final report of the FGM Action Plan indicated that the FGM and related issues were experienced as being even more topical, that the recognition of the Action Plan had increased and that the implementation of the recommendations included in the Action Plan had been actively started. The Action Plan will be renewed for 2018-2020 and the aim is to include it as part of the Action Plan on Sexual and Reproductive Health.

### **National core curricula and qualification requirements**

38. The Finnish Early Childhood Education and Care Act, the Basic Education Act and the General Upper Secondary Education Act guarantee children and young people a right to a healthy and safe learning environment. The national core curricula for pre-primary education, basic education and general upper secondary schools, based on the legislation, were updated in 2014–2016 by the Finnish National Agency for Education. All local, more detailed curricula, need to comply with the national core curricula.

39. The national or local curricula do not explicitly include targets for preventing and combating violence against women or domestic violence, but the content and broad objectives of the curricula support the growth of children and young people as responsible citizens. The curricula also emphasize human rights and the respect of human dignity in many ways. Furthermore, teaching and learning are always based on equality and cultural diversity, and are aimed at promoting equality and democracy. In accordance with the core curricula, the school-specific student welfare plans shall include a plan to protect the students from violence, bullying and harassment.

40. In vocational education, the student has the right to a safe study environment. The ordinance and other rules of the provider of education may issue provisions on the practical arrangements and proper conduct necessary for the safety and comfort of the study environment.

41. In addition, the National Agency for Education has provided guidance for the education providers on the drafting of gender equality and non-discrimination plans. The vocational qualifications, which provide competence to, for example, social and/or health-care qualifications or to qualifications in humanities or education, include vocational skills supporting the rights of individuals, gender equality and non-discrimination. The national core

curricula strengthen the skills of the professionals in customer and patient work to guide and intervene in situations where violence against women or domestic violence is encountered.

### **Equality in Schools**

42. The new Finnish non-discrimination legislation took effect in January 2015. The reform strengthened the legal protection of victims of discrimination, enlarged the scope of prohibitions of discrimination and expanded the obligations to promote equality. The new Non-discrimination Act defines the forms of prohibited discrimination and the supervision of compliance with the Act. It obligates authorities, employers and providers of education and training to promote equality. The Act applies to all public and private activities, excluding private life, family life and religious worship. The Act on Equality between Women and Men prohibits discrimination based on gender, gender identity and gender expression.

43. The Finnish National Agency for Education has launched guidelines for equality in schools to follow in 2015 (Tasa-arvotyö on taitolaji. Opas sukupuolen tasa-arvon edistämiseen perusopetuksessa). In 2018, the National Agency for Education published a guide for the prevention of and intervention in sexual harassment in schools and educational institutions. The guide addresses relationships between students as well as between students and employees in educational institutions and it does not handle sexual harassment between the adults of the institutions. Harassment outside the institution is not handled in the guide.

### **Action Plan “Meaningful in Finland”**

44. The long-term objective of the Finnish Government is that by 2025 Finland will be a country where everyone can feel at home. This means a country that is welcoming and international, populated with people representing different languages and cultures, who interact in a positive way, making Finland a unique place to live in. For this aim, the Ministry of Education and Culture launched an Action Plan “Meaningful in Finland” in 2016 to prevent hate speech and racism and to foster social inclusion and interaction between the different religions. The objectives include improving the skills of the teaching staff and other professionals who work with children and young people.

45. In the Government's National Action Plan on Fundamental and Human Rights for 2017–2019 high-quality human rights education includes the teaching of values, norms and mechanisms related to human rights. Teaching should always be conducted in a way respecting human rights and empowering people to implement human rights.

### **Women-specific work with female convicts**

46. Women-specific work is carried out in the Criminal Sanctions Agency with female convicts as well as through child and family work with the relatives of the convicts (spouses and children of male convicts). With regard to violence, there are rehabilitation programmes in use where women are taken into account both as targets and users of violence - the women-specific VINN programme has been piloted in the work carried out with female convicts and female

community-sanction customers and some 20 employees have received training therein at the Training Institute for Prison and Probation Services. Many criminal sanctions officials have knowledge in couples' and family therapy (for example, psychologists and ministers) as well as special knowledge in child and family work (especially those engaged in social work - for example, Lapset puheeksi, Let's talk about the children- method).

47. Especially with regard to female convicts, it is recognised that they have often experienced traumas or sexual abuse. The rehabilitation officials can take this into consideration when working with the individual. The handling of intimate partner violence in addition to other violent behaviour is often present in the individual work carried out with male convicts in prisons and community sanction offices.

48. The Central Administration Unit has appointed its own expert on women-specific work and to handle issues relating to other special groups (for example, sexual minorities and foreigners).

### **Preventive policing strategy (2014-2018)**

49. According to the strategy prepared under the leadership of the Ministry of the Interior, the preventive action by the police is linked to both the everyday operations and the special operations of the police. In everyday operations, that is, in all police operations, the police shall take into account (in mindset and procedure) preventive action, which is also connected to the prevention and combating of various forms of violence as well as to violence against women. Preventive action may be undertaken, for example, in connection with a domestic emergency call and related domestic violence, its recognition, emergence and investigation and referral to help as well as the prevention of corresponding violence in the future. Special operations may be connected to the prevention and recognition of phenomena or problems relating to violence on the basis of information based on an analysis in cooperation with other authorities and organisations, such as the assessment of the risk of a victim of intimate partner violence and the improvement of the safety of the victim. The preventive policing strategy is currently being updated.

### **Government Integration Programmes 2012-2015 and 2016-2019**

50. The general objective of the first Government Integration Programme coordinated by the Ministry of Economic Affairs and Employment was to support the participation of immigrants in all sectors of society. Its special focus areas included support for immigrant women. The Government Integration Programme (2016-2019) recognises that immigrant women have been outside services more often than men. If the spouse does not support the participation of the wife in education and other services supporting integration, the wife may become excluded from Finnish society and transacting with municipal services may remain unfamiliar. Especially vulnerable situations are women who have moved to Finland uneducated for family reasons. The position of vulnerable immigrant women was mapped by a working group of the Ministry of the Interior in 2008-2009. The information collected in the working group indicated that women who had moved to Finland as spouses have experienced domestic and intimate partner

violence in their marriages more often than the mainstream population. Immigrant women are also over-represented in shelters with regard to the size of their population. For example, the share of immigrants of the customers of the shelters of the Federation of Mother and Child Homes and Shelters is one-fifth. The immigrants have fewer safety nets compared to the mainstream population and encountering violence may be kept concealed from the authorities as long as possible for reasons of cross-generational violence and trauma, which may also be culture-related and pertaining to a domestic setting and family models.

51. In the first Government Integration Programme, the goal was that one of the focus areas in the work against violence will be the better recognition of violence against groups in vulnerable situations, such as immigrant women and children. Special measures in the programme were also directed at supporting the integration of immigrant women who had experienced violence and their children. Another goal was that the Centres for Economic Development, Transport and the Environment assess, in cooperation with municipalities, the need to include in the municipal integration programmes the prevention of violence encountered by immigrant women as well as a plan to familiarise those working with the immigrants to recognise violence, the lowering of the intervention threshold and the guiding of the victims of violence to support services.

52. The central measure for improving equality of the second Government Integration Programme for the years 2016-2019 was defined to be the development of education and training possibilities for the parents, often women, who care for their children at home. The education and training possibilities of parents caring for their children at home will improve along with the liberal adult education for immigrants, which will enter into force in 2018.

## **2.2. Allocation of financial resources**

53. Altogether EUR 1,430,000 were spent cross-sectorally in the implementation of the Action Plan to Reduce Violence against Women. A coordinator was hired for the Action Plan to work in the National Institute for Health and Welfare. The Ministry of Justice used altogether EUR 180,000 to implement the measures of the Action Plan to Reduce Violence against Women during its operating period.

54. Most of the action plans described above have been implemented within the budgetary framework.

55. There was no earmarked financing for the implementation of the Action Plan for the Prevention of Circumcision of Girls and Women. The work was carried out in the National Institute for Health and Welfare as part of the official work promoting sexual and reproductive health. The expenses of the police are also covered from the annual operational budget.

56. Throughout the years, the Ministry of Education and Culture has supported many different development activities through state subsidies, which have strengthened, among other things, equality education, understanding of and respect for other people.



### 2.3. Civil Society support

57. The Funding Centre for Social Welfare and Health Organisations (STEA) is a standalone Government transfer authority operating in connection with the Ministry of Social Affairs and Health, which administers the transfers granted from Veikkaus Oy gaming income to non-profit projects of social and health organisations promoting health and well-being. The transfers may be granted in the form of project funding, operation funding or general funding. Funding may not be granted to statutory state or municipal services.

58. Some EUR 5 million of STEA funding have currently been granted for intimate partner violence work carried out by organisations. The Federation of Mother and Child Homes and Shelters and its member organisations are the biggest recipients of the funding. Emphasis has lately been in directing the work against violence in integrative manner towards helping both those who have experienced or been exposed to intimate partner violence as well as the perpetrators.

59. The Federation of Mother and Child Homes and Shelters and Women's Line are engaged in work exclusively against violence against women. The activities of the Women's Line include giving advice and peer support to women who have experienced intimate partner violence as well as advocacy and communication. Along with the Nollalinja helpline, which is nationwide and financed by the public sector, online advice shall, in the future, be emphasised in the activities of the Women's Line in addition to peer support. A raise has been proposed for the funding for 2018 in order to ensure adequate operating resources. The organisation has also been proposed new funding for 2018, which would be directed at protecting women from online violence as well as at raising awareness. There are no other actors engaged in increasing know-how thereof.

60. STEA encourages the organisations to engage in both regional and nationwide cooperation. In addition, STEA encourages tight cooperation with municipalities and the public sector in order to create appropriate and seamless service chains for the target group. The STEA monitoring system enables the monitoring of the use of the funding and the effectiveness of the operations (also with regard to cooperation).

61. In 2010-2014, the Ministry of Justice granted state aid within the Action Plan to Reduce Violence against Women to projects implemented by organisations which aimed at developing peer-group activities for women and men which supported the organisations of both new and traditional ethnic minorities and of immigrants in providing information on violence against women and services in Finland. In 2015 and 2016, the prevention of violence against women was not a theme in the supported projects.

62. The Criminal Sanctions Agency cooperated with several different organisations, for example, with VIOLA in partner work and in the MOVE programme; with KRITS in child and family work with family and couples' camps, and with Romano Missio in issues relating to Roma female convicts (individual work and the so-called Voiva group) as well as with Lyömätön Linja Espoossa ry in issues relating to perpetrators of violence. As the newest form of cooperation, the Criminal Sanctions Agency is training its personnel in 2018 in recognising stalking and related factors in cooperation with the employees of the Varjo project (of VIOLA). It also

cooperates with the Kataja association in partner work, including couples' camps for convicts, and there are plans to extend the cooperation to partner work. The Criminal Sanctions Agency and the Federation of Mother and Child Homes and Shelters carry out the Erityisesti isä, Especially a Father project where the challenges of parenthood and a relationship are handled with clients with a criminal background and their families.

63. The victim surcharge system entered into force in December 2016 (Grand Committee 669-672/2015; Reply of Parliament 347/2014 ps; Legal Affairs Committee Report 32/2014 ps; Constitutional Law Committee Report 61/2014 ps). The purpose is that the charge collected from offenders increases the state funds to be channelled to victims. Of these funds, the Ministry of Justice granted Victim Support Finland EUR 690,000 as state transfers in 2015 and EUR 2.4 million in 2016. The increase in the appropriation results from the entry into force of the Victims' Directive. In addition, the Ministry of Justice granted the National Institute for Health and Welfare EUR 593,100 for the period from 1 November 2016 to 31 December 2017 for Nollalinja.

64. In the spring of 2017, the Ministry of Justice granted approximately EUR 1 million as a one-off Government transfer to organisations providing support services for victims of crime. The following were granted the transfers: the OTAVA project of Kalliolan nuoret ry (dissemination of the low-threshold treatment model to Rovaniemi, Oulu, Kuopio and Espoo), the Moninaisuus campaign of the Women's Line (awareness-raising campaign) and the awareness-raising campaign of Setlementti Tampere ry. related to help for victims of domestic violence and sexual violence.

65. A central part of the preventive operations of the police is cooperation with NGOs and other civil society actors. In addition, the Police Act determines the duties of the police, which also include preventive measures by the police carried out in cooperation with other authorities as well as with communities and residents. The performance management of the police also guides the preventive measures of the police, the derivative structures of which also undergo ongoing development locally and regionally.

66. The Ministry of Education and Culture annually grants statutory Government transfers for national women's organisations promoting gender equality and social involvement. The funding is available to the National Council of Women of Finland, the Coalition of Finnish Women's Associations (NYTKIS) as well as the Multicultural Women's Association (MONIKA). The appropriation in the state budget for 2018 for this transfer is altogether EUR 258,000. The National Council of Women of Finland, founded in 1911, is the umbrella organisation and cooperation forum of women's associations that promote equality. The National Council has 59 member associations with over 400,000 members. The Council is engaged, among others, in promoting human rights, the position of women and equality and it participates in social dialogue and influences decision-making.

67. In 2017, the National Council of Women of Finland arranged a "100 acts for gender equality" contest as part of the celebration of the centenary of Finland's independence. The transfer granted to the Council is used to launch and widely promote the best gender-equality practices resulting from the contest. The themes of the project include prevention of violence against women. The project monitors the continuance and effectiveness of acts of gender

equality, provides information on the progress of acts of gender equality and best practices, and maintains contacts with different areas of society regarding developments in gender equality and the acts. Contacts are kept with women's associations, other central NGOs, Parliament, the Ministries, labour organisations, the largest cities, universities and other stakeholders.

68. The Coalition of Finnish Women's Associations, NYTKIS, is an umbrella organisation, whose members include the women's associations of the political parties represented in Parliament as well as the Feminist Association Unioni, the National Council of Women of Finland, and the Association for Gender Studies in Finland. The objectives are to achieve gender equality, end women's discrimination and promote the realisation of women's human rights. Altogether some 470,000 women belong to the member organisations of NYTKIS. The Coalition defends gender equality as well as the rights of women and girls, actively monitors political decision-making, legislation and research from the point of view of women's rights, comments on political and social issues and carries out advocacy work to strengthen gender equality.

69. The Multicultural Women's Association, MONIKA, is a multicultural organisation which develops and provides specialized services for immigrant women and children who have experienced violence, acts as an expert and advocate in issues relating to ethnic non-discrimination and violence, and promotes integration by supporting civil-society activities of immigrants. MONIKA maintains a resource centre for women who have experienced violence or threat thereof. The Resource Centre provides psycho-social support, peer support groups, guidance, and supportive housing. MONIKA also maintains a shelter and a helpline and publishes brochures in different languages (for example, on recognising different forms of violence).

70. The Ministry of Education and Culture also supports other actors in the field.

71. The International Working Group on Women and Sport (IWG) is an independent coordinating body that engages governmental and non-governmental organizations and individuals for the advancement and empowerment of women and sport globally.

72. The Ministry of Education and Culture supported the International Working Group on Women and Sport (IWG) 2010–2014 by contributing its secretariat in Finland and the 6th World Conference on Women and Sport in Helsinki in June 2014. The conference gathered together over 800 participants from almost 100 countries and international sports movements (e.g. IOC and major international sports federations). One of the major themes was safety in sport, particularly in relation to prevention of sexual harassment and abuse, prevention of eating disorders and prevention of injuries. Links: Legacy document: [http://iwg-gti.org/common\\_up/iwg-new/files//Brighton Plus Helsinki 2014 Declaration.pdf](http://iwg-gti.org/common_up/iwg-new/files//Brighton Plus Helsinki 2014 Declaration.pdf), <http://www.iwg-gti.org/>. Finland will participate in the 2018 IWG Conference in Botswana with a comprehensive delegation. The Ministry of Education and Culture supports the arrangements of a separate session in Finland.

73. The Ministry of Education and Culture requires that all organisations promoting physical activity that receive State financing have gender equality and non-discrimination plans. The Ministry monitors the implementation of the plans including measures for the prevention of

and intervention in sexual harassment and abuse. The Ministry of Education and Culture also provides financing for a research to be carried out in 2018-2020 on sexual harassment and abuse and discrimination in physical activity and sports as well as on the gender-specific codes of conduct in sports coaching (The PRACT research project led by the University of Jyväskylä) as well as for the reporting-channel service of sports organisations and the Family Federation of Finland where harassment and ill-treatment within physical activity and sports can be reported.

74. Many NGOs have criticised the inadequate utilisation of the expertise and know-how of the grass-roots level in the work of the authorities. According to the NGOs, the authorities may actually lack the kind of knowledge and understanding that derives from long-term practical operations at the grass-roots level. The NGOs have also criticised that their possibility to be heard and to present views is inadequate when drafting the implementation plan required by the Convention. The organisations have welcomed the presence of the authorities in certain networks of the organisations, such as the network handling female genital mutilation issues, and their involvement in the operations of the network.

#### **2.4. Official bodies for coordination, implementation and evaluation of policies**

75. In 2008-2016, an intersectoral civil-servant working group for the prevention of domestic and intimate partner violence, LÄPE, was working in connection with the Ministry of Social Affairs and Health and it reported on its activities to the extended internal security ministerial group. LÄPE acted as the coordinating body, without authority to decide, for example, on legislation or the funding of measures. LÄPE included representatives from the Ministry for Foreign Affairs, the Ministry of the Interior, the Ministry of Economic Affairs and Employment, the Ministry of Social Affairs and Health, the Police Administration, and the National Institute for Health and Welfare. In addition, LÄPE heard representatives from various NGOs as experts.

76. The budget of LÄPE was EUR 1,000 for 2015 and EUR 1,000 for 2016. The budget was used to cover the costs of the meetings of LÄPE. LÄPE had no full-time employees, but the civil servants responsible for the prevention of violence against women and intimate partner violence acted as its chairman and secretary as part of their work. The tasks of LÄPE were to coordinate issues relating to intimate partner violence as well as to update and harmonise the national programmes thereon. By increasing the cooperation between administrative sectors, LÄPE aimed at strengthening the expertise relating to the issues and removing the overlapping features thereof. In addition, LÄPE prepared the Action Plan to Reduce Violence against Women referred to in point 2.1. and monitored its implementation.

77. After the end of the term of LÄPE, the Government established a Committee for Combating Violence against Women and Domestic Violence (NAPE) in November 2016 in accordance with Article 10 of the Convention for the term from 2017 to 2020. NAPE is responsible for coordinating national measures and for other measures laid down in the Article 10, including the preparation of the Action Plan laid down in the Convention.

78. The NGOs have criticised that they do not have a representative in NAPE referred to above despite the fact that civil society plays a significant role in combating and preventing the

forms of violence against women within the scope of the Convention. The organisations deem that their possibilities to influence are not especially efficient nor established.

## **2.5. Data Collection**

79. Data from authorities relating to the occurrence of violence against women and domestic violence are collected nationwide through reports of offences to the police as well as with the monitoring system of homicides. Crime statistics are available broken down according to gender, age, perpetrator and victim when they are linked to residence data by Statistics Finland.

80. In the health-care sector, nationwide data on the occurrence of violence are collected from the violence-related questions of the FinSote survey with regard to adults as well as from the School Health Promotion study with regard to children and youngsters as well as from 2018 onwards also from the well-being and health study of 4-year-old and 4-month-old children. These are nationwide studies, and the data are available broken down by gender for adults and also by age-group for children. Also the health studies of the elderly as well as the health and well-being studies of immigrants include questions of experiences of violence. The data are available broken down by gender. The National Institute for Health and Welfare is preparing the issue of questionnaires for different population groups during 2018 regarding their experiences of violence to be published in a joint publication. The School Health Promotion study produces follow-up data regarding the well-being, health, school-work, studies, inclusion of and the help available to children and adolescents of different ages and the response of the services to the needs. Data have been collected from 8th and 9th graders of comprehensive schools since 1996, from upper secondary school students since 1999 and from vocational schools since 2008. The 4th and 5th graders of comprehensive schools and their guardians have participated since 2017. The study is carried out every two years.

81. In the social welfare sector, the various service providers collect local customer data. Since 2015, national statistics on shelter services have been available broken down by gender and age group as well as the customer statistics of MARAK working groups, although the latter have not yet been published.

82. The National Institute for Health and Welfare publishes the results of the School Health Promotion study and the adult health survey (FinSote) in annual publications. The Institute of Criminology and Legal Policy of the University of Helsinki publishes annually a Crime Situation report where also domestic violence as well as violence against women are examined separately. The publication and separate research articles are available in electronic form on the website of the Institute. The National Institute for Health and Welfare publishes statistics on shelter services annually in its report series.

83. Statistics Finland compiles and works with the official registry to create relevant statistical information. Several offences deemed relevant are taken into account to provide the specific dataset on intimate partner violence. However, several publications based on these sources, including court statistics, have been discontinued. The data are published on the website of Statistics Finland in the form of dynamic tables. Statistics Finland compiles data from

the police sector and provides an extensive overview of intimate partner violence in the country. The link between incidences, levels of reporting and detection and legal changes in the system is closely monitored. Metadata, contact persons and levels of classifications are easily accessible and available in both English and Finnish.

84. Statistics Finland produces several statistics related to violence against women that are mainly based on administrative data in the data systems of the authorities (such as the police) with the most essential data source being the statistics on offences and coercive measures. The data are compiled nationally. Statistics on offences and coercive measures (police data): [http://www.stat.fi/til/rpk/index\\_en.html](http://www.stat.fi/til/rpk/index_en.html)

#### **Offences reported to the police**

- Disaggregations by crime, suspect, victim (victim information available but not comprehensively of all offences), region.
- Suspect and victim background information available, e.g. age, sex, nationality, country of origin, foreign/Finnish background, socio-economic backgrounds etc.

#### **Domestic violence and intimate partner violence**

- Statistics based on the data of offences reported to the police; includes mainly violent crimes.
- Victim-perpetrator relationship limited to the relationships recorded in Statistics Finland's register-based population data.

#### **Coercive measures**

- Compiled from data obtained from the Ministry of Interior's police information system (PATJA).
- Includes restraining orders issued by the police or confirmed by the district courts, disaggregation by both parties and by their background information.

#### **Prosecutions, sentences and punishments:** [http://www.stat.fi/til/syyttr/index\\_en.html](http://www.stat.fi/til/syyttr/index_en.html)

- Basic data on persons prosecuted in courts of law are obtained from the information system on judgements of the Ministry of Justice and the Legal Register Centre.
- Contains data on the persons charged and sentenced by the courts of first instance. Disaggregation by crime, sentence and persons prosecuted/convicted. No data on the victims is recorded.

#### **Causes of death:** [http://www.stat.fi/til/ksyyt/index\\_en.html](http://www.stat.fi/til/ksyyt/index_en.html)

- Including data on violent deaths disaggregated by age, sex, nationality, country of origin, foreign/Finnish background, socio-economic backgrounds etc.
- (More detailed data on homicides are produced at the Institute of Criminology and Legal Policy in the form of the Finnish Homicide Monitor.)

85. In addition, Statistics Finland has conducted surveys that have touched upon the subject of violence against women:

**Gender equality barometer**

- A survey on attitudes, opinions and experiences relating to equality between the sexes in Finland. Conducted six times since 1998 (the most recent in 2017).
- Commissioned by the Ministry of Social Affairs and Health and conducted by Statistics Finland.
- Questions on fear of violence, experienced sexual harassment and hate speech (2017), disaggregated by sex, age etc., 1600 respondents.

**Quality of work life survey:** [http://www.stat.fi/til/tyoolot/index\\_en.html](http://www.stat.fi/til/tyoolot/index_en.html)

- An extensive personal interview survey conducted since 1977 to monitor employees' working conditions and changes in them.
- Questions on physical violence and its threat (since 1990), harassment (since 2003), indiscreet behaviour (since 2003), bullying (since 1997) and discrimination at work (since 1997), disaggregated by sex, age etc.

86. The preliminary statistics on offences are published quarterly and final statistics annually on Statistics Finland's web pages. The statistics on domestic violence and intimate partner violence as well as coercive measures are also published annually.

87. Both the court statistics and statistics on causes of death are published annually.

88. Gender statistics web pages include statistical data of the position women and men and gender equality in Finland. The pages contain key data on the victims and perpetrators of violent crimes as well as domestic violence and intimate partner violence. (The full English version of the pages will be published in 2018.)  
<http://www.stat.fi/tup/tasaarvo/turvallisuus/index.html>

89. Similar information is included in the publication Women and men in Finland (from 2018 onwards Gender Equality in Finland):  
[http://www.stat.fi/ajk/julkistamiskalenteri/kuvailusivu\\_en.html?ID=16133](http://www.stat.fi/ajk/julkistamiskalenteri/kuvailusivu_en.html?ID=16133)

90. In addition, the prosecutor, district courts, courts of appeal and the Supreme Court record data in various databases including: 'Rikosasiainrekisteri' / 'Case Management System of Criminal Matters', (Sakari)—which contains district court and prosecutor data; Supreme Court and Court of Appeal databases; 'Ratkaisu rikostuomiosovelluksessa -sovellus' / 'Decisions in Criminal Matters application' (Riku); and Reporting and Statistics systems. Sakari uses the same specific codes to record data as the police in Patja. These codes are based on the so-called 6-digit criminal code (Criminal Code chapter number—section—subsection etc.), which makes it possible to distinguish between attempted and accomplished criminal acts as well as between their basic and aggravated forms when the statistics are prepared. The coding of the database designates the crime code to be used at the police investigation/prosecution stage. In the statistical systems of the judicial sector, the compilation of data of the victims is, however, not

compulsory. For this reason, data on victims of violence against women is not systematically available from sentences or prosecution broken down by age, gender or the relationship between the victim and the perpetrator or by their geographical spread. The data are compiled nationally.

91. Data may also be compiled from the police data systems.

92. Information on suspected offences is recorded in the police data system on the basis of observations made by the police or reports to the police. Data shall be recorded in the system at 11 different police departments and at the National Bureau of Investigation. Any police officer who has received the information may record the data or suspected offence at the reception of reports, in the crime investigation unit or in police patrol. The National Bureau of Investigation is responsible for serious and organised crime and it maintains the situational awareness system in the priority areas defined for its sector. A new analysis unit shall be established in the National Police Board in 2018 along which the data collection and its analysis as well as utilisation may be developed significantly. The analysis unit of the National Police Board shall maintain the strategic level situational picture of the national operating environment of the police. The analysis unit shall compile data, in addition to the own systems of the police, also from interest groups and open sources.

93. The Police Information System (PATJA) enables the breakdown of various types of data by gender, age and type of violence but there is room for development with regard to the perpetrator and the victim as well as with regard to other factors of a person. In connection with the development of the information systems (for example, VITJA), these issues and deficiencies will be observed.

94. Suspected offences are recorded by offence category and form, and the address and the date and time of the act are also recorded. The position of the persons involved in the suspected criminal act is determined (suspect, injured party, witness, other). With regard to injured parties, their personal identity number or date of birth, gender, and known address and contact information are recorded. The classification data "Domestic violence" is additional information on a violent offence to be entered when the injured party and the suspect are part of the same household. The act and the mode of commission are classified by specifiers, for example, "by hitting, kicking" or "by other physical attack". With regard to the place of commission, it is classified whether the act has taken place on private or public premises. The "victim is minor" classification is used when the injured party is under 18 years of age. Information relating to the person's disability or other feature is not classified.

95. The police publish nationwide press releases of its statistics quarterly as well as other regional statistical bulletins. With regard to violent crime, the following information (as well as the comparison data from the previous period and year) shall be published in the press release:

- Violent crime, total
  - violent crime clear-up rate %
  - violent crime committed by an unknown offender, clear-up rate %
  - violent crime investigation time



- Assaults, total
  - assaults in public places
  - assaults in private locations
  - aggravated assaults
- Homicides, including attempts
- Homicides
- Sexual crimes, total
  - rapes
  - sexual abuse of a child
  - other sexual crimes
    - Sexual harassment
  - Domestic violence, reported cases.

## **2.6. Research conducted or supported by the Government**

### **Marak**

96. The introduction and dissemination of the multiprofessional risk assessment system, MARAK, as well as the experiences gained therefrom were monitored in Finland in 2010-2015. The study was financed as part of the Action Plan to Reduce Violence against Women from the appropriations of the Ministry of Social Affairs and Health. The results have been published as two reports as well as in a summary report in the Yhteiskuntapolitiikka, Social policy journal (3/2017). The aim is to publish a summary of the results in English.

### **Gender Equality Barometer**

97. The Gender Equality Barometer is a survey on the development of gender equality and the attitudes relating to gender equality as well as to experiences of the realisation of gender equality in working life. It also provides information on sexual harassment, its different forms and the perpetrators, and the frequency of the fear of violence in different situations. The survey, financed by the Ministry of Social Affairs and Health, has been published in 1998, 2001, 2004, 2008 and 2012. The next survey will be published in May 2018 and its data are from 2017. Some 1600 respondents are a representative sample of the 15-74-year-olds living in Finland. According to the Gender Equality Barometer of 2012, sexual harassment had, during the past two years, been experienced by every third woman and every sixth man. Women were much more often afraid or worried about becoming a victim of violence than men. (The results in more detail: Gender Equality Barometer 2012, [http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/70224/URN\\_ISBN\\_978-952-00-3403-0.pdf?sequence=1&isAllowed=y](http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/70224/URN_ISBN_978-952-00-3403-0.pdf?sequence=1&isAllowed=y))

## **National Crime Victim Survey (University of Helsinki, Institute of Criminology and Legal Policy)**

98. The National Crime Victim Survey is a nationally representative crime victimisation survey, which has been carried out annually since 2012. The survey is conducted as a postal survey with an option to participate online. The gross sample size is 14,000 persons aged 15 to 74 years with a permanent residence in Finland. The survey is conducted in four languages: Finnish, Swedish, Russian and English and it has national coverage, including the self-governing province of the Åland Islands.

99. The survey covers a wide range of violent acts, including (a) threats of violence (face-to-face or via a communications device); (b) various forms of physical violence, including grabbing, pushing, hitting with a fist, kicking and hitting with an object; and (c) sexual violence, including sexual assault (includes unwanted sexual touching) and rape. Types of perpetrators include: (a) current or former spouse or partner; (b) other relative or friend; and (c) other acquaintance or a stranger. Places of occurrence include domestic settings, restaurants and bars, public places and the workplace.

100. In addition, each round of the survey includes a varying module on issues such as intimate partner violence, attitudes towards the courts of justice, and perceptions of the offences in the media. The dedicated module on intimate partner violence has been carried out twice, in 2012 and 2015.

101. The survey allows the monitoring and detailed analysis of violence against women and domestic violence on an annual basis. Questions on violence cover various forms of physical and sexual violence and threats of violence, including violence committed by an intimate partner and violence in a domestic setting. Thus, the survey serves as both a monitoring tool and as groundwork for academic studies. The results are published in an annual report as well as the annual “Crime trends in Finland” publication, published by the Institute of Criminology and Legal Policy (University of Helsinki). The data is also used in various academic publications.

102. In the 2016 survey:

- 14.0 per cent of women had experienced some form of physical violence in the past 12 months, as opposed to 13.0 per cent among men.
- 2.2 per cent of women had experienced sexual violence, while the corresponding figure among men was 0.7 per cent.
- 4.6 per cent of women and 2.5 per cent of men had experienced violence by their current or former spouse or partner.
- 5.7 per cent of women and 3.3 per cent of men had experienced violence in a domestic setting.

103. The results from the surveys conducted between 2012 and 2016 are freely available from the digital repository of the University of Helsinki; see <https://helda.helsinki.fi/handle/10138/154147> (note: the reports are available only in Finnish).

### **Finnish Homicide Monitor (University of Helsinki, Institute of Criminology and Legal Policy)**

104. The Finnish Homicide Monitor (FHM) is maintained jointly by the Institute of Criminology and Legal Policy, the Finnish Police University College and the Police Department of the Ministry of the Interior. It includes all intentional homicides reported to the Finnish police after May 2002. The FHM is based on information produced during criminal investigation. The data are collected directly by the chief investigator of each individual homicide on a compulsory standard electronic form. Information is registered after the criminal investigation is closed. The data cover the crimes investigated by the police under the legal definitions of murder, voluntary manslaughter, voluntary manslaughter under mitigating circumstances, infanticide and assault resulting in death.

105. The FHM includes detailed information about homicides committed by an intimate partner as well as homicides committed in a domestic setting. In addition, the dataset has information on the most probable motives as well as detailed background information about both the victim and the perpetrator and their relationship. The results from the FHM are published in an annual report and the annual "Crime trends in Finland" publication, published by the Institute of Criminology and Legal Policy (University of Helsinki). The data is also used in various academic publications.

### **Juvenile Delinquency Survey (University of Helsinki/the Institute of Criminology and Legal Policy)**

106. Criminal behaviour among the youth and the amount, features and development of victimisation are monitored with Juvenile Delinquency surveys (NRK). The surveys are nationally representative and they are directed at 15-to-16-year olds. The Juvenile Delinquency Survey is carried out at four-year intervals as a sample study.

107. The first NRK survey was implemented in 1995. Nowadays the survey is implemented at four-year intervals. The latest results are from 2016. In 2016, the survey was carried out in 68 schools around Finland and altogether 6,061 9th graders responded to the questionnaire.

108. Since 1998, the NRK survey has measured the victimisation of the youth. In 2016, a new form of victimisation was included; sexual harassment by another young person, which means that the survey now includes 11 different victimisation experiences from criminal damage and theft to different forms of violence. Questions on the form of violence referred, among other things, to violence committed by siblings, parents and friends or acquaintances. Dating violence was established by asking whether the respondent had been assaulted by a former or current dating partner during the past year.

109. Sexual harassment experienced by the young was tracked in 2016 by two different questions: had the youngster been subjected to sexual advances or interaction with an adult or with a young person at least five years his senior. It was also asked whether the youngster had experienced sexual harassment by another young person.

## **Conceptions of honour and violence (Finnish League for Human Rights)**

110. In 2016, the Finnish League for Human Rights published a study on honour-based violence and its communal features manifesting in Finland. The Ministry of Justice is one of the providers of funds, and it participated in the steering group of the study.

## **Research of the Police University College**

111. The Police University College publishes several research projects annually, such as “Lapsiin kohdistuvien väkivalta- ja seksuaalirikosepäilyjen tutkinta”, Investigation of suspected violent and sexual crimes directed at children and, “Police Response to Domestic Violence Emergency Calls” in 2016, and “Experiences of violence of children and the young” in 2014.

## **2.7. Population-based surveys on violence against women**

### **School Health Promotion study**

112. The national School Health Promotion study, carried out every other year, usually covers the physical, psychological and sexual forms of violence. The response percentage of the questionnaire is very high. The sample size is approximately 85,000. According to the results of 2017, 33 per cent of the girls and 18 per cent of the boys had experienced psychological violence. Physical violence was experienced by 6 per cent of the girls and boys. Every third youngster encountered violence within the family, the girls more often than the boys. In accordance with the School Health Promotion study of 2017, 30 per cent of the girls and 12 per cent of the boys in the 8th to 9th grades have experienced sexual harassment during the past year. Harassment covered unwelcome sexual advances or badgering and name-calling that offended one’s sexuality. The harassment of young people belonging to sexual minorities was even more common. The results of the study are available to everyone in electronic form. In addition, the school-specific results are submitted to each organiser of education. (Results: <https://www.thl.fi/fi/web/lapset-nuoret-ja-perheet/tutkimustuloksia>)

### **Child Victim Survey**

113. The child victim surveys were carried out in 2008 and 2013. The next survey shall be implemented as a separate module in connection with the School Health Promotion study, and it shall cover the different forms of physical, psychological and sexual violence with very specific descriptions of the offences. It is a sample survey which will be extended to cover the entire nation. On the basis of the results of the child victim surveys, there is a decreasing trend in violence experienced by children. However, according to the surveys, girls experience both physical and psychological violent bullying/abuse from their peers slightly more than boys. The results of the child victim survey have been published as reports of the Police University College and are available to the public in electronic form. (The most recent results:

[https://www.theseus.fi/bitstream/handle/10024/86726/Raportteja\\_110\\_lapsiuhritutkimus\\_web.pdf](https://www.theseus.fi/bitstream/handle/10024/86726/Raportteja_110_lapsiuhritutkimus_web.pdf))

### **Crime Victim Survey**

114. The crime victim survey, conducted annually, covers acts meeting the different constituent elements of the Criminal Code, in other words, mainly physical and sexual violence. It is conducted as a telephone interview asking about experiences of crime during the past year. The sample size is approximately 14,000. According to the latest Crime Victim Survey (2016), six per cent of persons aged 15 to 74 had experienced physical violence amounting at least to a slap. Four per cent of the respondents had become victims of violence that caused an injury. Threat of violence had been experienced by one-tenth of the persons aged 15 to 74. The differences between men and women in experiencing violence are usually very small in crime victim surveys based on interviews. However, women were more often victims of sexual crimes than men. The results of the Crime Victim Survey are published by the Institute of Criminology and Legal Policy, which publishes the annual Crime Situation report as well as several articles of the results. (Results: <https://helda.helsinki.fi/handle/10138/225915>).

### **National study of health and well-being**

115. The annual adult health and well-being study (FinSote) includes a few questions regarding physical and sexual violence as well as the threat of violence. The study is a sample study and the sample size is roughly 7,000. According to the latest study (2017), 5.6 percent of the respondents reported having experienced physical violence during the previous year. Physical violence had been experienced by 5.7 per cent of women and 5.5 per cent of men. Physical violence in an intimate relationship was experienced by 3.2 per cent of all respondents during last year. Of women, 3.7 per cent, and of men, 2.7 per cent reported having experienced physical violence in some intimate partner relationship during the previous year. The results of the health studies are available nationwide and regionally in the website of the National Institute for Health and Welfare. In addition, reports are drafted thereof for the publication series of the National Institute for Health and Welfare. (Results: <http://www.terveytemme.fi>)

### **Police Barometer survey**

116. The national police barometer survey is carried out commissioned by the Ministry of the Interior, and the results reflect the public opinion on the operations of the police and the internal security situation. It also touches on the experiences of crime and thus also violence. The barometer is in the public domain. The survey has been conducted eight times between 1999 and 2014. In 2016, the survey was carried out by the Police University College.

117. In addition, the Gender Equality Barometer and the National Crime Victim Survey have been discussed in point 2.5. In addition to national surveys, the European Union Agency for Fundamental Rights has published an extensive survey on violence against women in 2014.

### 3. PREVENTION

#### 3.1. Campaigns and Programmes

118. The Action Plan to Reduce Violence against Women referred to in point 2.1. was built on the principles and the expected obligations of the Convention which were under preparation at that time.

119. Finland adopted in 2012 the first Action Plan for the Prevention of Circumcision of Girls and Women 2012–2016. The National Institute for Health and Welfare (THL) carried out the coordination of the Action Plan – also in 2015 and 2016 - i.e. raising awareness and providing information for different professionals on female genital mutilation/cutting (FGM/C) as a cultural tradition and its risks, as well as the prevention of FGM/C.

120. The National Action Plan on sexual and reproductive health 2014-2020 was published by the National Institute for Health and Welfare in 2014. Among other issues, it includes national recommendations and actions for the prevention of violence including FGM/C.

121. The police have cooperated with other authorities and organisations as well as supported various campaigns also through its own operations. Police has been involved, for example, in MARAK operations, where the measures used aim at helping victims who have experienced serious intimate partner violence or the threat thereof by preparing a safety plan for the victim or potential victim of violence in a multiprofessional group and thereby improving his or her safety. The National Police Board has obligated the police departments to engage in these operations also through performance management.

122. In 2016, the Helsinki Police Department launched the #RESPECT campaign the purpose of which was to identify and combat sexual harassment in public places. Ministries, agencies and NGOs took part in the campaign.

123. The Finnish Defence Forces has since 2015 trained the conscripts in interpersonal skills, including anger management and the prevention of domestic violence. All conscripts go through this training as part of the compulsory conscript duty. During the term of the Action Plan to Reduce Violence against Women in 2010-2015, also those in non-military service received training in intimate partner violence.

124. Several organisations are also active in the prevention and combating of violence against women. For example, in 2015, the Youth Centre of the Family Federation of Finland actively participated in the discussion on the topic of the freedom of conscience of a doctor and a nurse and abortion and drafted a statement on the topic as well as background information for Parliament.

125. The Youth Centre took part in the ‘Sex is Politics’ round-table discussions before Parliament elections, arranged by the Family Federation of Finland and the All-Party-Parliamentary Group on Population and Development, which handled issues relating to the effects of political decision-making on sexuality in Finland and globally. It also participated in the Child Health Forum.

126. Lasten terveyskäräjät, arranged in Parliament annually, handled the significance of the interaction between the young in upper secondary education and their parents to the well-being and studies of the young person. In addition, the project 'Sexual Education to Child Protection Institutions' continued. The goal of the project is to promote the sexual health of young people living in reform schools, to pro-actively prevent sexual violence, sexual abuse and abuse of the young, to strengthen their life skills, and to fight against social exclusion. In addition, the goal is to improve the abilities of the personnel working in reform schools to raise the topic of sexuality with the youngsters. The project continued in cooperation with two reform schools. On the basis of need assessments, training was arranged for the professionals in schools as well as sex education sessions for the youngsters.

127. In addition to the above, different authorities arrange annually, together with organisations and other public and private actors, several seminars on violence against women and its prevention, inter alia, in order to raise public awareness as well as to strengthen professional skills nationwide.

### **3.2. Inclusion of teaching material in education**

128. The new core curriculum for basic education was introduced in all schools for the grades 1-6 in 2016. Human rights have been integrated in all sections of the new core curriculum. Education relating to emotional and safety skills and sexual identity has also been enhanced. The National Institute for Health and Welfare has published two guides: "Tunne- ja turvataitoja lapsille" [Emotional and safety skills for children] (2015) and "Turvataitoja nuorille" [Safety skills for youngsters] (2012).

129. Women and men with immigrant backgrounds receive overall support through integration services to discover possibilities to participate in Finnish society, in working life and at home. The work promoting the integration of immigrants has also been developed in 2015-2016. The contents of the education in integration have been incorporated with gender equality issues. For example, the instructions of the Ministry of Economic Affairs and Employment on the acquisition of employment training and other employment services (Ministry of Economic Affairs and Employment/1899/03.01.05/2017) instruct the units acquiring integration education as employment training to observe the goals of the Government Gender Equality programme in their acquisitions. Gender equality has been included in the contents of the education in the national core curriculum of integration education. The aim of the integration education is to prevent the progress of integration at different speeds of the family members of immigrant families, where possible. Especially the development of the integration education of parents taking care of the children at home aims thereat. There are preparations to strengthen the counselling provided for immigrant families as part of the activities of family centres, which are included in the Programme to Restructure Child and Family Services run by the Ministry of Social Affairs and Health.

130. The National Institute for Health and Welfare has prepared, together with medical school teachers and professors, an educational package on sexual and reproductive health including teaching material on FGM/C for Medical Faculties in Finland.

131. Organisations have also drafted teaching material for training purposes. For example, the Family Federation of Finland started cooperation with the Helsinki Deaconess Institute in the Vamos youth service. The Vamos youth service strengthens the resources of young people and helps them to find a point of reference in training or at work. Also the sexual education of Vamos meant for 16-29-year-olds was developed as part of the operations. The youth doctor of the Centre of Expertise held pop-up appointments (no need for appointment) on the premises of Vamos, and experts trained the employees of Vamos in raising the issue of sexuality. Young people came to the appointments who had experienced acts violating their sexual self-determination. The low-threshold sexual health clinic is maintained also in the Girls' Houses in different towns.

132. Teachers are in a key position to achieve successful learning outcomes and a safe school environment. In 2016, a Teacher Education Development Programme was launched, whose goals are implemented through 20 sub-programmes aiming at change. In these "change programmes", the higher education institutions and the education providers together develop models for the degree education programmes and the continuing education programmes from early childhood education to vocational teacher education. The students are also involved in carrying out the change programmes.

133. In total, EUR 60 million will be allocated through the Development Programme to improve teachers' competence over a three-year period. Furthermore, the Ministry of Education and Culture grants state subsidies annually to national women's organizations that promote gender equality and women's social influence. (See point 2.3. below).

134. The second operating year of the development project Nuorten nettipalvelu, Online services for the young, financed by the Ministry of Education and Culture, ended on 30 April 2015. The new illustrations for the Online service for the promotion of sexual health of the young were published at the end of the project term. Some 550 illustrations were added to the online service.

135. The Family Federation of Finland participated in the media skills week in cooperation with the Vanhemmuuskeskus, Parenthood Centre, and drafted an article on the Urpot.fi website, directed at the parents of adolescents, "How can we, as parents, promote online security of the youngsters". In 2015 they also published a book "Oon siellä jossain mun - Seksuaalisesta väkivallasta toipuminen" [Somewhere there - Recovery from sexual violence], which is based on the recovery stories of 319 persons who had experienced sexual violence, abuse or ill-treatment. It provides guidance for professionals meeting both those close to the victim and also the victim on how they can and should help the victim. The book can be found in PDF format in the Family Federation's online service for professionals and is available free-of-charge.

136. Professional organisations have raised the need to increase in schools the age-specific education and guidance relating to sexual harassment.



### 3.3. Initial training of professionals

137. In Finland, education leading to a qualification is not accredited study-programme-specifically and the contents of education that systematically lead to a degree have not been provided by the Ministry of Education and Culture. Higher education institutions are autonomous and decide on the contents of the study programmes independently. This chapter provides a general description of the contents of the tables at the end of the questionnaire in education leading to a university or polytechnic degree. The information is derived from a questionnaire for higher education institutions to which most institutions replied. Some higher education institutions reported that, in the future, they will increase the share of the subject matter relating to the detection and prevention of violence against women in their curriculum.

138. The situation varies by institution in higher education leading to a degree. The curriculum of nurses, midwives, public health nurses and social welfare professionals usually include all or nearly all of the contents referred to in the table. All or nearly all of the contents of the table are also often included in medical doctor training. The contents are often included in other courses so that there are no exact data on study points. The contents are handled in a diversified manner. The student may focus on the theme, for example, in his or her minor or free-choice studies and in his or her thesis. On basis of the information, the theme “prevention of secondary victimisation” is not always included in the contents of the degrees.

139. In the training of psychologists, the situation varies with regard to the contents. However, usually at least domestic violence and intimate partner violence are handled.

140. In teacher education at universities, most of the contents referred to in the table are included. The education emphasises especially gender equality. In general, teacher education (both early childhood, class teacher and subject teacher education) lays the foundation for the students’ general knowledge and understanding of equity and equality. Furthermore, there is research on the area of gender equality in education. In vocational teacher education, violence against women can now be taken into account as part of human rights education and the treatment of various social phenomena.

141. Continuing education is also an essential part of keeping up the professional skills. The National Agency for Education together with Regional State Administrative Agencies organise state-funded training for teaching personnel. For a number of years one of the priorities of training has been well-being and a safe learning environment, including security skills.

142. The Training Institute for Prison and Probation Services is responsible for the training of the prison and probation service personnel. The basic training of prison officers is undergoing a reform where the work description shall, besides monitoring, also include increasingly more rehabilitative elements in the spirit of the so-called interactive work model. The entire personnel shall be trained to recognise as well as, at a later stage, to discuss and motivate clients in the theme of intimate partner violence (besides the other themes handled at work that are material to the risk of re-offending, such as the use of intoxicants and other violence). The training entities of the personnel in rehabilitative services (persons with basic training in social work, psychologist, ministers) includes the violence theme to a varying degree depending on the qualification. In addition, most employees already have additional training in the field as

well as possibilities to increase their knowledge in violence through further training, such as training in psychotherapy, couples therapy and family therapy (for example, the psychologists and ministers).

143. The curriculum of the degree studies of the Police University College handles topics relating to violence in different contexts. Due to the names of the study entities, their identification is very difficult. In addition to degree studies, there are different types of further training and the topics are included in their contents.

144. The Police in Finland have long traditions in cooperating with other authorities and organisations. The National Institute for Health and Welfare has published an online information kit of existing material, including reports and studies of FGM/C, for the use of decision makers and professionals in different fields. The information kit includes detailed instructions for the professionals of maternity and child health clinics, school health care and day care on how to deal with FGM/C in their daily work. The information kit for school teachers is currently being developed. Furthermore, a “Know and Act Card” on FGM/C has been prepared and the experts of the National Institute for Health and Welfare have participated in many different national and local meetings and conferences training professionals, prepared brochures on FGM/C and written articles for professional journals.

145. See also 3.10, the Finnish Immigration Service.

146. Some NGOs have organised lectures for pharmacy, medical and health care students on self-determination, human and sexual rights as well as the promotion of sexual health, and some 400 students have participated in them annually. In addition, most NGOs have participated in the training of social and health care students at Metropolia (University of Applied Sciences) in the contents and challenges of multicultural work.

147. Some NGOs have expressed their concern that the authorities have not arranged enough training in the different/various forms of violence and their recognition.

### **3.4. In-service training of professionals**

#### **Office of the Prosecutor General**

148. In 2014-2016, there were altogether 13 training days for prosecutors on the topic. The Office of the Prosecutor General provides training in sexual and violent crimes against women and children to prosecutors annually. The Office also provides training in THB (trafficking in human beings). Crime inspectors and judges may also participate in the courses. The topics of the courses are criminal investigation, deliberation of charges, prosecuting and sensitive meeting and understanding the victim of a sexual/violent crime during the investigation and the criminal proceedings. The courses are practical and focus on legal praxis, real cases and the problems related to them. Additionally, the prosecutors specialised in sexual and violent crimes against women and children and the specialists in forensic psychology from the five university hospitals in Finland meet every year. The aim of these conferences is partly professional training. In addition, a half-day training is organised for prosecutors specialised in

this topic in connection with the meeting. These form the three-day training during the said period.

### **Ministry of Justice/Department of Judicial Administration**

149. The training unit of the Ministry of Justice offers training for courts, legal aid offices and public guardianship offices. Professional training is given especially for judges, bailiffs and the employees of legal aid and public guardianship offices.

150. Training events were organised in the autumn of 2017 for the legal aid lawyers and secretaries on how to encounter crime victims and troublesome customers.

151. Two new training programmes will be started in the future. One is for lawyers who may become judges in the future. This programme also includes themes of criminal law, sexual crimes and certain specific issues of civil and family law. The training programme shall last 3 years. The other training programme is arranged in co-operation with the national organisation Rape Crises Centre. This programme shall provide training for professionals in a variety of fields.

152. Information in Appendix 3.

153. The Criminal Sanctions Agency provides its personnel in-service training as well as training relating to rehabilitative and preventive work in collaboration with third sector partners. The Training Institute for Prison and Probation Services provides training in the VINN programme (motivation and discussion programme for women), and Kataja ry provides training in the MOVE programme and other couples work. In addition, persons working with sex offenders are offered training programmes (SOTP - Sex offender treatment programme and Uusi Suunta, New Direction, - Individual rehabilitation), which may reduce re-offending relating to crimes against women and children (violence, abuse, sexual violence and sexual abuse). With regard to the further rehabilitation of sexual offenders, cooperation is carried out with civilian sex therapists (for example, Sexpo). In addition, a new self-care programme has just been implemented by Save the Children and the Hospital District of Helsinki and Uusimaa which is meant for persons who are worried about their sexual thoughts or behaviour towards children.

### **Administrative field of the Ministry of Social Affairs and Health**

154. Further information on the training relating to the administrative field of the Ministry of Social Affairs and Health is available in the Appendix 2 table and on the training relating to the Ministry of the Interior in point 3.3.

155. As part of the Seri Support Centre project, the National Institute for Health and Welfare provided training for gynaecologists in taking forensic medical samples (forensic experts as trainers). Altogether 60 gynaecologists received training. In addition, the National Institute for Health and Welfare, in cooperation with organisations, trained nurses in taking samples, meeting the victim as well as in matters relating to the trauma and the criminal process. Altogether 80 nurses received training.

156. Many organisations have participated in the arrangement of a wide-scope training for public health nurses, doctors, teachers, youth workers, police officers and social workers working with young people and some 300 professionals have taken part therein annually.

157. Some organisations have criticised that there is hardly any training available for example in FGM or the so-called honour violence and the training in the latter has been given solely by the organisations. Despite the Action Plan of 2012-2016, very little professional training in FGM has been offered due to lack of resources.

### **Administrative field of the Ministry of Education and Culture**

159. The Ministry of Education and Culture has appointed a national Teacher Education Forum until the end of the year 2018 to reform the basic education, orientation and continuing education of teachers. The Forum will be collecting best practices for including content in the teacher education at all levels about prevention of and combating sexual harassment on the basis of research and surveys.

160. The Ministry of Education and Culture is developing continued education for professionals in early childhood education and care, general education and secondary education about safety issues, including physical, mental and social safety, in co-operation with the Finnish National Agency for Education and the National Police Board. The compulsory examination for school principals will be supplemented with safety-related content.

### **3.5. Support programmes for perpetrators of domestic violence**

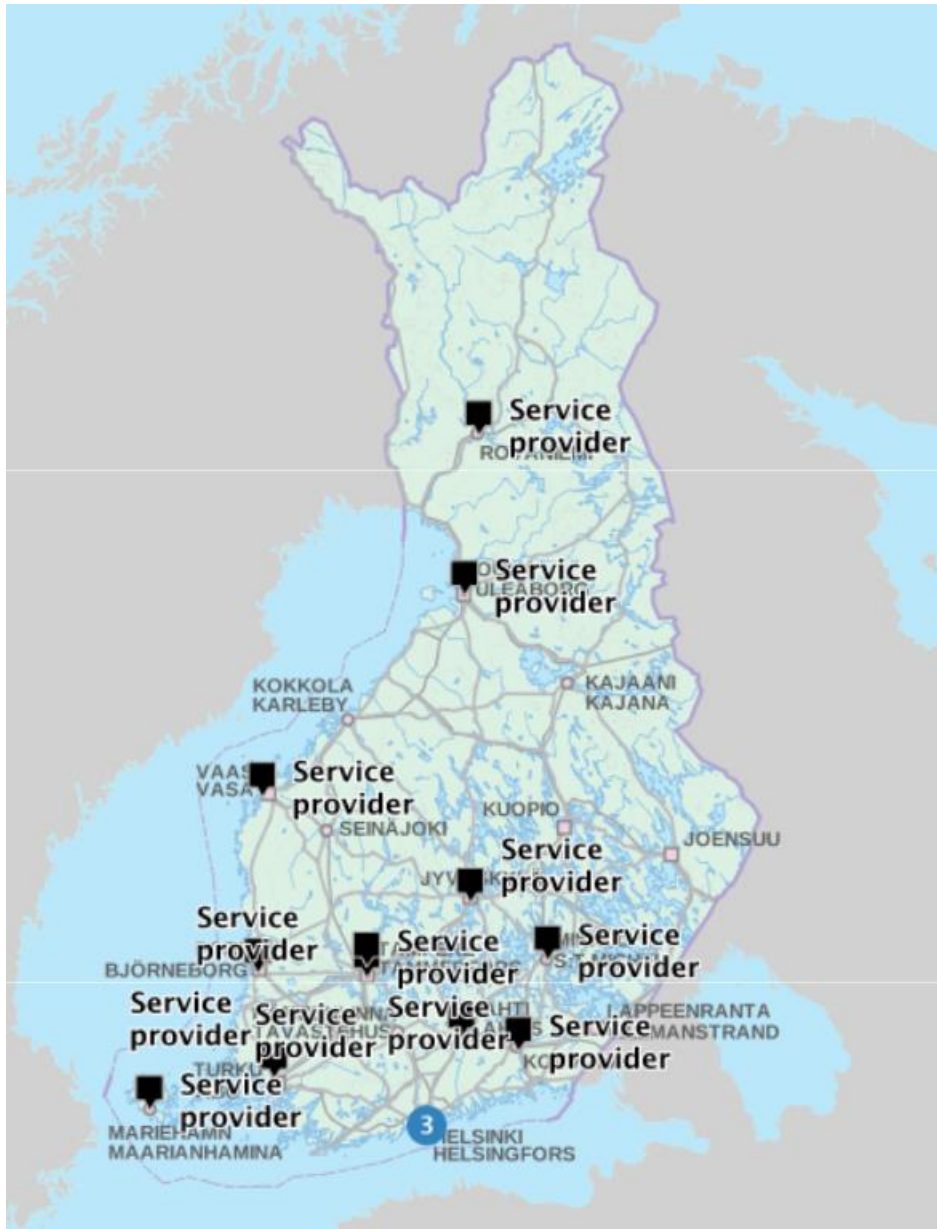
161. The Criminal Sanctions Agency, which is subordinate to the Ministry of Justice, maintains rehabilitative programmes in prisons and a small part thereof concentrate especially on breaking the spiral of violent behaviour. Most of them are various substance abuse rehabilitation programmes. According to statistics of the Criminal Sanctions Agency, annually 6-13 % of the prisoners participate in one of the programmes. There is no exact information on the number of prisoners who participated in said programmes meant for breaking the spiral of violent behaviour; of the community sanctions customers, a few dozen participated annually in programmes other than those handling substance abuse or traffic. (For further information: [http://www.rikosseuraamus.fi/material/attachments/rise/julkaisut-tilastollinenvuosikirja/OEnaT5BkF/RISE\\_Tilastoja\\_2016.pdf](http://www.rikosseuraamus.fi/material/attachments/rise/julkaisut-tilastollinenvuosikirja/OEnaT5BkF/RISE_Tilastoja_2016.pdf)).

162. The criminal sanctions field uses the MOVE programme (talking about intimate partner violence) with male prisoners. The purpose of the programme is to help a person to recognise violent behaviour in a relationship and its consequences, to urge the person to discuss the matter and to problematize it as well as to seek help.

163. 'Unbeatables' is a rehabilitative group programme that aims at motivating a person to stop using violence. In the programme, men are motivated towards a non-violent life and to the handling of violence after release by providing them with information on possibilities for further treatment. The programmes help men to identify their twisted belief systems and to change them through different kinds of exercises and group discussions and the role model

given by the instructors towards respecting and appreciating women. The goal is to support men in dismantling their rigid and repressive expectations and in creating more flexible and respectful attitudes towards women.

164. The programmes for perpetrators in the administrative field of the Ministry of Social Affairs and Health are mainly financed through the Funding Centre for Social Welfare and Health Organisations, STEA. The most established service providers also receive funding from the municipalities to the residents of which they provide services. This has partially led to the situation that these programmes are available mainly in connection with the largest cities. Eight of the ten largest cities in Finland provide these perpetrator programmes. In addition, programmes are available at least in five mid-size cities. Services are not available at all in the rural areas. The services have also concentrated in southern Finland (see map below). The funding of said programmes from STEA has been very consistent and therefore there have not been interruptions in the provision of the programmes even if funding is always applied for a set period. The services are free-of-charge to the customer; only one service provider is presumably collecting some kind of a fee from the customer.



165. The services are provided by 14 actors with an organisational background and they belong to six different umbrella organisations. One of them is specialised in females (Maria-Akatemia), the others mainly for males. The umbrella organisations are: Lyömätön Linja Espoossa ry, the Federation of Mother and Child Homes and Shelters (Jussi work), Viola - Free from Violence, the Crisis Center Mobile, Tampereen Setlementti ry and Maria Akatemia.

166. Participation in all the programmes aiming at breaking the spiral of violent behaviour is voluntary in Finland. Perpetrators cannot be forced to participate in rehabilitative programmes even as part of a sentence. According to data from 2016, some 1200 perpetrators of violence participated in voluntary treatment programmes. (Additional information on Nordic

perpetrator programmes, including the situation in Finland: <http://norden.diva-portal.org/smash/record.jsf?pid=diva2%3A1082406&dswid=-6674>).

167. The programmes for perpetrators available in Finland do not follow the same systematic model. Each organisation has created its own model independently and the service providers who operate under the same umbrella organisation may provide slightly different programmes. The programmes have one common denominator: they are at least to some extent based on cognitive-behavioural methods where the emphasis is on the operating models learned by the customer and non-violent behaviour is the learning target. Some describe their methods as dialogical, some as integrated. Uniform quality standards or a service promise is being drafted for the Jussi work of the Federation of Mother and Child Homes and Shelter, available in ten municipalities.

168. The most common educational background of the workers of the programmes is a degree in psychology. Most of the programmes aim at ending violent behaviour and recognising high-risk situations. The systematic risk assessment method is, however, used only by some of the service providers. Most of them meet or hear the victim of violence at some stage of the programme but only a few at the beginning, middle and end of the programme. Most of the organisations also provide services for the victims so that the victim angle is taken into account one way or another. One example is safety planning, which is made within most of the programmes.

169. Approximately half of the service providers say that they knowingly recognise and dismantle the gender-based stereotypes of men and women and gender-linked power patterns. It is, however, more common to work around the perpetrator's own violence experiences and the attitudes of the perpetrator towards violence. Anger management is handled in almost all programmes. However, as the programmes for perpetrators do not yet have national quality standards, understanding the gender-linked mechanisms of violence is not required.

170. The impact assessment of the programmes for perpetrators has so far mainly been based on the self-assessment of the service providers. An external assessment has been conducted of a few programmes. The organisations have monitored the shares of customers who have completed the programmes as well as conducted customer surveys. A typical way is also to prepare an annual report, where the number of customers and the results are reviewed to the extent that they are available. Slightly less than half said that they conduct a follow-up monitoring of the situation of their customers. Most of the service providers also measure the improvement of safety experienced by the spouse. The most typical method used was self-assessment by the customer regarding changes as well as, less frequently, an interview of the spouse.

171. In areas where services and programmes for perpetrators of violence exist, the police, together with its cooperation partners, direct the perpetrators of domestic violence towards actors who offer guidance and help to non-violent behaviour in personal relationships.

172. Some organisations have concentrated especially on reducing violence by men. For example, Lyömätön Linja is an activity model for men specialised in intimate partner violence and domestic violence. Any man who has resorted to psychological or physical violence against

his dating partner, spouse, child or other close person may seek as customer thereto, as well as any man who is afraid that he might resort to violence or who wishes to evaluate his own or his family's need for help.

173. The goal of Lyömätön Linja is that the customer better understands his own actions, the causes for his actions as well as learns to find operating models that are an alternative to violent behaviour.

174. The work is based on individual meetings, which are supplemented with couples' meetings and groups, where necessary. In addition to work with the customers, also publications and internet lectures relating to intimate partner violence are available as well as consultation and training in, for example, the following topics:

- Uncontrollable rage
- Fear of the use of violence
- Breaking of objects or directing other threatening behaviour in your vicinity
- Threatening or hurting a close person verbally
- Acts of violence directed at a close person: holding, pushing, pulling, slapping, punching, strangling, preventing from leaving, etc.
- Challenges linked to the raising of children: concern for one's own enragement, rough treatment of the child or the effects of adult fights on children
- The need to exercise control over a close person repeatedly
- Enhanced jealousy.

175. Also some other organisations work with perpetrators of violence. For example, the Federation of Mother and Child Homes and Shelters has carried out such work in several locations already for over 20 years and it drafted quality criteria for work against violence in 2009. These quality criteria are utilised also in the perpetrator programmes of the implementation plan of the Convention.

### **3.6. Support programmes for sex offenders**

176. Since 1998, a treatment programme for sex offenders sentenced to unconditional imprisonment has been in use in the prison service. It is based on the English Sex Offender Treatment Programme: Core Programme (SOTP). In Finland, the programme is called STOP and it was first launched in Kuopio Prison but it was transferred to Riihimäki Prison in 2007. The aim of the programme is to decrease recidivism and it is based on voluntariness. Prisoners whose risk of recidivism is assessed to be at a medium or high level are selected to the programme. The aim is, for example, to recognise and process the thought and activity models relating to sex offences, to acquire cognitive and experiential awareness of the detriment caused to the victims and to learn and practice the skills and ways of a life without crime. Although the programme is only used in Riihimäki Prison, prisoners from all closed prisons are referred thereto. The prisoners live in their own wards and participate in 3-5 sessions weekly. The total length of the programme is approximately 8 months. Annually less than 20 prisoners participate in the programme.



177. The Uusi Suunta, New Direction, programme is meant for those imprisoned sex offenders who do not meet the selection criteria of the Stop programme or for sex offenders who serve their sentences in freedom (those sentenced to community sanctions). The programme is also suitable for the rehabilitation of so-called potential sex offenders. The programme may also be used in civilian life. The topics of the programme are: what happened or talking about the act, why did it happen and what was behind it as well as, finally, what needs to be done so that it will not happen again. The programme is implemented as a series of 16 sessions so that sessions are held 1-2 times weekly. The programme is used both in closed and open prisons and in community sanctions offices.

178. A potential sex offender means a person who has not committed a sex offence but who is worried about his own favourable attitude towards sex offences and wishes to participate in preventive rehabilitation.

179. There are some post-release or pre-offence therapy services available. One service provider is the Sexpo foundation, which receives customers in Helsinki; another is Tampereen Setlementti ry, which concentrates on helping victims but has also offered therapy for a few individual perpetrators, as well as Oulun Setlementti ry. The services function so that different actors have cooperated in the SERI network in Oulu or in the SERIE network in Helsinki in order to help the perpetrators and to guide them to therapy. Municipalities have granted individual financial commitments to finance them.

180. Save the Children maintains the Otan vastuun, My responsibility -website, which is a self-treatment website for those with a sexual interest in children.

181. Kriminaalihuollon tukisäätiö Krits maintains the Portti vapauteen, Gateway to Freedom, internet portal for released prisoners. After their release, sex offenders have access to some peer support and helplines, such as the Legal Advice telephone and Lyömätön Linja.

182. According to Finnish aid workers, the sex offenders do not easily seek help from actors who have adopted the role of helping the victims. That is why, for example, Setlementti Tampere ry has helped only individual perpetrators; more often they have sought the services of the Sexpo foundation, which has year-long traditions in helping the perpetrators of sex offences. The guidance to services usually takes place through the SERIE network or public mental health services.

183. The therapy services and preventive programmes for perpetrators of sexual violence are small in number in Finland so they can be tailored in accordance with the individual situation. The typical work method is to dismantle distorted thinking patterns, which are linked, for example, to the circumstances of the sex offences and the distorted perception of the roles of men and women.

184. Helping sex offenders has been based on individual financial commitments from municipalities. Funding has also been sought for separate projects, such as the SERITA project in Oulu and the VÄLITÄ project in Tampere, with which it has been possible to develop the help for perpetrators. The project funding has been granted by STEA.

185. The Police, in cooperation with their partners, also direct sex offenders to treatment programmes which aim at reducing recidivism.

### **3.7. Private sector and the media**

186. The involvement of the private ICT sector in the prevention of violence against women and decreasing the degradation of women, for example, in social media has mainly been based on joint campaigns, such as Digiboom and #RESPECT.

187. Digiboom is a joint campaign of the operator Telia and Save the Children and it aims at strengthening the rights of children in digital media and removing violence and harassment from social media. The campaign produced also material, which is still available at: <http://www.digiboom.fi>.

188. #RESPECT was a campaign arranged in 2016 against sexual harassment in public places. The declaration was signed by 20 different actors who work with the youth, adults, women, children, men, boys, girls, immigrants and various minorities. The declaration took a stand in favour of sexual self-determination, respect for others and peace in society. In addition, the campaign utilised public figures, who put a face to the campaign.

### **3.8. Self-regulatory standards**

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### **3.9. Measures to encourage protocols and guidelines**

189. Occupational safety and health authorities have drafted instructions for intervening in harassment at work places.

190. Information and communications technology (ICT) competence is one of the skills of a broad range of skills included in the national core curricula for education. ICT skills are important civic skills as such and as part of multiliteracy skills, including the ability to use of ICT so that the respect for other people is taken into account.

191. In December 2017, the Minister of Justice launched a campaign #harassment free and he challenges the field of the Ministry of Justice, other Ministries, political parties, organisations and other central actors to join in combating sexual harassment. The campaign encourages people to share the good operating models used in different organisations and to discuss the phenomenon openly. Good operating models may be introduced in social media in #harassment free. Good examples are also collected to the website of the Ministry of Justice.

192. In addition, see points 5.2. and 5.7.

193. Each higher education institution has to have guidelines for the prevention of sexual harassment that contain clear and accessible instructions for action in harassment situations and a procedure for the processing of harassment cases. Common principles for the contents

of these guidelines will be developed by the Ministry of Education and Culture together with higher education institutions during spring 2018. The quality of the guidelines and the implementation of the common principles will be checked by the Ministry in connection with the result negotiations with universities in spring 2018 and with the universities of applied sciences in autumn 2018.

### **3.10 Other measures to prevent violence against women**

194. The above-mentioned NAPE is the coordinating body referred to in Article 10 of the Convention, which operates in connection with the Ministry of Social Affairs and Health and has a cross-sectoral representation from different ministries as well as their subordinate agencies and bodies. NAPE is governed by the Government Decree on the Committee for Combating Violence against Women and Domestic Violence (1008/2016). According to the Decree, NAPE is responsible, for example, for the preparation of the implementation plan for Convention in Finland. The Action Plan for the years 2018-2021 was completed at the end of 2017. This work will be carried out in several administrative branches and together with non-governmental organisations. The Action Plan includes altogether 46 different measures, of which we can mention as examples the extension of sexual assault support centres for victims of sexual crimes, improvement of the regional accessibility of shelters, renewal of the FGM Action Plan as well as the training of police officers, prosecutors and judges in dealing with victims in a sensitive manner and knowledge of trauma. The Action Plan is available at [http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/160403/18\\_2017\\_Istanbulin%20sopimuksen%20tps%202018-21%20englanti.pdf?sequence=1&isAllowed=y](http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/160403/18_2017_Istanbulin%20sopimuksen%20tps%202018-21%20englanti.pdf?sequence=1&isAllowed=y)

195. In the fall of 2017, the Immigration Unit of the Finnish Immigration Service with over 250 employees hosted a voluntary 2-hour training in honour violence arranged by the Finnish League for Human Rights which is connected to the sections of the table; prevention and detection of violence, equality between women and men, needs and rights of victims and prevention of secondary victimisation. It has also been possible to watch the training afterwards as a recording.

196. All Senior Advisors who conduct asylum interviews in the asylum unit complete the training of EASO regarding the addressing of vulnerable groups, which comprises some 20 hours of internet-based self-learning and participation in a 2-day live training.

197. The training is connected to the section of the table knowledge required for qualification to practice for profession. More than 22 persons work in the asylum unit. In addition, individuals in the asylum unit receive regular training in human trafficking issues. The half-a-day theme trainings at the asylum unit have included trainings arranged by the Finnish League for Human Rights in the status of women. It is not possible to state the exact number of participants as regional service locations participate in the theme trainings through video links but, in principle, the events are compulsory to all.

198. At the reception centres, the social workers and instructors, the public health nurses and registered nurses, the teachers, the instructors in charge as well as the directors participate in the trainings arranged by the reception unit twice annually. The Hapke 3 project of Joutseno

Reception Centre has worked for years with the themes of the table by providing training at the reception centres. The Hapke 3 has also arranged a project seminar and expert meetings on violence against women. The seminar also handled the direct effects of the Convention to the work of the reception centres as well as, as themes, forced marriages, intimate partner violence, the voice of women seeking asylum as well as ways to help a victim of sexual violence. The TURVA project of Oulu Reception Centre has provided training to reception centres in issues relating to honour violence. The reception unit maintains the Vokit verkossa -extranet for the reception centres and the materials of the trainings can be found there. Altogether 170 persons work in the reception unit.

199. As part of their operations, some NGOs provide the survivors of violence a possibility to participate in and influence the public debate on them by providing the possibility to raise their stories and experiences, for example, in the Tarinakengät, Story shoes, exhibition that has been circling around Finland since 2015 and in media bulletins. For example, the Federation of Mother and Child Homes and Shelters and the victims have together developed empowering ways to help, which are changing the common narrative about the weakness of the survivors of violence.

200. Correspondingly, some organisations, such as the Federation of Mother and Child Homes and Shelters as well as Women's Line are members of the Women against Violence Europe (WAVE) network, which launched the European-wide Step Up! Campaign on rights of women survivors of violence and their children to access support and protection in 2016. In Finland, the campaign coordinated by Women's Line is implemented as the Tärkeä Askel, Important step, campaign and it has included, for example, video and poetry competitions for young people.

201. An increase in the wide-scope know-how, such as the key-trainer training tour of the National Institute for Health and Welfare, builds on the future of prevention and support services.

202. Several organisations arrange cooperation and training in educational institutions, which supplements the training by the authorities and their planning. For example, the Federation of Mother and Child Homes and Shelters has, for the period 2017-2019, launched a process training in work with violence, giving a special qualification for work with violence, and 45 professionals representing different actors participate in the training; they also arrange several annual workshops handling training and the development of work with violence for the employees of the member organisations. For example, the Family Federation of Finland participates in many activities to prevent sexual violence and to promote the sexual well-being of youngsters and young adults, such as the steering groups of, for example, e-Talo, e-House, the violence work of Tyttöjen ja Poikien Talo, Girls' ja Boys' Houses and NuoRiku Young Victims of Violence and in the Child Health Forum, the School Health Ambassadors, the Consultative Committee for Child Welfare and in the Consultative Committee for the Implementation of Child Welfare.

203. In addition, several organisations have widely expanded their own operations in the social media, such as in Instagram, by sending WhatsApp newsletters and by publishing topical information on the promotion of the sexual health of the young in the Facebook group of the sexual health network of the young meant for professionals.

204. Several organisations have networked with international actors as members of the international Work with Perpetrators network and thus have access to information on the suitability of programmes in connection with the enforcement of a punishment.

#### 4. PROTECTION AND SUPPORT

##### 4.1. Information on support services and available legal measures

205. The brochure Information on the rights of a victim is a collection of matters on which the victim has the right to obtain information from the authorities. The brochure provides information, for example, on the support services and legal aid for victims, their possibility to obtain protection, the application for compensation, the right to interpretation and translation of documents, and the conciliation of criminal matters.

206. The printable brochure is meant to be distributed to victims and to support the giving of information especially in the work of the Police and other criminal investigation authorities. The brochure can also be used by judicial authorities, victim support services and others coming in contact with victims. The brochure is available in the following languages: Finnish, easy-to-read Finnish, Swedish, easy-to-read Swedish, Sami, English, Estonian, Russian, Sorani, Arabic and Somali. The brochure is found at <https://oikeus.fi/fi/index/esitteet/tietoarikoksenuhrinoikeusista.html>

207. The brochure, *If you become a victim of a crime*, contains information on what to do if a person has become a victim of a crime. It also describes the different stages of the criminal procedure and tells what you can do to help solve the crime. The brochure is available in the following languages: Finnish, easy-to-read Finnish, Swedish, easy-to-read Swedish, Sami, English, Russian, Estonian, Somali, Arabic and Finnish sign language. The brochure is found at: <https://oikeus.fi/fi/index/esitteet/josjoudutrikoksenuhriksi.html>.

208. The Police pay attention to female victims of violence by informing them of the support services and the available legal measures as required by Article 19.

209. In addition, the police are represented, among others, in the Best Practices working group relating to the position of the victim, set by the Ministry of Justice, which has concentrated on two focus areas, process and education, as well as in the EPRAS project, led by the National Institute for Health and Welfare, aiming at enhancing skills and raising awareness on domestic violence and violence against women. The police play a significant role in the Ankkuri (Anchor) activity intervening in crime spree and in the multiprofessional risk assessment meetings in MARAK in helping the victims of serious intimate partner violence and in ending the crime spree.

210. The amendments to the Criminal Investigation Act have further improved the status of the victims in the operations of the police.

211. When receiving and recording a report on an offence, the injured party must be given written confirmation of the offence report he or she has made, which contains the basic

information on the filing of the report and the reported offence or incidence. The confirmation shall be given to the injured party without a request. The written confirmation contains the information necessary about the matter, such as the contact information of the criminal investigation authority and is translated into the language used by the injured party within a reasonable time if so requested by the person.

212. In addition, the Police inform the injured party without undue delay and to the extent relating to the matter about the following:

1. the support services available,
2. the right to counsel or a support person,
3. the right to free legal aid and counsel,
4. the right to interpretation and the translation of relevant documents,
5. the right to present civil-law claims in connection with the criminal matter,
6. the means available to protect the injured party from a threat to his or her health and security,
7. the right to be informed of a decision relating to not conducting a criminal investigation or its termination without referring the matter to the prosecutor for consideration or not to bring charges,
8. the right of an injured party summoned to the court to clarify the matter for compensation from state funds and
9. the right to be informed of the handling of the matter, the place and time of the court proceedings, and the judgement issued in a criminal matter.

213. In connection with hearing the injured party in the criminal investigation, before the hearing, the essential matters in the hearing report form are ascertained and they are marked in the report:

- the right to ask that a hearing witness be present, Criminal Investigation Act, chapter 7, section 11
- the possibility to have a counsel, Criminal Procedure Act, chapter 2, section 1 a
- the right to obtain compensation for damage caused by the offence from state funds, Act on Compensation for Crime Damage, section 1
- the right to retain counsel, Criminal Investigation Act, chapter 4, section 10
- the possibility to have a support person, Criminal Procedure Act, chapter 2, section 3
- the linguistic rights, Criminal Investigation Act, chapter 4, sections 12 and 13

214. In addition, in connection with the hearing, the need for protective measures is evaluated (if necessary, a separate form is filled out); the injured party is extensively informed of different parties offering help.

215. In connection with filling out the personal information sheet on the injured party, attention is paid to the request of the injured party to be informed of the release of the prisoner or the remand prisoner.

216. There are ready markings of all the above-mentioned matters in the documents to ensure that everything relating to the matter is taken into account.

217. The National Institute for Health and Welfare has published the following Know and Act cards and the corresponding brochures:

- Prevention of intimate partner violence is a task of the municipality (Finnish, Swedish) (the service system)
- Talk about intimate partner violence in social welfare and health-care services (Finnish, Swedish)
- Shelter services to support the victims of intimate partner violence (Finnish, Swedish, English) (English at: <http://urn.fi/URN:NBN:fi-fe2015111317164>)
- Shelter services for Roma women who have suffered intimate partner violence (Finnish, Swedish, English) (English at: <http://urn.fi/URN:NBN:fi-fe201602247353>)
- Handicapped persons in shelter services (Finnish, Swedish, English) (English at: <http://urn.fi/URN:NBN:fi-fe2016111028245>)
- Away from the circle of intimate partner violence. A multiprofessional risk assessment method MARAK (Finnish, Swedish)

218. The contact information of shelters is found at the web site of the National Institute for Health and Welfare: [www.thl.fi/turvakotipalvelut](http://www.thl.fi/turvakotipalvelut) (Finnish, Swedish). In addition, the National Institute for Health and Welfare has published a video on shelters, with the help of which social-welfare and health-care professionals can tell the clients of shelter services and thus lower the threshold to come to the service: <https://www.youtube.com/watch?v=lg3xXwdaA3A> (Finnish, Swedish, English). The National Institute for Health and Welfare has published websites for the Nollalinja telephone service ([www.nollalinja.fi](http://www.nollalinja.fi), Finnish, Swedish, English) and business cards (Finnish, Swedish, English); in addition, the stress balls of Nollalinja are distributed at various occasions.

219. The content Care of a rape victim was created in 2015 for the sexual health clinic of the virtual vocational school: <https://moodle.amk.fi/course/view.php?id=111>

220. In 2016, a working group was established which planned and prepared educational material relating to helping the victims of sexual violence for the professional section of the Health Village. The Health Village is a network service created in cooperation with experts and patients, and it offers information and support to everyone, care for patients and tools for professionals. The materials were produced in cooperation by the Helsinki University Central Hospital, the National Institute for Health and Welfare and the National Bureau of Investigation

and the first materials (training videos for forensic sampling) were published in the spring of 2017. The material is available to all health-care professionals.

221. In 2016, brochures and written material were developed and produced together with the third-sector civil-society actors, and they can be given to rape victims in the support service. The brochures contain information on recovery for a rape victim, the services available as well as information on the criminal proceedings, the costs of the criminal proceedings and on support and legal advice during the criminal proceedings. In addition, material was developed for professionals working with young people who had suffered sexual violence. The contents of the brochures were completed in 2016 and they were published in printed form early in 2017. The materials are:

- When your sexual self-determination has been violated [https://www.tukinainen.fi/wp-content/uploads/2017/05/esite\\_a5\\_www.pdf](https://www.tukinainen.fi/wp-content/uploads/2017/05/esite_a5_www.pdf)
- A guide on criminal proceedings for a victim of a sexual offence (Finnish, Swedish, English and Russian) (Victim Support Finland) <https://www.riku.fi/binary/file/-/id/120/fid/1830>
- When you have suffered sexual violence. A guide for young persons. [https://tyttojentalo.fi/sites/default/files/seksuaali\\_esite\\_nuorille\\_2017.pdf](https://tyttojentalo.fi/sites/default/files/seksuaali_esite_nuorille_2017.pdf)
- Facing and helping a young person who has suffered sexual violence. A guide for those working with young people. [https://tyttojentalo.fi/sites/default/files/opaskirja\\_cmyk.pdf](https://tyttojentalo.fi/sites/default/files/opaskirja_cmyk.pdf)
- When a young person experiences sexual violence. A guide for parents and guardians (an updated version of a brochure published earlier). [https://tyttojentalo.fi/sites/default/files/seksuaalivakivalta\\_esite\\_vanhemmille\\_2017.pdf](https://tyttojentalo.fi/sites/default/files/seksuaalivakivalta_esite_vanhemmille_2017.pdf)

222. The National Institute for Health and Welfare, THL, has prepared a brochure on FGM/C which can be used in informing professionals but also victims of FGM/C to ensure that women receive information on FGM/C and its illegality in Finland: [www.thl.fi/fgm](http://www.thl.fi/fgm).

223. In 2016, THL evaluated the national Action Plan on FGM. FGM/C was well-known by health care professionals, but only partly known by educational professionals or policy-makers. All professionals were eager to have more information and education about FGM/C and preventive work. The professionals argued that more work is needed to improve the health and well-being of the victims of FGM/C. [https://www.julkari.fi/bitstream/handle/10024/131892/URN\\_ISBN\\_978-952-302-816-6.pdf?sequence=1](https://www.julkari.fi/bitstream/handle/10024/131892/URN_ISBN_978-952-302-816-6.pdf?sequence=1)

224. In 2016, THL has organised training for asylum seekers who are health care professionals, including a lecture on sexual and reproductive health. FGM/C was one of the trained issues. THL has also prepared web-pages for asylum seekers and health professionals working with them. These web-pages include information on FGM/C, too. <https://www.thl.fi/fi/web/maahanmuuttajat-jamonikulttuurisuus/maahanmuuttajien-terveys-ja-hyvinvointi/turvapaikanhakijoiden-terveys-ja-hyvinvointi>



225. A Finnish maternity card is given to every pregnant woman. It includes all important information on pregnancy and birth and is used as an information link between professionals in antenatal care. In 2016, THL updated the content of the maternity card and among other changes since then the card has included information on FGM/C to be sure that every pregnant woman receives information on FGM/C and victims of FGM/C will receive adequate and timely treatment if needed.

226. The TURVA (Security) project managed by the Oulu reception centre (1.2017–31.1.2019) aims at promoting the concepts of basic and human rights of asylum seekers by producing general information material on basic and human rights, for example, video material.

227. In addition, the Finnish Immigration Service has applied for support from the AMIF Fund for its project ONE; general legal advice at the reception centres.

228. Several organisations have advertised support services for victims in the social media and on their web pages.

#### **4.2. General support services**

229. Under section 11 of the Social Welfare Act (1301/2014), social-welfare services shall be maintained for support needed due to intimate partner violence and domestic violence as well as other violence and abuse. Social-welfare services refer to municipal social-welfare services and support services as part thereof as well as other measures by which social welfare professionals and other personnel participating in client work promote and maintain the functionality, social welfare, security and participation of an individual, family and community. Under section 14 of the Social Welfare Act, municipal social services shall contain social work, social guidance, social rehabilitation, family work, home services, home care, accommodation services, institutional services, services promoting mobility, substance-abuse work, mental health work, education and family counselling, supervision of meetings between a child and a parent as well as other social services meeting the needs referred to in section 11 and necessary for the well-being of the client. Below are examples describing how violence against women is addressed in general support services belonging to the administrative field of the Ministry of Social Affairs and Health:

- a. The granting of social assistance is based on an evaluation of the need for personal support.
- b. The MARAK working group drafts a security plan for the victim of serious intimate partner violence, within the framework of which the victim can be assisted in financial issues such as finding a new home. The MARAK working group has a member from the housing services of the municipality, and victims of intimate partner violence are prioritized when seeking homes.
- c. If the victim of violence goes to the emergency room, he or she is guided to psychological support, where necessary.

230. Social-welfare and health-care personnel have standardised care paths and methods to identify violence and to start talking about it. For example, the filtering and mapping form of intimate partner violence is a tool recommended by the National Institute for Health and Welfare to be used in all social welfare and health care to talk about violence. The tool and instructions for its use are found at: [www.thl.fi/vakivalta](http://www.thl.fi/vakivalta)

231. In addition, health care has developed the body-map form PAKE to document physical injuries. By means of a PAKE form, it is ensured that the injuries of the patient and other information relating to the assault are carefully recorded. At the same time, it serves as a memory list, by means of which all the information essential for further legal measures is collected. The PAKE form can be filled out by a nurse or a doctor. The information recorded on the form can be used, for example, in making a report of the offence, in the description of the injuries and the mode of operation in the investigation by the police as well as a basis for a doctor's certificate. The doctor's certificate is often the most important proof of an assault in court proceedings.

232. In addition to that above, separate forms have been created to map stalking and harassment and to map and evaluate the risk of serious intimate partner violence (MARAK) as well as to draft a security plan with the purpose of strengthening the feeling of the victim that he or she has control over the situation and thus decreasing or alleviating the consequences of the violence. (All the above methods and instructions for professional on their use are found at: [www.thl.fi/vakivalta](http://www.thl.fi/vakivalta)).

233. In 2016, national instructions (in Finnish and Swedish) were created to develop the services of victims of sexual violence in hospital districts (Service chain to assist a victim of violence offending sexuality). The instructions were spread to all hospital districts. Before 2016, two hospital districts had a uniform service/care chain to help those who had suffered sexual violence. By making the instructions operable, 11 out of 20 hospital districts were drafting or had completed the care chain work by the end of 2016. By means of a regional care chain, the care practices can be made uniform and equality can be increased both regionally and throughout the country. Cooperation between the professionals and uniform care practices improve the quality of care, free the resources of the employees to good care and promote the effectiveness of the care. Good care can promote the recovery of the victim, prevent the symptoms from becoming chronic and protect the client from experiencing the violence again. The creation of a regional care chain also reveals any defects in the service chain and makes the further development of the services possible. A coordinated service decreases the risk of the victim falling between the services and remaining without help.

234. In 2016, preparations were made to establish the first support centre for victims of sexual offences in Finland at the women's hospital of the Hospital District of Helsinki and Uusimaa county. In 2014–2016, the Ministry of Social Affairs and Health granted the National Institute for Health and Welfare a total of almost EUR 150,000 for the development of services meant for the victims of sexual violence. The first Finnish SERI support centre (SARC) started its work in May 2017 in Helsinki in connection with the women's hospital. The purpose is to extend the support centre activity to all university hospitals. The support centres offer rape victims medical and forensic research, trauma support and advice. See also 4.4.

## Victim Support Finland

235. Victim Support Finland offers cost-free support and advice to the victims of offences, to those close to them and to witnesses by telephone, on the internet and face-to-face.

236. Since the beginning of 2016, Victim Support Finland has, in accordance with the decision on the state subsidy made by the Ministry of Justice, provided the general crime-victim services referred to in the EU Victims' Directive. In accordance with the decision made in December 2017, the Ministry of Justice has given the universal service obligation to provide general support services for crime victims to Victim Support Finland (RIKU) in 2018–2027. In practice this means that the continuity of the services of RIKU is guaranteed for ten years. The operations of RIKU are provided in cooperation by the Federation of Mother and Child Homes and Shelters, the Mannerheim League for Child Welfare, the Evangelical Lutheran Church of Finland, the Finnish Red Cross, the Finnish Settlement Movement and the Finnish Association for Mental Health, which operates as the national coordination body of RIKU.

237. In 2017, the state subsidy of RIKU for the basic services provided by it was EUR 3.7 million. It also had EUR 380,000 of funding from Veikkaus (granted by the Funding Centre for Social Welfare and Health Organisations STEA), transferred from the subsidy granted in the previous year and EUR 80,000 in subsidies granted by municipalities. The development work is supported by Veikkaus and for a small part by the EU Internal Security Fund. In 2018, the basic operations are funded by the state with regard to the service obligation referred to above.

238. The general support services in accordance with Articles 8 and 9 of the Victims' Directive are, in content, different from the general support services referred to in Article 20 of the Istanbul Convention. However, they contain partly the same functions such as advice relating to legal counselling in matters relating to the criminal process or compensations and psychological counselling.

239. The support services of RIKU comprise

- information, advice and support relevant to the rights of the victim, for example, for the criminal proceedings
- information on special support services and guidance to such services
- emotional support
- advice in practical questions relating to the offence
- preventive advice, for example, to repeatedly victimised persons.

240. The services of RIKU include a helpline, the legal advice telephone line, RIKUchat, and face-to-face personal service, in which the client may receive a support person for the various stages of the criminal proceedings. Further information: [www.riku.fi/palvelut](http://www.riku.fi/palvelut). The face-to-face service or the discussions on the helpline may involve only psychological help without the help being directly connected to a criminal process.

241. Although the services of RIKU are not specifically directed at women, the services do in practice contain a lot of special know-how related to violence and other offences experienced

by women and their children. For years already, about 80 per cent of the clients of RIKU have been women.

242. From the various statistics of RIKU, we have here selected the statistics on support relationships from 2014–2016 and the share of women in the support relationships. A support relationship refers to a lengthier client relationship containing at least three contacts related to the client relationship.

Year	Total number of support relationships	Share of women in the support relationships
2014	2640	83 %
2015	2590	84 %
2016	3575	82 %

243. The services of RIKU are meant for the victims of all kinds of offences. The majority of clients are victims of various offences of violence. The most common among individual types of offences are intimate partner violence and violence in close relationships (32 % in 2016) as well as sexual offences (15 % in 2016). Matters relating to restraining orders also form a large part (8 % in 2016) of the reasons for the first contact of the client and their background is almost always a situation related to intimate partner violence. In practice, the harassment and threats shown in our statistics is most often linked to intimate partner violence. In other words, a large number of women who have experienced intimate partner violence or sexual violence obtain support and advice from RIKU. Annually we also serve several hundred under-age victims of crimes. In 2016, the number of the clients of RIKU in the various forms of service totalled about 8,400.

244. Annually also a few peer groups have been arranged for women, especially related to intimate partner violence. Peer groups have been arranged only in areas where other actors have not arranged them, so that they have complemented existing services.

245. At present RIKU has altogether 30 service points in different parts of Finland. In February–March we shall open a new service point in Maarianhamina. Exact information on the locations of our service points are found on our web site: [www.riku.fi/yhteystiedot](http://www.riku.fi/yhteystiedot). In 2017, altogether 52 people worked in the basic services of RIKU calculated in man-years of work. In addition, we have implemented projects, one of which has concentrated on promoting support person activities to help victims of violence in close relationships (the ORAVA project 2014–2018). In addition, we have implemented projects, one of which has concentrated on promoting support person activities to help victims of intimate partner violence (the ORAVA project 2014–2018).

246. All the services of RIKU are free of charge. A charge in accordance with the charges of the client’s own telephone operator is collected only when calling a service point directly, but, if the

client wants, we call him or her back. Telephone calls to the helpline and the legal advice telephone line are completely free of charge.

247. RIKU cooperates closely with shelters and it guides clients to them and to other special services. Shelters and some special services also refer clients to the services of RIKU. In some shelters, RIKU maintains the so-called Visitor activity, where an employee visits a shelter on a specific day of the week. The majority of the clients of RIKU are referred to us by the police, but the geographical differences in the police referrals continue to be considerable.

248. RIKU gives information and advice relating to the procedures of criminal proceedings and, where necessary, the client is guided to counsel. In the legal advice telephone line maintained by RIKU, volunteer lawyers answer the legal questions of the clients. It is also possible for the client to obtain a trained support person from RIKU to accompany the client to the police interrogation and the court proceedings. Sometimes one of the employees acts as the support person.

249. Many organisations provide psychological and legal advice by trained personnel both face-to-face and on the web. The work online for the young is a significant work form, where the young people are met according to the low-threshold principle and anonymously. For example, the Family Federation of Finland provides client support through its multicultural team both by telephone and face-to-face, in addition to Finnish, also in English, Russian, Kurdish, Dari and Persian. They also cooperate with different authorities in client work.

250. The crisis telephone maintained by the Finnish Association for Mental Health provides discussion support to a person who has experienced a traumatic event and a difficult life situation either himself or herself or it has been experienced by a person close to him or her. One can call the crisis telephone anonymously, and the telephone is answered by crisis workers and trained voluntary support persons at 24 locations in different parts of Finland.

251. On the telephone for children and the young of the Mannerheim League for Child Welfare one can ask or talk confidentially about anything one is concerned about. The adults on call are subject to a confidentiality obligation.

### **4.3. Information on complaints mechanisms**

252. Finland has ensured that the victims are informed of applicable regional and international individual and collective complaint systems and it also promotes the availability of advice and possible assistance regarding such complaints. These complaints refer, for example, to complaints made to the European Court of Human Rights, the European Committee of Social Rights or the UN Human Rights Committee or the Committee on the Elimination of All Forms of Discrimination against Women.

253. The Ministry for Foreign Affairs provides general information relating to communications and complaints to international judicial and investigative bodies of the UN and the European Council. Information on lodging a complaint is also available on the internet pages of the Ministry for Foreign Affairs.

254. Cost-free legal aid and its prerequisites is provided in the Legal Aid Act (257/2002). Under section 1 of the Legal Aid Act (257/2002), legal aid is given from state funds to a person who needs expert assistance in a legal matter and who, due to his or her financial situation, cannot pay for the costs. Legal aid includes legal advice, the necessary measures and representation before a court of law and another authority as well as the waiver of certain expenses relating to the matter as provided in the Act.

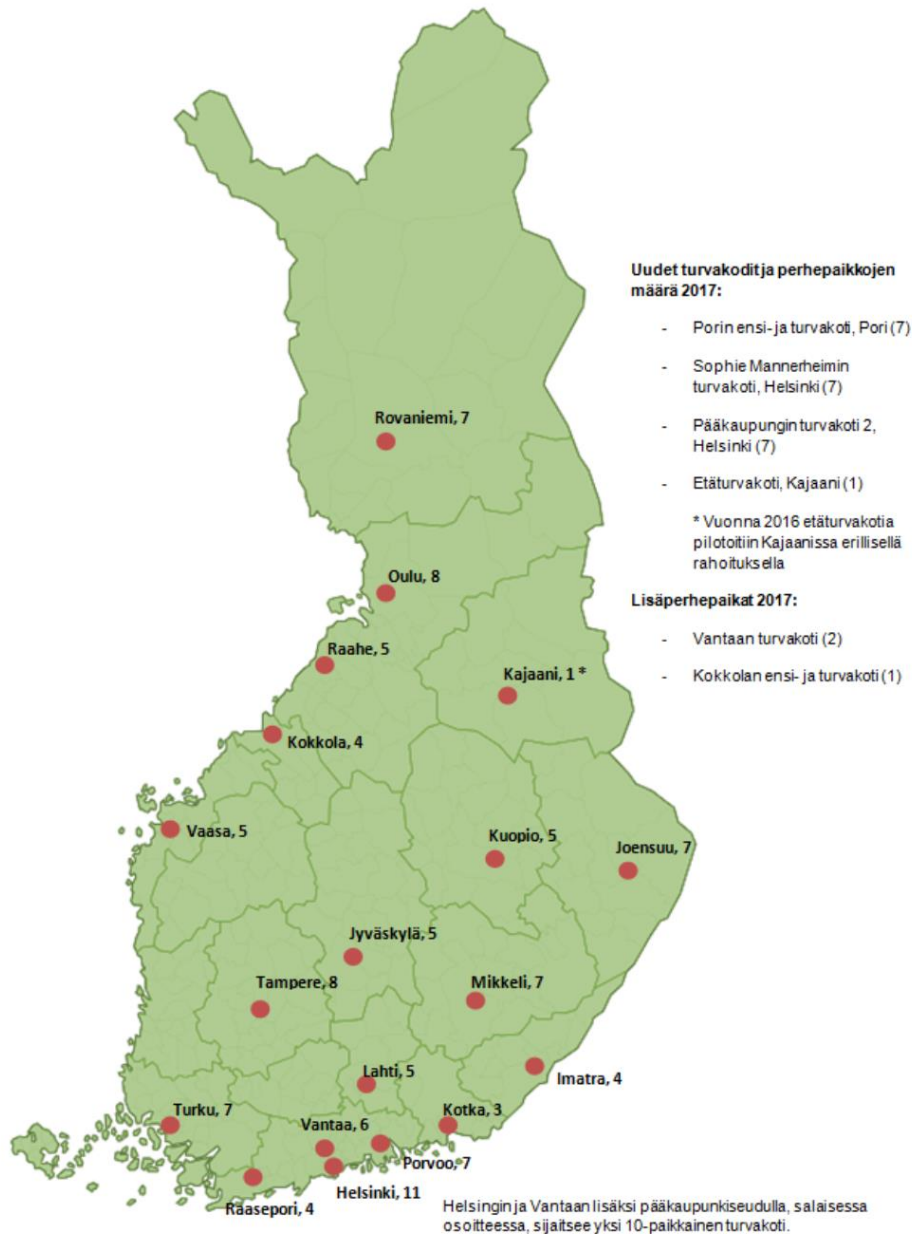
255. The Bar Association also provides cost-free legal aid at about ten locations.

256. For a complaint to the European Court of Human Rights it is also possible to obtain cost-free legal aid through the legal-aid system of the Court itself. Information thereon is available from the Ministry for Foreign Affairs and on the internet pages of the Court.

#### **4.4. Special women's support services**

##### **Shelters**

257. In 2015 and 2016 Finland had 19 shelters funded by the state. The number of family places was 114 in 2015 and 118 in 2016. The figure below shows the regional distribution of the places in the shelters in 2016. In 2017, there were 23 shelters and 143 family places. In 2018 their number will increase to 27 shelters and 179 family places.



**New shelters and the number of family places in 2017:**

- Pori mother and child home and shelter, Pori (7)
- Sophie Mannerheim shelter, Helsinki (7)
- Capital region shelter 2, Helsinki (7)
- Distance shelter, Kajaani (1)

The distance shelter in Kajaani was piloted in 2016 with separate funding.

**Additional family places in 2017:**

- Vantaa shelter (2)
- Kokkola mother and child home and shelter (1)

In addition to the shelters in Helsinki and Vantaa, another shelter with 10 places is located in the capital region, at a secret address.

258. In 2016, the shelters had a total of 120 man-years of salaried personnel (205 people).

259. The shelters are open and have trained personnel 24 hours a day.

260. The Act on Compensation Payable to Shelter-Service Provision from State Funds (1354/2014, hereinafter the Shelter Act) entered into force in 2015. Its purpose is to guarantee national high-quality and comprehensive shelter services to persons who experience intimate partner violence or who live under threat of such violence. The personnel of the shelters in client work shall have sufficient training relating to work with children, intimate partner violence as a concept and crisis work in a shelter. The Government Decree on the Prerequisites for the Provision of Shelter Services (598/2015) defines the qualifications and skills of the personnel. The National Institute for Health and Welfare is responsible for the overall coordination of the shelter services in cooperation with the shelters belonging to the shelter network. The aim of the National Quality Recommendations for Shelter Services (2013) is to unify and develop the shelter services so that the services are accessible to all victims of intimate partner violence and domestic violence irrespective of their residence and income level. These first national quality recommendations define the content of shelter services and describe the client-work process and the goals and quality criteria of client work. ([https://www.julkari.fi/bitstream/handle/10024/110192/URN\\_ISBN\\_978-952-245-924-4.pdf?sequence=1](https://www.julkari.fi/bitstream/handle/10024/110192/URN_ISBN_978-952-245-924-4.pdf?sequence=1)).

261. In addition to the national quality recommendations, the National Institute for Health and Welfare has, together with the service providers, drafted a joint development programme for shelter services for 2016–2019. The aim is that shelter service is an easily accessible service and that it is well-known among professionals and citizens. The personnel have sufficient training and skills. The shelters have uniform working models based on up-to-date information, the quality and effectiveness of the service is monitored and necessary additional services are arranged for the client after the shelter services.

262. Under the law, shelters are open to both women and men as well as to children arriving with an adult. The majority of the shelters are accessible and they are suitable for people with mobility handicaps. One shelter in Helsinki specialises in clients with an immigrant background, but other shelters also have clients with an immigrant background.

263. In 2015, the shelters had altogether 3,055 clients, 1,418 of whom were adults. 93 per cent of them were women. The number of children in the shelters was 1,466. In 2016, the shelters had altogether 3,535 clients, 1,801 of whom were adults. 94 per cent of them were women. For lack of space, a client was directed to another shelter 1,182 times in 2015 and 1,198 times in 2016.

264. The Shelter Act transferred the financial responsibility for shelter services to the state. The National Institute for Health and Welfare acts as the state-subsidy authority and it both selects the service providers and grants the state subsidy annually from the amount determined in the state budget. The funding of shelter operations was EUR 11.55 million in 2015 and 2016. In 2017, the state funding rose to EUR 13.55 million and in 2018 to EUR 17.55 million.



265. Shelter services are provided by the public sector and by organisations. In 2016, the municipalities maintained six shelters, the Federation of Mother and Child Homes and Shelters maintained 11 shelters, a women's organisation maintained one shelter, and a non-profit organisation providing social welfare and health-care services maintained one shelter.

266. The shelter services are free of charge for all clients.

267. During the shelter period, the shelters coordinate and cooperate with the necessary services of the home municipality of the client, such as child protection, social-welfare and housing services.

268. The Sámi Parliament has brought up the lack of shelters in the Sami homeland. The closest shelter is situated in Rovaniemi, where the distance may be several hundred kilometres depending on the residence of the person needing a shelter. The long distance may in practice prevent the victim of violence from receiving immediate help and security.

269. Several organisations criticise the too slow increase in the number of shelters as well as the fact that the needs of vulnerable special groups covered by the Convention are taken into account too narrowly. In addition, the organisations have paid attention to the fact that the shelter periods in Finland are short from an international perspective, which requires ensuring the safeguarding of longer-term services.

270. In addition, several organisations provide support services for women, children and also men who have experienced violence in various forms or its threat, for example:

- **Federation of Mother and Child Homes and Shelters**  
The Federation of Mother and Child Homes and Shelters is a nationwide child welfare organisation that supports children and families living in difficult and insecure situations and prevents domestic and intimate partner violence.
- **Online family shelter**  
The Finnish online family shelter is an online service maintained by the Federation of Mother and Child Homes and Shelters.
- **Women's Line**  
On the Women's Line, women and girls can obtain support from volunteers trained by the organisation by telephone, on the internet and online as well as in peer groups, and they can talk about their experiences confidentially and anonymously. The service is available in Finnish, Swedish, Russian and English.
- **Rape crisis centre Tukinainen**  
provides professional help to overcome sexual violence and abuse.
- **MONIKA – Multicultural Women's Association, Finland**  
A central organisation of immigrant women's associations, which promotes and offers services to immigrant women and children who have been subjected to violence.
- **Finnish Section of Amnesty International**  
The Amnesty Joku raja! (Some Boundary) campaign contains support and information for women who have experienced violence.

- **Non-Fighting Generation ry**

The organisation provides peer discussion groups as well as individual work for young people with violent behaviour in southern and eastern Finland.

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

271. In 2016, a working group was established to plan the first Finnish SERI support centre (SARC) for victims of sexual violence. At the time, it was decided to pilot the support centre in the capital area with the aim of creating a national model that can also be utilised in other areas. The aim is that in the future Finland would have a SERI support centre at each university hospital and that they would have satellite support centres in each province (extensive on-call units). The first SERI support centre started its work in Helsinki in 2017. The next support centres are being planned for Turku and Tampere and thereafter for Oulu and Kuopio.

272. The salaried personnel of a SERI support centre are 1 man-year of a psychologist, 0.5 man-year of a social worker, 2 man-years of a midwife-coordinator and 1.25 man-years of a doctor. The man-years are divided by more than one professional (for example, the 2 man-years of a midwife-coordinator by 8 midwives).

273. The SERI support centre is open 24/7.

274. In 2016, the training programme of the professionals of the SERI support centre was planned and the minimum requirements based on experiences and the best national and international practices were agreed upon for the SERI support centre of the Helsinki and Uusimaa hospital district, which would act as the national pilot. The training programme for the professionals of the SERI support centre consisted of the training of forensic doctors and sexual health therapists of the National Institute for Health and Welfare as well as the training of organisations specialised in caring for helping victims of sexual violence.

275. The SERI support centre serves victims of sexual violence who are over 16 years of age.

276. The operations started in May 2017, but at the planning stage the SERI support centre was expected to serve about 130-200 clients per year. The number is likely to be higher than planned. At the moment, the SERI support centre serves about 0.87 clients per day, which is about 320 clients per year.

277. The Ministry of Social Affairs and Health funded and the National Institute for Health and Welfare implemented the planning of the pilot support centre and the training of professionals in 2016. The actual operations are funded by the municipalities in the area. The service is totally cost-free for the clients.

278. The support centres are the responsibility of the hospital districts now and in the future, the provinces.

279. The services of the SERI support centre are cost-free for the client

280. The SERI support centre cooperates with other services of the public sector (for example, the intoxicant and mental health services of the client's home municipality), the actors of the third sector specialised in sexual violence, and with other specialist services such as shelters.

281. Point 2.2. discusses further the national guidelines created in 2016 to develop services for the victims of sexual violence in the hospital districts.

282. Several organisations have long traditions in helping the victims of sexual violence. Tukinainen ry, which has been operating since 1993, provides support, assistance as well as advice and guidance in different forms to the victims of sexual violence, those close to them and those working with them. Tukinainen ry operates the Rape Crisis Centre Tukinainen, the basic function of which is helping and supporting the victims of sexual violence and abuse as well as looking after their interests. The means of assistance are training, cost-free professional legal and therapeutic help.

283. The Pro-tukipiste is an organisation of professionals, which promotes the participation and rights of people in the field of sex and erotic as well as those of the victims of human trafficking by providing low-threshold social and health services as well as communal activities to those working in the sex industry and the victims of human trafficking in the three largest cities. The purpose of the Pro-tukipiste is to promote the right of people to services as well as the right to protection from all types of forcing, from the restriction of self-determination and other violations of rights. Also Youth Exit (Nuorten Exit r.y.) is strongly engaged in work combating sexual violence.

#### **4.5. Telephone helplines**

284. Nollalinja, which opened in December 2016, is a national helpline for those who have experienced intimate partner and violence against women. The service is arranged by the National Institute for Health and Welfare and provided by the organisation.

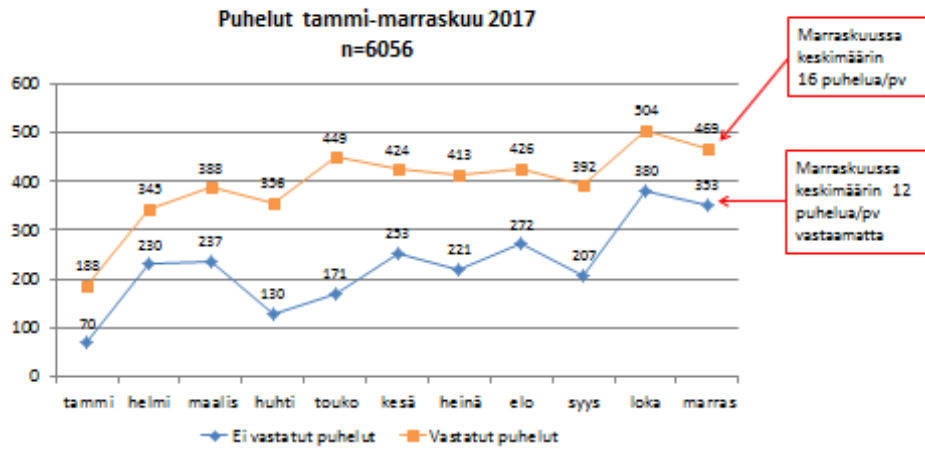
285. The telephone calls are free of charge.

286. Nollalinja is open 24/7. Nollalinja can be called anonymously and the discussions are confidential. The person answering the crisis line does not see the calling number.

287. The calls to Nollalinja are answered by professionals in social welfare and health care, who are used to meeting people in difficult life situations. All of the crisis workers have participated in the training arranged by the National Institute for Health and Welfare on intimate partner violence and violence against women.

288. Because Nollalinja did not start to operate until the end of 2016, the statistics below are from the year 2017. The service has reached its target group and the number of calls has increased during 2017. Another line was opened early in 2018, so that the callers do not have to queue on the telephone.

# Puheluiden määrät 2017



3.1.2018

Esityksen nimi / Tekijä

2

## Number of calls in 2017

### Calls between January and November 2017

n=6056

In November, 16 calls/day on the average

In November, 12 unanswered calls/day on the average

Unanswered calls      Answered calls  
 Jan Feb March Apr May June July Aug Sept Oct Nov

289. Telephone services for women and girls who have experienced sexual violence or its threat is also provided by several different organisations. The national, cost-free advice and support line for women and girls who have experienced sexual violence or its threat and for those close to them, Naisten Linja, is meant for all those who have experienced violence or who are worried by it irrespective of age. You can call the line or contact it online. Those answering the line are volunteers who have been trained to support the callers and the operations are confidential. You can call Naisten linja anonymously. The services of Naisten linja include, in addition to the telephone services, a net letter service, group activities for women who have experienced violence, and a chat possibility. The services are available in Finnish and English. Naisten linja also arranges multi-task support for women belonging to special or minority groups as well as for professional helpers.

290. The Multicultural Women's Association, MONIKA, is a multicultural organisation which develops and provides specialised services for immigrant women and children who have experienced violence. It acts as an expert and advocate in issues related to ethnic non-discrimination and violence and it promotes integration by supporting the civil-society activities of immigrants. For example, the MONIKA Association has a resource centre called Monika,

which provides help to those who have experienced violence or its threat; the Shelter Mona, where one can go when it is dangerous at home or in the near surroundings because of violence; a cost-free helpline and various brochures in different languages you can print out or use electronically as well as guides for multiple identification of violence.

291. The Avoin-linja telephone provides help in Finnish, Swedish and English to violent women who resort to violence or are afraid that they will resort to violence.

#### **4.6. Child protection aspects of services for women**

292. Under the Social Welfare Act, all measures relating to a child must primarily take into account the interest of the child. With children, special attention has to be paid to how the different operational alternatives and solutions best safeguard:

- 1) balanced development and wellbeing;
- 2) the opportunity to get understanding and care in accordance with the child's age and level of development;
- 3) a safe environment in which to grow up, and physical and emotional freedom;
- 4) a sense of responsibility in becoming independent and growing up.

293. In shelter services, children are clients in the same way as adults. Children receive support and help to treat their experiences of violence taking into account the development level of the child. The personnel of shelters working with the clients must have sufficient training related to work with children. In 2016–2017, a training was implemented on working in a shelter with a child exposed to violence. Corresponding training shall be arranged at regular intervals.

294. When intimate partner violence or domestic violence is encountered, the authorities routinely clarify whether the adults have children. Asking this is part of both the filtering and mapping form and the risk assessment form MARAK. It is a statutory duty of the authorities to file a child welfare notification whenever there is violence in the family of a child, even if the child is not directly subjected to the violence.

295. The Ankkuri operating model has been developed in cooperation with the police and social-welfare work, which, on the one hand, intervenes with criminal activities of the young as early as possible and, on the other hand, quickly intervenes in intimate partner violence and domestic violence and makes sure that the parties get help and support. In addition, some municipalities have trained employees by means of the Trappan operating model which is a method developed to assist children who have encountered domestic violence and who have witnessed violence.

296. The organisations have remarked on the need to adequately ensure the rights and interests of the children of special groups. In addition, the organisations criticise the amendment work of legislation related to child custody and access rights for not adequately considering the risk of intimate partner violence and its various forms.

#### **4.7. Other measures**

297. The provisions on the confidentiality of the authorities were amended in 2015 so that, in spite of the confidentiality obligation, the authorities and other actors were given the right, on their own initiative, to inform the police of information necessary to assess and to prevent a threat to life and health. The aim of the amendment was to increase the possibilities of the authorities to prevent murders and infanticides in families as well as domestic violence by improving the exchange of information between the authorities and other actors. In the administrative field of the Ministry of Social Affairs and Health amendments were made in this respect in the Act on the Status and Rights of a Social Welfare Client (812/2000) as well as in the Act on the Status and Rights of a Patient (785/1992).

### **5. SUBSTANTIVE LAW**

#### **5.1. Legal framework**

298. Legislation pertinent to the Convention is found both in the Constitution and in other legislation.

299. Section 6 of the Constitution of Finland contains provisions on equality and the prohibition of discrimination. Section 7 of the Constitution provides for everyone's right to life and personal liberty, integrity and security. According to section 22 of the Constitution, the public authorities shall guarantee the observance of basic and human rights.

300. Significant with regard to the substantive law of Chapter V of the Convention are above all the Criminal Code (39/1889), the Tort Liability Act (412/1974), the Act on Compensation for Crime Damage (1204/2005), the Act on Restraining Orders (898/1998), the Code of Judicial Procedure, the Criminal Procedure Act (389/1997), the Criminal Investigation Act (805/2011), the Act on Child Custody and Right of Access (361/1983), the Marriage Act (234/1929), the Act on Equality between Women and Men (609/1986) and the Non-discrimination Act (1325/2014).

301. Government proposal (155/2014 ps) on the ratification of the Convention amended chapter 1, section 11 of the Criminal Code on dual criminality and the provision of section 54 of the Aliens Act on residence permits. With regard to the implementation of the Convention in general, it is to be noted that government proposals are a central source of law in the Finnish legal system. The government proposal on the Convention contains a detailed discussion on the relationship of the regulations of the Convention and Finnish national legislation. Legislation shall be interpreted taking into account human rights and the Convention, the regulations of which belonging to the area of legislation are valid as law in the form that Finland has committed itself thereto (act 375/2015).

302. Violence against women is governed by the general provisions of the Criminal Code, the wordings of which are gender-neutral. The provisions are thus applied to both men and women. Violence against women has, however, been paid a lot of attention to in the travaux préparatoires of the act (for example government proposal 78/2010 ps.; government proposal

19/2013 ps; government proposal 155/2014 ps), so that legislation can be considered gender-sensitive.

303. The English translations of all the central statutes are found in Finlex, <https://www.finlex.fi>.

## **5.2. Guidance on the implementation of the framework**

304. The Office of the Prosecutor General has instructions on cooperation in criminal investigations, which also contain instructions on the pre-trial cooperation and investigation of violent and sexual crimes against children (Publication Series of the Office of the Prosecutor General No 7). The Criminal Investigation Act also contains provisions on investigative cooperation. The Office of the Prosecutor General has not issued actual substantive interpretation guidelines on violent and sexual offences; instead, the contents and interpretation of the law as well as procedural questions are handled in prosecutor training and general-level cooperation meetings of prosecutors and different interest groups (social-welfare and health-care authorities, the police). In addition, the Office of the Prosecutor General operates as an authority of extraordinary appeal and in this way, it supervises and guides the work of prosecutors, i.e., the interpretation of the law and the consideration of charges in general. So far there has not been a need for separate instructions on honour violence.

305. In addition to the discussion above in point 3.3., the police administration has paid attention to equality and non-discrimination. The police have adopted their own Equality and Non-Discrimination Plan, which contains the goals and measures for the years 2017–2019 to promote equality and non-discrimination in the police administration. An appendix to the Plan contains information on the development of the number of women and men, their placement in different tasks as well as a salary survey with regard to different tasks. The police administration is aware that equality and non-discrimination concern us all. We are dealing with long-term operations and the goals of the Plan and the measures to attain them are paid attention to in the everyday work of the police. Matters of equality and non-discrimination are present both in basic work, recruitment situations, student selection and the service of clients. All those working in police administration are, for their part, responsible for not behaving or inciting others to behave in a discriminatory or derogative manner. The superiors have special responsibility for the operating manners and the atmosphere of their own unit and subordinates. If superiors learn about discriminatory or derogative behaviour in their units, it is their responsibility to address it. The responsibility of employees, on the other hand, is to inform the employer of discrimination or inappropriate behaviour they have noticed. The personnel is reminded that with their own behaviour they all affect the realisation of equality and non-discrimination, both inside the administration and in everyday work among people.

306. The Police also have an instruction "The Control of Harassment and Inappropriate Treatment in Police Administration", 2020/2013/808. The purpose of the instruction is to promote good treatment of employees in work communities and to assist work communities to create their own operating models to prevent harassment and inappropriate treatment and to

intervene, where necessary. The police administration does not tolerate any kind of harassment and inappropriate behaviour and they shall be intervened in immediately, where necessary.

### **5.3. Civil remedies**

307. According to the explanatory memorandum of the Convention, these remedies can be, for example, various restraining orders. In addition, protective measures should be enacted regarding slander or libel relating to stalking and sexual harassment if these acts do not belong to the application area of the criminal law of the party. Imposing a restraining order in Finland is not dependent on the person on whom the order is imposed having committed an offence; it is more of a safeguarding measure. Defamation in turn has been criminalised in Finland, so these cases are handled in criminal proceedings. Statistics on restraining orders in Appendix 3.

308. It is naturally always possible to bring a civil trial against an alleged perpetrator, for example, in the form of a claim for damages.

309. In addition to the fact that a public official may be sentenced under chapter 40 of the Criminal Code for violation of an official duty (section 9) or a negligent violation of an official duty (section 10), the state, municipality or other public organisation may, under the Tort Liability Act (412/1974), be liable for damages for damage caused by a public official or an employee of another public organisation through a mistake or neglect.

310. In Finland, the highest supervisors of legality under the Constitution are the Chancellor of Justice and the Parliamentary Ombudsman. One of their tasks is to study complaints relating to the acts of public officials or others acting in public organisations.

### **5.4. Compensation**

311. The primary obligation to indemnify damage caused by an offence lies with the perpetrator, but the state has a secondary obligation of indemnification. An injured party that has been subject to violence can in Finland apply for compensation from the party guilty of the violence under the Tort Liability Act either in connection with the criminal trial or by means of a separate summons as a civil-law claim. Usually the police clarify any claims for compensation already during the criminal investigation. Under chapter 3, section 9 of the Criminal Procedure Act (689/1997), the prosecutor is, upon the request of the injured party, liable to pursue a civil claim arising from the offence if this is possible without essential inconvenience and if the claim is not obviously unfounded. Under chapter 5, section 2 of the Tort Liability Act damages can be awarded for necessary medical costs as well as for temporary or permanent detriment. In addition, under section 6 of said chapter a person whose personal integrity has been severely violated wilfully or through gross negligence has the right to compensation for the suffering caused by the violation.

312. Under the Act on Compensation for an Offence (1204/2005), an injured party who has suffered bodily injury or other medical harm has the right to compensation from state funds. The injured party may apply for the compensation directly from the State Treasury even if he



has not first tried to collect it from the perpetrator. The compensation must, however, be demanded from the perpetrator in connection with the criminal proceedings. If the offence has remained unsolved or the perpetrator has not been caught, the compensation can be awarded by the State Treasury without the judgment of a court. Compensation is mainly paid for personal damage, for example, medical costs and temporary harm, permanent disability and mental suffering. Compensation that the injured party has received or will receive under another act or insurance as well as compensation paid by the perpetrator to the injured party shall be deducted from the compensation payable from state funds. Obtaining compensation under the Act on Compensation for an Offence is not dependent on the nationality of the party who has suffered violence.

313. In 2015, the Act on a Victim Charge (669/2015) entered into force, under which the charges, collected from the perpetrators, cover part of the costs of support services to the injured parties.

314. There is no information available on women who have claimed or received compensation for damage.

315. In 2015, the number of compensation applications from women was 2,241 and in 2016, it was 2,152.

316. The decisions on compensations for women from state funds in 2015 – 2016 were as follows:

Year	Decisions issued	Compensation decisions	Average compensation	Average handling time
2015	2517	2147	€2,845	153
2016	2381	2008	€ 2,844	171

317. The difference between decisions issued and compensation decisions has been arrived at by deducting from the decisions issued those decisions where the compensation has been EUR 0 or EUR 136.40 (only the application costs have been compensated). The difference is not necessarily the same as the number of applications denied, because the statistics also include extended decisions.

318. The information received from the State Treasury (points 3 and 4) has been received on the basis of the gender of the applicant. The applicant for the compensation is not necessarily the same as the injured party. The statistics include murders and manslaughters, in which case the applicant is likely to be a relative of the injured party.

## 5.5. Custody visitation rights and safety

319. According to section 10 of the Act on Child Custody and Right of Access (361/1983), a matter concerning child custody and right of access must, before all, be decided in accordance

with the best interests of the child. Here, special attention must be paid to how the realisation of custody and access rights may be guaranteed in the best possible way in the future. The starting point of the Act is that in a matter concerning child custody and access rights, the decision is issued paying attention to facts that have emerged in each individual case taking into account the interest of the child. The child supervisor first aims at a settlement in the matter that is in the interests of the child. If this cannot be reached, the matter is transferred to be handled by the court. When a case involving the custody of a child is being decided, the ability of the parent to act as guardian has to be assessed. The violent behaviour of a parent is of importance in making this assessment. In 2013, the National Institute for Health and Welfare published for the child supervisors a guidebook on mapping and intervening in intimate partner violence. When deciding on a matter on access rights, the court has to evaluate issues relating to the implementation of the access rights, in which matters relating to violence are also taken into account. Under section 9 of the Act, the court shall, when deciding on access rights, issue further orders on the terms of access rights and visitation. The provision makes it possible to order the meetings to be implemented under supervision.

320. The Act on Child Custody and Right of Access is undergoing amendment. The report of the amendment group of the child custody act further strengthens the obligation of Article 31, paragraph 1 to take family violence into account when deciding on child custody and right of access. The aim is to give the government proposal to Parliament in the summer of 2018.

321. Under the Social Welfare Act, the supervision of the meetings between a child and a parent can be arranged as a municipal service. The supervision of the meetings between a child and a parent makes sure that the access right referred to in the Child Custody and Right of Access is implemented in the best interests of the child. The supervision of the meetings is based either on an agreement confirmed by the social welfare board or a decision of the court defining the contents of the measures necessary.

322. Supervised meetings between a child and a parent have to be considered if the meeting of a child and a parent involves a threat to the child and is of special concern. The situation may be alarming if the parent meeting the child is unable to take care of the child or treats the child against the child's best interests.

323. The basis may also be the endangerment of the psychological security of the child. The child may be fearful or traumatised because the child has been forced to see violence between the parents. The parent with access rights may also be using intoxicants, drugs or medicines, have mental health problems, behave violently or the child may have experienced sexual abuse.

324. In supervised exchanges the supervisor ensures that the child is transferred from one parent to the other. In supported meetings, the supervisor is available during the meeting. In supervised meetings, the supervisor sees and hears the child and the parent during the meeting.

325. The supervisor may decide that the meeting will not start or the exchange is not implemented or may interrupt the meeting if this is necessary in the interests of the child.

326. The interruption of a meeting may be necessary, for example, when the parent directs or attempts to direct violence towards the child or tries to take the child away from the meeting

without permission. Not starting a meeting may be necessary in the interests of the child for example when the parent comes to the meeting intoxicated.

327. The child or parent or both may be protected by means of a restraining order. A restraining order imposed to protect the child takes preference over access rights, and the person on whom the restraining order is imposed may not meet the child during the validity of the order. A restraining order imposed on the parent with the access right to protect the other parent does not, as such, prevent the confirmation of an access right or the implementation of a confirmed access right. It is possible to request that the meetings are arranged under supervision or at a certain place.

328. In the above-mentioned amendment of the Act on Child Custody and Right of Access attention is placed more extensively on the obligation provided by Article 31, paragraph 2 to ensure that the use of the right of access or custody does not endanger the rights of a victim of domestic violence or the rights or security of children. This will take place, for example, by specifying the legislation on supported and supervised meetings.

## **5.6. Criminalisation of certain forms of violence**

### **Psychological violence, as defined in Article 33**

329. Psychological violence is criminalised in the provisions on offences of violence in chapter 21 of the Criminal Code, which, in addition to physical violence, apply also to psychological violence. Under chapter 21, section 5 of the Criminal Code, a person who employs physical violence on another or, without such violence, injures the health of another or renders another unconscious or into a comparable condition is sentenced for assault. Section 6 of the chapter criminalises aggravated assault, and section 7, criminalises petty assault. The government proposal concerning offences of violence (94/1993 ps) notes that the provision on assault "is expressly meant to be interpreted so that health can be wilfully hurt or pain can also be caused in ways other than by fists or knives and that such acts are comparable to traditionally meant violence".

330. Because the Article relates to an act that is carried out through coercion or threats, also coercion referred to in chapter 25, section 8 of the Criminal Code or menace referred to in section 7 can also be applied. A person who unlawfully by violence or threat forces another to do, endure or omit to do something is sentenced for coercion. A person who raises a weapon at another or otherwise threatens another with an offence is sentenced for menace. (See government proposal 155/2014 ps, p. 49—50.)

### **Stalking, as defined in Article 34**

331. Stalking is criminalised in chapter 25, section 7 a of the Criminal Code. Under the provision, a person who repeatedly threatens, observes, contacts or in a comparable manner unjustifiably stalks another so that this is conducive towards instilling fear or anxiety is sentenced for stalking. (See government proposal 155/2014 ps, p. 50.)

### **Physical violence, as defined in Article 35**

332. Physical violence is criminalised in the provisions on bodily injury and homicide in chapter 21 of the Criminal Code. Sections 1–4 of the chapter provide for homicide (murder, manslaughter, killing, infanticide) and sections 5, 6 and 7 on assault (assault, aggravated assault, petty assault). Bodily violence may also in some cases be punishable as part of other offences (for example robbery offences referred to in chapter 31 of the Criminal Code or rape offences referred to in chapter 20.).

### **Sexual violence, including rape, as defined in Article 36, paragraph 1, having due regard to the definition of consent under Article 36, paragraph 2.**

333. Sexual violence is criminalised in chapter 20 of the Criminal Code. Significant from the viewpoint of the Article are the provisions of sections 1 and 2 of the chapter on rape offences, the provision of section 4 on coercion into a sexual act and the provision of section 5 on sexual abuse. The sexual abuse of a child is provided in sections 6 and 7 of the chapter. The provisions cover the situations referred to in the regulation of the Convention, in which the act does not have the consent referred to in points 1 and 2.

334. Acts against former or present spouses or intimate partners are covered by the same provisions on punishment as sexual abuse directed at other persons. Finnish national legislation does not make a difference between these groups.

335. In the application of provisions on punishment for the sexual abuse of a child (sections 6 and 7 of chapter 20 of the Criminal Code), the so-called age of consent is primarily 16 years. If the perpetrator is the parent of the child or in a position comparable to that of a parent and lives in the same household as the child, the age of consent is 18 years. The possibility of 16- and 17-year-olds to give a valid consent to a sexual act has further been limited by a provision on sexual abuse (section 5, chapter 20 of the Criminal Code), which applies, for example, to immaturity, being under one's control in school or an institution or another similar subordinate relationship.

336. Several organisations have long criticised the lack of consent in the definition of rape. The Network of Women Parliamentarians has submitted a motion for amending the statutory definition of rape to be based on lack of consent.

### **Forced marriage, as defined in Article 37**

337. Forcing a person into marriage is punishable as trafficking in human beings referred to in chapter 25, section 3 of the Criminal Code or as aggravated trafficking in human beings referred to in section 3 a. Coercion referred to in chapter 25, section 8 of the Criminal Code may in some cases also be applicable. The suitability of provisions on trafficking in human beings to forcing a person into marriage is expressly indicated in government proposal 103/2014 ps (p. 8/II and 24/II). In addition to actual coercion, the surrender, transport, receipt and accommodation of a person in order to cause the person to enter into a forced marriage is also punishable. With regard to the provision making coercion punishable (chapter 25, section 8 of the Criminal

Code), forcing a person into a marriage is expressly mentioned in chapter 1, section 11, subsection 2, paragraph 8 of the Criminal Code.

338. Several organizations have criticized the insufficiency of the present legislation. The provisions on human trafficking are considered to be inadequate and to lack clear operating models.

### **Female genital mutilation as defined in Article 38**

339. The genital mutilation referred to in the Article is punishable as an assault referred to in chapter 21 of the Criminal Code. The travaux préparatoires (for example, the report of the Legal Affairs Committee 22/1994 ps, p. 12/1) indicate that the provision on aggravated assault is primarily to be applied. The travaux préparatoires also specifically note that the freedom of religion can under no circumstances justify the mutilation of human beings, such as the circumcision of women (government proposal 309/1993 ps, p. 56).

340. The punishability of genital mutilation is not limited to the mutilation act itself, but also different forms of complicity are punishable. Government proposal 155/2014 ps emphasises (p. 52) that according to participation doctrines a person who does not himself carry out the assault, but whose actions, when evaluating the implementation of the offence as a whole, are significant for the implementation of the offence, can also be guilty of an offence of mutilation. Equally, the urging or incitement of a child to subordinate herself to mutilation may, with regard to the inciter, result in the person being sentenced on the basis of complicity or negligent omission as the perpetrator or for abetting. The preparation of mutilation, such as agreeing thereon, is also punishable as the preparation of an aggravated offence against life or health (Criminal Code chapter 21, section 6 a).

341. A parent or guardian of a child whose attitude towards mutilation is passive may, on the basis of his or her so-called position of responsibility be liable for the assault offence itself. A parent who does not prevent mutilation even if he or she would have had a possibility to do so, can thus be sentenced for aggravated assault (a so-called commission; Criminal Code chapter 3, section 3, subsection 2, paragraph 2. See in more detail government proposal 44/2002 ps detailed rationale).

342. The organisations consider that there is too little training of professionals in genital mutilation and in so-called honour violence, and that studies and clarifications of the matter are insufficient. Attention shall be focused thereon when up-dating the FGM Action Plan during 2018.

### **Forced abortion, as defined in Article 39a**

343. Forced abortion is punishable as aggravated unlawful abortion referred to in chapter 22, section 2 of the Criminal Code. According to the government proposal regarding this provision (government proposal 156/2008 ps), in serious acts violating the physical integrity of the woman the perpetrator is in addition punished for assault on the basis of chapter 21, section 5 of the Criminal Code or for aggravated assault on the basis of section 6.

## **Forced sterilisation, as defined in Article 39b**

344. Forced sterilisation is punishable as assault referred to in chapter 21 of the Criminal Code. Coercion referred to in chapter 25, section 8 of the Criminal Code may also be applicable.

## **5.7. Legislation against sexual harassment**

345. The most severe ways of sexual harassment are provided punishable in the Criminal Code. Under chapter 20, section 5 a of the Criminal Code, a sexual act committed by touching in a way that is conducive to violating the right of another to sexual self-determination is punishable as sexual harassment. Defamation of another by words or otherwise is in turn punishable as defamation, and the repeated sending of messages for harassment purposes is punishable as violation of the peace of communications. Stalking, such as repeated contacts so that the act is conducive to causing anxiety, is also provided punishable. Some other provisions on punishment, such as coercion into a sexual act, offences related to the sexual abuse of a child, or assault offences may also be applicable depending on the manner and target of the harassment.

346. In the scope of application of the Non-discrimination Act, in public and private life, the legislation has extended the prohibition of harassment from that in criminal law. Harassment is specifically forbidden in the Act. Sexual harassment is also forbidden in the Act on Equality between Women and Men (609/1986). A compensation, which is not a criminal-law sanction, may be ordered payable for the violation of these Acts. The employer and his representative may also, under certain conditions, be sentenced to a punishment for discrimination in working life.

347. Sexual harassment and gender-based harassment is forbidden in the Equality Act as discrimination (section 7). In the Equality Act, sexual harassment refers to verbal, non-verbal or physical unwanted conduct of a sexual nature by which a person's psychological or physical integrity is violated intentionally or factually, in particular by creating an intimidating, hostile, degrading, humiliating or offensive atmosphere. Gender-based harassment in turn refers to unwanted conduct that is not sexual in nature but which is related to the gender of a person and by which the person's psychological or physical integrity is intentionally or factually violated and an intimidating, hostile, degrading, humiliating or offensive atmosphere is created.

348. The prohibitions of sexual and gender-based harassment extend to the whole scope of application of the Equality Act. The Equality Act is, however, not applied to relationships in private life or to the religious practices of religious communities. In addition, the compensation under the Equality Act (section 11) is possible only when the discrimination appears in working life, educational institutions, organisations representing labour market interests or when it relates to the provision of goods and services (sections 8, 8 b–8 e). Prohibition of harassment relating to the general prohibition of discrimination (section 7) may result in damages.

349. Compensation under the Equality Act is applied for by the person whom the above-mentioned prohibition of discrimination relates to. In practice, in situations of harassment, the compensation sanction is not usually directed at the harassing person, but, for example, at the

employer or the educational institution that has neglected to take the measures available to eliminate the harassment after having been informed thereof.

350. Under section 28 of the Occupational Safety and Health Act (738/2002), if harassment or other inappropriate treatment of an employee occurs at work and causes hazards or risks to the employee's health, the employer, after becoming aware of the matter, shall by available means take measures for remedying this situation. Under the travaux préparatoires of the Act (government proposal (59/2002 ps), harassment and inappropriate treatment refers also to sexual harassment and inappropriate treatment.

351. Compliance with the Occupational Safety and Health Act is, under section 65 of the Act, supervised by occupational safety authorities in the manner provided for in the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2006).

352. Contacts relating to sexual harassment are seldom received by the occupational safety authority (Regional State Administrative Agencies). There are no exact statistics, because supervisory findings of sexual harassment are not compiled into separate statistics, but together with other forms of harassment. In the area of occupational safety, sexual harassment cases are supervised in accordance with the supervision instructions issued by the Ministry of Social Affairs and Health for the area of occupational safety in the department of employment and equality.

353. Sexual harassment may fulfil the criteria of harassment referred to in section 28 of the Act on Occupational Safety and Health if the treatment is so serious that it may cause harm or danger to the health of an employee. In that case, the area of responsibility supervises that the employer, when being informed of the harassment, undertakes measures at his disposal to eliminate the harassment. For this part, the supervision practice is described in the Occupational Safety Instruction (6/2016) on supervision of harassment and other inappropriate treatment.

354. Sexual harassment may also constitute sexual discrimination prohibited under the Equality Act. Even though the prohibition of sexual discrimination under the Equality Act falls outside the supervision of occupational safety authorities, the occupational safety authority has an obligation to report for criminal investigation a suspicion of sexual discrimination that has come to his knowledge in connection with other supervision. The Instruction on the Supervision on Equality and Discrimination (6/2016) describes the division of the authority and cooperation procedures between the occupational safety authority and the Ombudsman for Equality in the supervision of sexual discrimination.

355. The Non-discrimination Act (1325/2014) provides on harassment, which may be based on the sexual orientation of a person. The supervision of the occupational safety authority covers compliance with the Non-discrimination Act in an employment relationship and a public-law service relationship as well as in work training and other corresponding activity at the work place as well as in recruitment. The Instruction on the Supervision of Equality and Discrimination mentioned above (2/2016) also describes the division of labour and cooperation between the occupational safety authority and the Non-Discrimination Ombudsman.

356. Labour-union organisations criticise that violence and harassment directed at women in work life has not, in spite of years of effort, been defined more exactly in occupational safety legislation nor have there been sufficient measures to prevent harassment in work life.

### **5.8. Aiding or abetting**

357. Aiding is criminalised in chapter 5, section 6 of the Criminal Code.

### **5.9. Attempt**

358. Punishable under the Criminal Code is an attempt at homicide, assault and aggravated assault and an attempt at sexual offences referred to in chapter 20 of the Criminal Code (with the exception of sexual harassment referred to in section 5 a and the solicitation of a child for sexual purposes referred to in section 8 b, subsection 1), an attempt of human trafficking and aggravated human trafficking as well as an attempt of unlawful abortion and its aggravated form.

359. Out of all assault offences, only attempted petty assault has not been criminalised. However, the explanatory memorandum of the Convention notes that the parties have a possibility to extend the criminalisation of an attempt at physical violence only to serious acts of violence. The explanatory memorandum notes that this delineation is possible, because the area of application of Article 35 as such is very extensive and it also covers petty acts. The Finnish criminal legislation can thus be seen to fulfil the obligations of Article 35 also with regard to criminalising an attempt of physical violence.

### **5.10. Unacceptable justifications for crimes**

360. The Criminal legislation does not recognise a basis of justification like point 1 of the Article. Instead, under chapter 6, section 5, paragraph 4 of the Criminal Code, the commission of an offence for a motive based on race, skin colour, birth status, national or ethnic origin, religion or belief, sexual orientation or disability or another corresponding basis is a ground increasing the punishment.

361. The government proposal relating to the amendment of basic rights (government proposal 309/1993 ps. p. 56) notes expressly that invoking religion or the freedom of conscience does not allow acts that violate human rights or other basic rights or are against the *ordre public*. For example, the freedom of religion can in no circumstances justify the mutilation of human beings (FGM).

362. Certain organisations underline that social and police authorities should be trained to identify, face and take action against such violent behaviour which is justified in families on cultural or religious grounds, because the viewpoints on women are at least partly based on religion. For example, certain religious movements forbid family planning, which may promote the segregation of women to their own communities.



### **5.11. Application of criminal offences in relationship of the perpetrator to the victim**

363. The constituent elements of the penal provisions of acts under the Convention do not make a distinction as to the relationship of the victim and the perpetrator. They are, in other words, applied irrespective of the relationship. In certain offences such as sexual abuse or the sexual abuse of a child, the relationship between the victim and the perpetrator can be of significance. In these cases, a close relationship of the parties usually means that the act is judged more severely than usual.

### **5.12. Applicable sanctions and further measures for perpetrators**

364. The following presents the penal latitudes relating to punishment provisions central to the Convention. It is to be noted that the penalty range may, under certain conditions, be derogated from both in a more severe and a more lenient direction. (See the provisions of chapters 2 c and 6 of the Criminal Code).

#### **Article 33— Psychological violence**

Petty assault: fine

Assault: fine or imprisonment 14 days - 2 years

Aggravated assault: imprisonment 1-10 years

Killing: imprisonment 4-10 years

Manslaughter: imprisonment 8-12 years

Murder: life imprisonment

Menace: fine or imprisonment 14 days - 2 years

Stalking: fine or imprisonment 14 days - 2 years

#### **Article 34— Stalking**

Stalking: fine or imprisonment 14 days - 2 years

#### **Article 35 — Physical violence**

See the violent offences under Article 33

#### **Article 36 — Sexual violence, including rape**

Rape: imprisonment 4 months - 6 years

Aggravated rape: imprisonment 2-10 years

Coercion into a sexual act: fine or imprisonment 14 days - 3 years

Sexual abuse: fine or imprisonment 14 days - 4 years

Sexual abuse of a child: imprisonment 4 months - 4 years

Aggravated sexual abuse of a child: imprisonment 1-10 years

#### **Article 37— Forced marriage**

Human trafficking: imprisonment 4 months - 6 years

Aggravated human trafficking: imprisonment 2-10 years

Coercion: fine or imprisonment 14 days - 2 years

**Article 38—Female genital mutilation**

Assault: fine or imprisonment 14 days - 2 years

Aggravated assault: imprisonment 1-10 years

**Article 39— Forced abortion and forced sterilisation**

Aggravated forced abortion: imprisonment 4 months - 4 years

See offences of violence and coercion above

**Article 40— Sexual harassment**

Sexual harassment: fine or imprisonment 14 days - 6 months

Defamation: fine

Aggravated defamation: fine or imprisonment 14 days - 2 years

Violation of peace of communication: fine or imprisonment 14 days - 6 months

Stalking: fine or imprisonment 14 days - 2 years

Coercion into a sexual act: fine or imprisonment 14 days - 3 years

Discrimination in working life: fine or imprisonment 14 days - 6 months

See offences relating to sexual abuse of a child and offences of violence above

365. The Finnish penal system contains several consequences involving different types of supervision. For example, a perpetrator who is sentenced to unconditional imprisonment not exceeding six months, may instead, under certain conditions, be sentenced to a monitoring sentence of the same length. Supervision may also relate, for example, to the implementation of a combined sentence, conditional release, youth sentence and conditional imprisonment.

366. Finnish legislation does not recognise the concept of "withdrawal of parental rights". A child may, under the Child Welfare Act (417/2007), be taken into care of the social welfare board and placed in a substitute family or an institution, in which case the place of residence, care, upbringing and education of the child are decided by a social welfare unit. However, the parents remain as the guardians (section 40). [In English: "taken into care of the social welfare board", Child Welfare Act, section 40]

367. A restraining order is provided for by an act. An official with powers to arrest, or in practice a superior police officer, may order a temporary restraining order. For example, in connection with home alarms, the police may impose a temporary restraining order when he removes a violent member of the family from the home. In that case, the restraining order enters into force immediately and the matter is handled more thoroughly in the district court in the next few days. A person may also ask the Police to impose a temporary restraining order.

368. All restraining orders are entered in a special personal data file of the police. The violation of a restraining order is governed by the Criminal Code (chapter 16, section 9 a), which orders a fine or imprisonment for at most one year for the violation.

369. The Police may apprehend a person violating a restraining order and arrest the person and propose that the person be remanded.

### 5.13. Aggravating circumstances

370. Finnish criminal legislation gives the judges extensive freedom to consider matters relating to the determination of the sentence. The determination of a sentence is provided in chapter 6 of the Criminal Code (the general provision and general determination principles) as well as in individual constituent elements, which portray the so-called specific or offence-type determination principles. The aggravating circumstances referred to in the Article are taken into account in the determination of a sentence either through the general provision relating to the determination of a sentence (Criminal Code chapter 6, section 4) or through general or specific grounds for its determination.

371. The directing of an offence to a close person referred to in point a of the Article and the vulnerability referred to in point b are assessed primarily through the general principle for the determination of the sentence and the other provisions of chapter 6 of the Criminal Code (see government proposal 78/2010 ps, p. 7/I). Under chapter 6, section 4 of the Criminal Code, the sentence shall be determined so that it is in just proportion to the harmfulness and dangerousness of the offence, the motives for the act and other culpability of the offender manifested in the offence. According to the government proposal referred to (government proposal 78/2010 ps, p. 7/I), the vulnerability and incapability of the victim to defend himself or herself increases the punishment. Correspondingly, the evident use of another person's dependence and lack of self-determination and the directing of the act to a person in a subordinate relationship can be taken into account in the determination of the sentence in principle very extensively in different types of offences where this type of situation may arise. The relationship of the offender and the victim may also have influence through the provision on the punishability of an omission (the Criminal Code chapter 3, section 3, subsection 2, paragraph 2). According to the travaux préparatoires of the provision (government proposal 44/2002 ps) family relationships and close cohabitation may bring about a legal obligation to act. Spouses also have a certain obligation to take care of each other. According to the rationale of the general provision on the determination of a sentence, the manner of committing an offence influences the assessment of its aggravation. The significance of features defining the manner of an act, such as the helplessness and vulnerability of the victim, is determined on the basis of what they tell about the harmfulness and dangerousness of the act or the culpability of the offender. (See government proposal 44/2002 ps).

372. The aggravation through repeated nature referred to in points b and i of the Article is a general principle for the determination of a sentence. (See government proposal 44/2002 ps, p. 193/II and 186/I). The principle is expressly seen in chapter 6, section 5, paragraph 5 of the Criminal Code as well as in section 9, subsection 1, section 10 a, subsection 1, paragraph 1, section 11, subsection 1 and section 11 a, subsection 1, paragraphs 1 and 2.

373. Directing a crime against a child (point d) is, for example in rape, a specific determination principle because it is mentioned as a ground for qualification (see the Criminal Code, chapter 20, section 2, subsection 1, paragraph 3; see also the Criminal Code chapter 20, section 5, subsection 1, paragraphs 1 and 2, the Criminal Code chapter 25, section 3, subsection 2, the Criminal Code chapter 25, section 3 a, subsection 1, paragraph 3). In offences of violence, directing the offence at a helpless person such as a child may, in turn, show the particular

brutality referred to in the Criminal Code, chapter 21, section 6, subsection 1, paragraph 2 (see government proposal 94/1993 ps, the detailed rationale for the Criminal Code, chapter 21, section 6).

374. Committing an offence in the presence of a child (point d) may in some cases directly affect the scope of the consequences of the offence. It is thus taken into account through the provision of the Criminal Code, chapter 6, section 4, under which the sentence shall be in just proportion, for example, to the harmfulness of the offence. Jurisprudence has noted that the publicity of an act can be taken into account for example in rapes. (See Lappi-Seppälä, Tapio, 1987. On determining a sentence I. Theory and general part (Rangaistuksen määrittämisestä I. Teoria ja yleinen osa. [Publications of the Finnish Association of Lawyers A No. 173, p. 358]; Suomalaisen Lakimiesyhdistyksen julkaisu A N:o 173, s. 358; see also The Supreme Court KKO 1981 II 189).

375. The complicity referred to in point e of the Article is provided in chapter 5, section 3 of the Criminal Code. Under the provision, if two or more persons have committed an intentional offence together, each is punishable as a perpetrator. According to the travaux préparatoires, the provision means that the accomplice is not only responsible for the consequences of his own act, but for the whole act up to his understanding of the cooperation (government proposal 44/2002 ps, p. 153/II). The provision thus usually means a substantially more severe treatment than the perpetrator's own act alone would give reason to. The fact that the complicity of several persons in the commitment of an offence affects the determination of the sentence, is also indicated by the ground increasing the punishment in chapter 6, section 5, paragraph 2 of the Criminal Code, the so-called organized-crime-group concept and by several special provisions on consortiums. (As a ground for determination of the sentence in offences of violence, see the Criminal Code, chapter 21 section 12 - "which has several participants"; in sexual offences, see the Criminal Code, chapter 20, section 2, subsection 1, paragraph 2 - "the offence is committed by several people"; in general, see the Criminal Code, chapter 17, section 1 a).

376. Extreme violence accompanying the offence (point f) is an evident and specific ground in determining a sentence, for example, for crimes of violence and rape. (See the Criminal Code, chapter 20, section 6, subsection 1, paragraph 2, and the Criminal Code, chapter 20, section 2, subsection 1, paragraph 4). The special position of the use of a weapon or a threat therewith in determining the sentence is also indicated by numerous grounds for qualification (for example, the Criminal Code, chapter 20, section 2, subsection 1, paragraph 5, the Criminal Code, chapter 21, section 6, subsection 1, paragraph 3, the Criminal Code, chapter 21, section 6 a, subsection 1, paragraph 1).

377. The status of severe physical or psychological harm referred to in point h of the Article as a ground for determining a sentence is, on the one hand, indicated by numerous grounds for qualification (for example, the Criminal Code, chapter 20, section 2, subsection 1, paragraph 1, the Criminal Code, chapter 21, section 6, subsection 1, paragraph 1), but also in the general provision on the determination of a sentence (the Criminal Code, chapter 6, section 4), according to which the sentence has to be determined so that it is in just proportion to the dangerousness of the offence.

#### 5.14. Prohibition of mandatory alternative dispute resolution processes

378. Finnish legislation does not contain provisions on a compulsory alternative dispute resolution process such as conciliation. Under the Act on Conciliation in Criminal and Certain Civil Cases (1015/2005), a possible conciliation is always based on the agreement of the parties; in other words, it always requires voluntary consent. Under section 19 of the Conciliation Act, the conciliation office must immediately interrupt the conciliation if a party withdraws its agreement or if there is reason to suspect that the agreement has not been given voluntarily.

379. Under section 3 of the Conciliation Act, conciliation may deal with crimes that are assessed as eligible for conciliation, taking into account the nature and method of the offence, the relationship between the suspect and the victim and other issues related to the crime as a whole. Under the travaux préparatoires of the Conciliation Act (Report of the Law Commission 13/2005 ps), intimate partner violence shall not be conciliated if the violence has been repeated in the relationship in question or if the parties have already earlier participated in conciliation due to intimate partner violence. The National Institute for Health and Welfare, which is responsible for arranging the conciliation, has instructed that conciliators for intimate partner violence shall be voluntary conciliators who have received special training for the task.

380. Under section 13 of the Conciliation Act, only the Police or prosecuting authority has the right to propose conciliation if the crime involves violence that has been directed at the suspect's spouse, child, parent or other comparable close relation.

381. The use of conciliation has, in addition, under section 13 of the Act on Conciliation in Criminal and Certain Civil Matters (1015/2005) been restricted so that in cases of intimate partner violence only the prosecuting authority or the police may propose conciliation. The conciliation must also be interrupted if there is reason to suspect that the agreement has not been voluntary or if there is a justified reason to suspect that a party to the conciliation process cannot understand the meaning of conciliation and the solutions to be made in the process (section 19, subsection 1).

382. Section 4, subsection 3 of the Act on Mediation in Civil Matters and Confirmation of Settlements in General Courts (394/2011) notes that the commencement of conciliation requires the consent of all parties, so that in the case of intimate partner violence the conciliation is always based on voluntariness.

383. In 2016, a working group was set up to investigate conciliation in intimate partner violence and clarify the criteria applied when referring and approving cases involving violence against women and intimate partner violence for conciliation and how the conciliation process is proceeding. On the basis of the clarification, the working group will evaluate and clarify the instructions on referring cases into conciliation and the instructions on conciliation taking into account international obligations, and will evaluate any need for amending the legislation. The working group has representatives from the Ministry of Social Affairs and Health, the Ministry of Justice, the Ministry of the Interior, the National Institute for Health and Welfare, the Helsinki Police Department, the Helsinki District Court, the Helsinki Mediation Office and the Prosecution Office of Eastern Finland

## 5.15. Administrative and judicial data on case of violence against women

384. In accordance with Statistics Finland, the number of cases of acts of violence against women amounting to attempted murder can be found in the statistics on crimes recorded by the police. The attempted homicides are listed by the number of female victims by age in Appendix 3.

385. The number of cases in which the authorities had prior knowledge of the women's exposure to violence is not available nor is the number of perpetrators convicted in relation to these cases. However, the court data offers information on prosecutions, convictions and sanctions, but not information on the victims. Since no information on the victims is recorded nor is violence against women in any other way distinguished from other forms of violence, the number of cases, perpetrators convicted or sanctions on violence against women is impossible to produce.

386. The number and type of sanctions and further measures imposed as a result of a criminal proceedings (including deprivation of liberty), with an indication, where appropriate, of their suspended execution and average length.

387. With regard to administrative and judicial data in relation to all other cases of violence, Statistics Finland compiles statistics on crimes recorded by the police and the relevant crimes are listed by the number of female victims, by age, in appendix 3. The data can also be disaggregated by region. In this respect the information is available in the database "005 – Victims of certain offences by age and region 2009-2016: [http://pxnet2.stat.fi/PXWeb/pxweb/en/StatFin/StatFin\\_oik\\_rpk/statfin\\_rpk\\_pxt\\_005.px/?rxid=b7a3f743-701c-4561-b201-0dadcca5f34c](http://pxnet2.stat.fi/PXWeb/pxweb/en/StatFin/StatFin_oik_rpk/statfin_rpk_pxt_005.px/?rxid=b7a3f743-701c-4561-b201-0dadcca5f34c)

388. As described in point 2.5, the statistics on prosecution, sentences and punishments (court statistics) do not contain information on the victims due to the fact that the courts do not register information on the victims.

389. Since no information on the victims is recorded nor is violence against women in any other way distinguished from other forms of violence, the number of these cases, perpetrators convicted or sanctions is impossible to produce.

390. Below is data from the Finnish Homicide Monitor, Institute of Criminology and Legal Policy, University of Helsinki about cases related to this paragraph:

### a) Female victims of intentional criminal homicides by perpetrator (type of violence)

<i>Perpetrator (was victim's/ to the victim)</i>	<i>2014</i>	<i>2015</i>
Married spouse (male)	3	2
Common-law spouse (male)	6	1
Boyfriend	3	0

Ex-spouse or ex-boyfriend	3	4
Homosexual partner	0	0
Homosexual ex-partner	0	0
Mother, Stepmother	3	0
Father, Stepfather	0	0
Son, Stepson	0	3
Daughter, Stepdaughter	0	0
Brother, Stepbrother	0	0
Sister, Stepsister	0	0
Other male relative	1	0
Other female relative	0	0
Acquaintance (male)	3	3
Acquaintance (female)	1	1
Stranger (male)	4	2
Stranger (female)	0	0
Relationship data missing	0	0
Crime unsolved	0	0
<b>Total</b>	<b>27</b>	<b>16</b>

**a1) Child victims (<15 years of age) of intentional criminal homicides (boys and girls!)**

<i>Perpetrator (was victim's)</i>	<b>2014</b>	<b>2015</b>
Mother	4	0
Stepmother	0	0
Father	0	0
Stepfather	0	0
Other male relative	0	0

Other female relative	0	0
Other	0	0
<b>Total</b>	<b>4</b>	<b>0</b>
- <i>total boys</i>	<i>2</i>	<i>0</i>
- <i>total girls</i>	<i>2</i>	<i>0</i>

**b) Number of cases in which the authorities had prior knowledge of the woman's exposure to violence**

	<b>2014</b>	<b>2015</b>
<b>Total of female victims</b>	<b>7</b>	<b>6</b>
<i>According to the investigation after the crime, there had been mutual violence between the victim and offender already before the crime</i>	<b>1</b>	<b>1</b>
Authorities had had prior knowledge of this violence	<b>6</b>	<b>0</b>
Authorities had not had prior knowledge of this violence	<b>4</b>	<b>1</b>
<i>According to the investigation after the crime, there had not been mutual violence between the victim and offender before the crime</i>	<b>1</b>	<b>2</b>
<i>Data missing</i>	<b>9</b>	<b>4</b>
	<b>2</b>	<b>2</b>

**c) Number of perpetrators convicted in relation to homicides against women**

	<b>2014</b>	<b>2015</b>
<b>Total of female victims</b>	<b>2</b>	<b>1</b>



	<b>7</b>	<b>6</b>
	2	1
Perpetrator convicted	1	3
Perpetrator killed him/herself / died for other reasons before indictment	5	2
Data missing	1	1

#### d) Type of sanctions in homicides against women

<b>Sanction</b>	<b>2014</b>	<b>2015</b>	
Perpetrator not criminally responsible because of mental illness and has been sent to a mental hospital for compulsory care	3	3	
Imprisonment for a term up to 15 years	1 0	7	(Mean length of sentence 9 yr 7 mo 16 days = amount of time in prison before parole 4 yr 9 mo)
Life-sentence	7	3	(Usual amount of time in prison before parole 14 yr)
Other sanction	1	0	(Neonaticide, short conditional prison sentence)

#### 5.16. Other measures

391. With regard to substantive law, no amendment proposals relating to the Convention are pending.

## **6. INVESTIGATION, PROSECUTION AND PROCEDURAL LAW AND PROTECTIVE MEASURES**

### **6.1. Measures to ensure a prompt and appropriate response from law enforcement agencies to all forms of violence**

392. Where necessary, the Police will compile a determination of the need for personal protection of the injured party, which is not appended to the criminal investigation record, and access of the parties to it is always evaluated separately. There is a special form for the determination. The form takes comprehensively into account matters relating to the personal ties of the injured party, including the person's dependence on the suspect in the offence. In connection with the need for protection, attention is also paid to the investigation procedure (Criminal Investigation Act, chapter 9, section 4 and chapter 7, section 21) and preparations are also made for the handling of the case in court (Code of Judicial Procedure, chapter 17, sections 17, section 24, subsection 3, sections 51 and 52 and Act on the Publicity of Court Proceedings in General Courts, sections 6, 9, 10 and section 15, subsection 6). Additional information in point 6.5.

393. According to chapter 3, section 1, subsection 1 of the Criminal Investigation Act (805/2011), when an offence or an event that the reporting person suspects is an offence is reported to the criminal investigation authority, the authority shall record the report without delay. The obligation to record the report of an offence also applies to a suspected offence that comes to the attention of the criminal investigation authority otherwise than in the manner referred to in subsection 1 if the prerequisites referred to in section 9, subsection 1 for waiving measures are not fulfilled. The criminal investigation authority shall conduct an investigation when, on the basis of a report made to it or otherwise, there is reason to suspect that an offence has been committed (Criminal Investigation Act chapter 3, section 3). The criminal investigation shall be conducted without undue delay (Criminal Investigation Act chapter 11).

394. According to the general guidelines issued by the Office of the Prosecutor General on the urgency and priority of the tasks of prosecutors (The Prosecutor General, 2016:4), the discretionary priority grounds determine that offences against women and children are, under the main rule, offences requiring swift handling. We are usually dealing with a significant private interest, and there is also the danger of weakening the value of testimony as proof. In the case of offences against women and children that are not of minor significance the police shall also inform the prosecutor in advance. These offences require speedy and efficient investigative cooperation, and to safeguard this, the police have been instructed to inform the prosecutor of these offences in advance. (Criminal cases to be reported to the prosecutor, informing procedure and measures of the prosecutor. The Prosecutor General 2013:4.)

### **6.2. Assessment of the lethality risk**

395. Professionals in social and health-care as well as the police have been trained in the risk assessment of serious intimate partner violence using the MARAK method. The method was introduced in Finland in 2010, and thereafter it has spread to all counties, so that at the end of

2016, there were 32 MARAK working groups in Finland. The MARAK method consists of two phases. First, the social and health-care professional or policeman working with the client makes a standardised risk assessment using a MARAK form together with his client who has encountered intimate partner violence. Thereafter, if the risk is high, the client is directed to a local MARAK working group, where his case is handled and a safety plan is drafted and other measures necessary to increase the client's safety are conducted. The MARAK documents can also be used as part of criminal investigation and when considering the necessity of other safety measures.

396. The MARAK method and its functionality have been assessed in Finland from 2010 until 2015, and the results have been very positive. The latest article on the effectiveness of this method was published in issue 3 of 2017 of *Yhteiskuntapolitiikka* (Social Policy). (An article of the results of the research can be found at: [https://www.julkari.fi/bitstream/handle/10024/134851/YP1703\\_Piispa%26October.pdf?sequence=1](https://www.julkari.fi/bitstream/handle/10024/134851/YP1703_Piispa%26October.pdf?sequence=1). Additional information on the method: [www.thl.fi/marak](http://www.thl.fi/marak) )

397. Chapter 11, section 9a of the Criminal Investigation Act provides for a personal assessment to be conducted for the injured party. According to the section, a criminal investigation authority shall, without undue delay, assess what special measures are needed to protect the injured party from additional suffering when the matter is handled in the criminal investigation and at the trial. In this assessment, special attention shall be paid on the injured parties of gender-specific, intimate and sexual violence or abuse as well as on disabled injured parties.

### **6.3. Emergency barring orders**

398. According to section 11 of the Act on Restraining Orders (898/1998), a temporary restraining order is imposed by an official with powers of arrest. It may also be imposed by a court. An official with powers of arrest may, ex officio, impose a temporary restraining order if the apparent need to protect a person by means of a restraining order requires that the restraining order is imposed with immediate effect and if the circumstances of the matter indicate that the persons in need of protection due to their fear or some other reason are unable to apply for a restraining order themselves. An official with powers of arrest shall impose a temporary restraining order whenever the need for it exists and the law allows it.

399. According to section 12 of the Act on Restraining Orders, the officials with powers of arrest must, without delay and at the latest within three days, bring their decision to impose a temporary restraining order up for consideration in the competent district court. The court must take the matter up for consideration at the latest within seven days of the date of the imposition of the temporary restraining order. The temporary restraining order shall be complied with immediate effect unless otherwise ordered by the court handling the matter.

400. If an official with powers of arrest has imposed a temporary inside-the-family restraining order, the district court must hold the main hearing within a week of the date when the official with powers of arrest brought his decision to impose a temporary inside-the-family restraining order up for consideration in the district court. If the main hearing is cancelled, it must be

rescheduled to be held at the latest within two weeks of the date when the main hearing was intended to be held. (Act on Restraining Orders, section 12 a).

401. The provisions on a temporary restraining order can be applied to all injured parties if the order is necessary to prevent an offence against life, health, liberty or privacy or a threat of such an offence or some other kind of severe harassment.

402. The person on whom a restraining order has been imposed may not meet the person being protected or otherwise contact this person. It is also forbidden to follow and observe the person being protected. By means of an extended restraining order, the order can be extended to also cover the vicinity of the permanent residence or workplace. In addition, persons on whom an inside-the-family restraining order has been imposed must leave the residence where they and the person being protected permanently live together, and they may not return there. (Act on Restraining Orders, section 3).

403. The Police monitors compliance with the restraining order, and they may also use coercive measures if the restraining order is violated. Violation of a restraining order is made punishable in the Criminal Code. According to chapter 16, section 9a of the Criminal Code, a person shall be sentenced for violation of a restraining order to a fine or to imprisonment for at most one year.

404. If the Police consider that the threat of violence increases as a result of the imposition of a restraining order, the police shall guide and, where necessary, assist the injured party in contacting a shelter or social authorities.

405. In addition, see also point 5.12.

#### **6.4. Restraining and protection orders**

406. In addition to the person needing protection, a restraining order may also be applied for by the prosecutor, the Police or a social worker if the persons threatened are themselves afraid or unable to do it. The imposition of a restraining order may be applied for either from the police or directly from the district court, in writing or orally. The application for a restraining order shall be handled urgently by the district court. The matter is handled in a hearing during which the account of the matter is studied and both parties and witnesses are usually heard.

407. A restraining order may be imposed if there are reasonable grounds to assume that the person against whom the order is applied for is likely to commit an offence against the life, health, liberty or peace of the person feeling threatened or in some other way severely to harass this person. An inside-the-family restraining order may be imposed if the person against whom the order is applied for, judged by the threats made, previous offences or other behaviour is likely to commit an offence against the life, health or liberty of the person feeling threatened and the imposition of the order is not unreasonable with regard to the severity of the impending offence, the circumstances of the people living in the same household and other facts presented in the case. (Act on Restraining Orders, section 2).

408. The provisions on a restraining order can be applied to all injured parties if the order is necessary to prevent an offence or the threat of an offence against life, health, liberty or peace or other severe harassment.

409. The restraining order enters into force as soon as the district court has issued a decision to impose the restraining order. (Act on Restraining Orders, section 7). A temporary restraining order must be observed immediately unless otherwise ordered by the court considering the matter. (Act on Restraining Orders, section 12).

410. A restraining order imposed by a court may be imposed for at most one year. However, a restraining order inside-the-family may be imposed for at most three months. The restraining order may be renewed. In this case, the restraining order may be imposed for at most two years. When an inside-the-family restraining order is renewed, it may, however, be imposed for at most three months. The renewal of a restraining order may be applied for before the termination of the previous order. (Act on Restraining Orders, section 7).

411. A restraining order is applied for irrespective of other legal procedures. If a criminal case against the person against whom the restraining order is applied is pending in the court and if it may be of significance when deciding on the restraining order, the matter concerning the restraining order may, however, also be handled in connection with the criminal case.

412. The Police monitors compliance with the restraining order and it may also use coercive measures if the restraining order is violated. Violation of a restraining order is made punishable in the Criminal Code. According to chapter 16, section 9a of the Criminal Code, a person shall be sentenced for violation of a restraining order to a fine or to imprisonment for at most one year.

413. If the Police consider that the threat of violence increases as a result of the imposition of a restraining order, the Police shall guide and, where necessary, assist the injured party in contacting a shelter or social authorities.

## **6.5. Administrative and judicial data**

414. In 2016, (and in 2017), a total of 1,637 (1,562) restraining orders were imposed in Finland, of which:

- 1,034 (1,009) were basic restraining orders
- 603, (552) were extended restraining orders
- 254, (237) were temporary restraining orders
- 54, (53) were inside-the-family restraining orders
- 35, (43) were temporary inside-the-family restraining orders.

415. In Finland, restraining orders have annually been violated as follows (year/violations):

- 2010 / 1,040
- 2011 / 894
- 2012 / 1,184

- 2013 / 1,203
- 2014 / 1,066
- 2015 / 983
- 2016 / 1,074
- 2017 / 889.

416. The Police do not have comprehensive statistics on the number of sentences imposed for the violations. Statistics Finland data on restraining orders in Appendix 3.

### **6.6. Legal proceedings in ex officio**

417. Most of the acts referred to in Article 55 of the Convention are subject to prosecution ex officio in Finland. In this case, the bringing of charges does not require a request from the injured party for the bringing of charges. Menace and stalking basically require the injured party's request for the bringing of charges, but also in them the prosecutor has an independent right to bring charges under certain conditions (Criminal Code, chapter 25, section 9, subsection 1). So, even in these cases, the bringing of charges is not wholly dependent on a report of the injured party in the meaning of Article 55.

418. Finland has given a declaration referred to in Article 78, paragraph 2 of the Convention reserving the right not to apply Article 55, paragraph 1 of the Convention to petty assault when the offence is directed at a person not referred to in chapter 21, section 16, subsection 1 of the Criminal Code. Petty assault is an offence subject to charges ex officio if it is directed at a person under 18 years of age, the offender's spouse or former spouse, sibling or direct ascending or descending relative, a person who lives or has lived in a joint household with the offender or otherwise is or has been in a corresponding personal relationship with the offender or been close to the offender due to employment and the offender is not part of the personnel at the place of employment. In other cases, the bringing of charges for petty assault requires that the injured party reports the offence for the bringing of charges.

419. Anyone may make a report of an offence to the Police. Charges for the offence may be brought by the public prosecutor or the injured party himself or herself.

420. The bringing of charges is not, in principle, tied to public interest; the public prosecutor is under an obligation to bring charges. The prosecutor has to bring charges for a suspected offence if he considers that it is made punishable in the law, the right to bring charges is not time-barred, and there are likely grounds that support the guilt of the offender.

### **6.7. Legal proceedings ex parte**

421. In cases subject to charges ex officio, the reports of the injured party have no relevance with regard to the right to bring charges. In the case of offences that require a report of the injured party, the injured party may withdraw his request for the bringing of charges before the charges are brought. If the injured party withdraws his request after the charges have been brought, that is, during the litigation, the withdrawal has no effect on the right of the

prosecutor to bring charges or the continuation of the litigation on the part of the prosecutor. Withdrawal of the request before the litigation does not prevent the prosecutor from bringing a charge if the withdrawal does not pertain to all the participants in the offence. (Criminal Procedure Act, chapter 1, section 16, subsection 2.)

## **6.8. NGO and other civil society actors' and domestic counsellors' assistance**

422. There are numerous organisations in Finland that offer help to injured parties of offences. At some places, the police have close cooperation with these NGOs; the nature of the cooperation varies from place to place. In connection with the various tasks of the police, such as preventive work, these possibilities for cooperation are also promoted. NGOs have been discussed earlier in connection with shelters and

423. NGOs offering help, in addition to those referred to in points 2.3., 3.10., 4.1.-2. and 4.4.-5.:

- The Federation of Mother and Child Homes and Shelters Finnish Online Family Shelter
- Women's Line The Rape Crisis Centre Tukinainen
- MONIKA – Multicultural Women's Association, Finland
- Finnish section of Amnesty International Victim Support Finland
- Non-Fighting Generation ry.

424. The victim may use a support person at the different stages of criminal proceedings. The support persons are allowed to be present at the investigation and hearing, but their presence may be restricted in some cases. According to chapter 2, section 3 of the Code of Criminal Procedure, the court may appoint a support person for the injured party if the case involves intimate partner violence, a sexual offence or a severe offence directed at the life, health or liberty of the injured party. The costs of the support person are in this case paid from state funds.

425. According to chapter 7, section 12 of the Criminal Investigation Act, counsel and a support person assigned to the injured party have the right to be present at the investigation of the injured party unless the head investigator prohibits this for weighty investigative reasons. The investigator may, on request, also allow the presence of another person supporting the injured party if this does not hamper the clarification of the offence or endanger the secrecy obligation.

426. According to the Code of Judicial Procedure, in court proceedings only an advocate, a public legal aid attorney or licensed legal counsel may serve as an attorney or counsel. A public legal aid attorney is a lawyer working at a state legal aid office. An advocate is a lawyer who is a member of the Finnish Bar Association and whose activities are supervised by the Bar Association and the Chancellor of Justice. A licensed attorney is a lawyer who has been granted a permit by the Licensed Attorneys Board to act as an attorney.

427. A legal aid decision can be made only for an advocate, a public legal aid attorney or a licensed legal counsel.

428. Code of Judicial Procedure (4/1734):

*Chapter 15, Section 2 (718/2011)*

(1) Unless otherwise provided in this or another Act, an advocate, a public legal aid attorney or counsel who has obtained the license referred to in the Licensed Counsel Act (715/2011) may serve as an attorney or counsel.

(2) Notwithstanding the provisions of subsection 1, a person who is in the employ or public service of a party, who has passed a higher university level examination other than that of Master of International and Comparative Law, who is honest and otherwise suitable and competent for the task, who is not bankrupt and whose legal competence has not been restricted may serve as the attorney or counsel of such party. In addition, a person who is in the service of a labor market organization, who has passed a higher university level examination other than that of Master of International and Comparative Law, who is honest and otherwise suitable and competent for the task, who is not bankrupt and whose legal competence has not been restricted, may serve as attorney or counsel in a matter concerning or substantially relating to an employment relationship and in Labor Court as the attorney or counsel of a party.

429. Notwithstanding the provisions of subsection 1, a public authority the statutory duties of whom include serving as counsel in court proceedings may serve as attorney or counsel. In addition, a person who is in the service of said public authority, who has passed a higher university level examination other than that of Master of International and Comparative Law, who is honest and otherwise suitable and competent for the task, who is not bankrupt and whose legal competence has not been restricted may serve as attorney or counsel.

430. In addition, also a person other than one referred to in subsection 1, who is honest and otherwise suitable and competent for the task may serve as an attorney or counsel in certain matters, provided that the person has reached the age of majority, he or she is not bankrupt and his or her legal competence has not been restricted.

## **6.9. Available protection measures during investigations and judicial proceedings**

431. According to Article 56, paragraph 1 (a), victims have to be protected from intimidation, retaliation and repeat victimisation. Valid legislation provides several means for the protection of the victim and his or her family members from secondary and repeated victimisation, intimidation and retaliation. These include hearing the injured party at the main hearing by means of a video conference, without the presence of the defendant or another person or the general public, the secrecy of contact information, a prohibition to release certain information from the register office, changing the name and domicile, changing the personal identity code, a restraining order, criminalising the threatening of a person to be heard in the administration



of justice (Criminal Code, chapter 15, section 9) as well as the provisions of the Police Act (872/2011) on preventing an offences or disturbance.

432. Paragraph 1 (b) requires that the victims are informed, at least in cases where the victim or the family might be in danger, when the perpetrator escapes or is released temporarily or permanently. Informing of the release of a prisoner or remand prisoner is provided in the Act on Imprisonment, the Detention Act and the Act on the Treatment of Persons Detained by the Police. The injured party or other person may be notified of the release of a prisoner and his leaving the prison if, on the basis of the behaviour of the prisoner or the threats made by him or her, there are reasonable grounds to suspect that the prisoner will commit an offence against the life, health or liberty of said person or a person close to said person. The information may also be given to a person against whom the prisoner has a restraining order in accordance with the Act on Restraining Orders.

433. In connection with the implementation of the Victims' Directive, the provisions on informing of the release of a prisoner or a remand prisoner were amended so that victims of offences against life, health, liberty or peace or sexual offences have, if they so wish, the right to be informed if a prisoner or remand prisoner is released from prison and, under certain conditions, also if the prisoner leaves the prison for some other reason. The new provisions apply only to offences separately listed in the Act, where the informing can be deemed justified when taking into account the nature and severity of the offence. A precondition is that the informing is not estimated to pose a threat to the prisoner's or remand prisoner's life or health.

434. Paragraph 1 (c) requires that the victims are informed of their rights and the services at their disposal as well as the follow-up to their complaint, the charges, the general progress of the investigation or proceedings. The Criminal Investigation Act contains numerous provisions on the right of the victim to receive information in the course of the investigation. According to chapter 4, section 18 of the Criminal Investigation Act, the investigating authority shall inform the injured party of the following: 1) support services available, 2) the right to counsel or a support person, 3) the right to cost-free legal aid and counsel, 4) the right to interpretation and a translation of the essential documents, 5) the right to present a private claim in connection with the charges, 6) the means available to protect injured parties from a threat to their health or safety, 7) the right to be informed of the decision that relates to not conducting the criminal investigation, ending it or terminating it without bringing the case to the prosecutor for consideration or the decision not to bring charges, 8) the right of the injured party summoned to the hearing to clarify the matter of compensation from state funds, as well as 9) the right to obtain information on the hearing of the case, the time and place of the hearing and of the judgment issued in a criminal case.

435. If the injured party is estimated to require special protection or if otherwise so required by the nature of the offence or the personal circumstances of the injured party, the investigating authority must inquire whether the injured party consents to the sending of his or her contact information to an agency providing support services to injured parties; and if the injured party consents to this, shall send the contact information without undue delay (Criminal Investigation Act, chapter 4, section 10). Under chapter 11, section 9 of the Criminal Investigation Act, the injured parties shall be notified of their possible entitlement to

compensation from state funds for the damage caused by the offence in accordance with the Crime Compensation Act (1204/2005). The injured party shall also be notified, for example and where possible, of the measures that will be taken on the basis of a report of an offence or an offence that has come to the knowledge of the criminal investigation authority. Under chapter 11, section 1 of the Criminal Investigation Act, the injured party shall be notified of the waiving of a criminal investigation or of its conclusion. Under chapter 1, section 9 of the Code of Criminal Procedure, the injured party shall be notified of the decision not to bring charges.

436. Under paragraph 2 (d), the injured party shall be enabled, in a manner consistent with the procedural rules of internal law, to be heard in the criminal procedure. The participation of the injured party in the criminal proceedings is provided in the Criminal Investigation Act and in the Code of Criminal Procedure.

437. Under paragraph 2 (f), it shall be ensured that measures may be adopted to protect the privacy and the image on the injured party. Finnish legislation allows numerous ways to protect the privacy and identity of the injured party in criminal proceedings.

438. The Act on the Openness of Government Activities is applied to criminal investigation and the handling of a criminal case. Under section 24 of the Act, for example the following documents are secret: documents containing sensitive information on the private life of an injured party as well as documents containing information on the injured party if access would violate the rights or the memory of the injured party or those close to him or her unless the granting of access is necessary for the performance of an official task.

439. Chapter 11, section 7 of the Criminal Investigation Act provides for informing of a criminal investigation. Under the section, the name and picture of a person may be published only if this is necessary in order to clarify an offence, to apprehend the person suspected of the offence, to prevent a new offence or to prevent harm caused by the offence.

440. Under section 6 of the Act on the Publicity of Proceedings in General Courts, the court may order that the identities of the injured parties shall be kept secret in a criminal case that involves an especially sensitive issue relating to their private life. Under section 9 of the Act, a litigation document shall be kept secret to the extent that it contains sensitive information relating to the private life, health, handicap or social welfare of a person or information on the victim if access to the information would violate the rights of the victim of the offence or his or her memory or those close to him or her. Under section 15 of the Act, the court may decide that an oral hearing is wholly or partly conducted without an audience if sensitive information relating to the private life, health, handicap or social welfare of a person is presented.

441. Paragraph 2 (g) requires ensuring that contact between victims and perpetrators within court and law enforcement agency premises is avoided where possible. The Code of Judicial Procedure makes it possible to hear the injured party and a witness in the court proceedings so that a party or another person is not present to protect the person heard from a threat to his or her life or health. Hearing a person without the presence of a party or another person is also possible, for example, when the person heard would otherwise not reveal what he or she knows of the matter. The newest court houses have separate waiting areas for injured parties.

In court houses that do not yet have separate waiting areas, the injured party and the defendant are directed to separate places to wait for the start of the hearing, where necessary.

442. Under chapter 4, section 12 of the Criminal Investigation Act, the injured party has the right to interpretation. The investigating authority shall ascertain whether the injured party needs interpretation and ensure that the parties receive the interpretation that they need. Under chapter 6 a, section 2 of the Code of Criminal Procedure, the injured party has the right to interpretation in the proceedings. The court shall ex officio ensure that the injured parties receive the interpretation that they need. Under the Act, an honest and otherwise suitable person with the skills required by the task may act as interpreter.

443. Paragraph 2 (i) requires that the victims shall testify, according to the rules provided by their national law, in the courtroom without being present or at least without the presence of the alleged perpetrator. Under chapter 17, section 51 of the Code of Judicial Procedure, the injured party or a witness can be heard without the perpetrator being present. The injured party or a witness may also be heard through a video conference (Code of Judicial Procedure, chapter 17, section 52). The injured party or a witness may also be heard through a video conference (Code of Judicial Procedure, chapter 17, section 52).

444. Paragraph 2 of the Article contains an obligation to protect child victims and child witnesses, where appropriate, with special measures. The statement of a child in the investigation may be recorded on video to be used as testimony (Criminal Investigation Act, chapter 9, section 4). A statement recorded on video may be used as testimony in court proceedings if the defendant has had an opportunity to ask the person being heard questions (Code of Judicial Procedure, chapter 17, section 24). A child may also be heard in court proceedings without the defendant in a criminal case being present in court when the child is heard (Code of Judicial Procedure, chapter 17, section 51).

### **6.10 Free legal aid for women victims**

445. If a person becomes victim of domestic violence or a sexual offence, the court may, according the Code of Criminal Procedure, appoint an attorney or a support person for the victim for purposes of the pre-trial investigation and the proceedings. If the victim wishes to make claims in the trial, the court will appoint an attorney. If the victim has no claims, a support person may be appointed.

446. The attorney or the support person may be appointed regardless of the means of the victim, and their fees and expenses are paid by the State. The appointment as an attorney for the injured party in a criminal case will be given to a public legal aid attorney, an advocate or other lawyer licensed to assist clients in trials for legal assistance. Normally, the person nominated by the injured party is appointed as the person's attorney.

*Criminal Procedure Act (689/1997):*

Section 1(a) (436/2013)

The court may appoint trial counsel for an injured party for the criminal investigation and, when the injured person has claims in a case in which the prosecutor has brought charges, for the criminal proceedings:

(1) in a case concerning a sexual offence referred to in chapter 20 of the Criminal Code (39/1889), unless there is a special reason for deeming this unnecessary;

(2) in a criminal case referred to in chapter 21, sections 1 – 6 and 6(a) of the Criminal Code, if this is to be deemed justified with consideration to the relationship between the injured party and the suspect in the offence;

(3) in a case concerning an offence against life, health or liberty, if this is to be deemed justified considering the seriousness of the offence, the personal circumstances of the injured person and other circumstances.

447. In other matters, the victim of an offence may be eligible for legal aid according to the Legal Aid Act. Legal aid is granted on the basis of the applicant's income, expenditures and maintenance liability, that is, their available means. The available means of the applicant determine whether the applicant is given legal aid for free or against a deductible.

448. Income consists of wages and salary, pension and per diems, as well as child allowances, maintenance support and capital income. Tax withdrawals are deducted from the income. Deductions are likewise made for reasonable housing costs, day-care charges, maintenance support payments, and the scheduled payments in enforcement or debt adjustment proceedings.

449. In addition, a deduction of EUR 300 is made for each underage child that belongs to the applicant's household.

450. Family size affects the income threshold for eligibility and the level of the deductible. The income of the spouse, domestic partner or registered partner of the applicant is taken into account in the calculation of the available means. However, legal aid is determined solely on basis of the applicant's economic standing if the applicant is being suspected of or accused of committing an offence, or if the spouses are adversaries or have separated permanently due to estrangement.

*Single person*

- legal aid for free: available means up to EUR 600
- legal aid against a deductible: available means over EUR 600 and up to EUR 1,300
- no legal aid: available means over EUR 1,300

*Spouses together*

- legal aid for free: available means up to EUR 1.100

- legal aid against a deductible: available means over EUR 1,100 and up to EUR 2,400
- no legal aid: available means over EUR 2,400.

### **6.11. Other investigation, prosecution, procedural law and protective measures**

451. The Ministry of Justice has a Working Group on Best Practices, and the goal of its work is to promote best practices taking into account the needs of the injured party in the criminal proceedings. The police have their own representatives in the working group. For example, the following issues are paid attention to:

- The evaluation of criminal proceedings from the viewpoint of the injured party paying special attention to meeting the injured party, the provision of information, guidance to support services, summoning to be heard and the implementation of protective measures. The work can be restricted to certain groups of injured parties, which have special needs,
- The mapping of best practices and training in taking into account the needs of the injured party in criminal proceedings,
- Best practices to take the needs of the injured party into account in criminal proceedings, and
- Increasing the awareness and skill of the authorities on the needs of the injured party as well as the adaptation of best practices to the practices of the authorities.

## **7. MIGRATION AND ASYLUM**

### **7.1. Autonomous resident permits**

452. Under section 54, subsection 7 of the Aliens Act, an alien who has been issued a temporary or permanent residence permit by reason of family ties may, after the end of the family ties, be issued with a residence permit on the basis of the fact that the person has close ties to Finland or that their personal situation is especially difficult because of violence directed at them or their child by the spouse during the validity of the family ties or its acceptance or abuse and refusing the permit would, taking into account the circumstances, be unreasonable. The applicant may thus be issued an extended permit even if the family ties have ended and the applicant does not yet have close ties to Finland. The permit is in this case issued on other grounds. The issuing of a permanent residence permit is also possible if its prerequisites are met.

453. The applicant may be issued with an extended permit even if the sponsor is deported (Aliens Act, section 54, subsection 7). A permanent residence permit is also possible.

454. Under section 52, subsection 1 of the Aliens Act, aliens residing in Finland are issued a continuous residence permit if refusing a residence permit would be manifestly unreasonable

with regard to their health, ties to Finland or on other compassionate grounds, particularly in consideration of the circumstances they would face in their home country or of their vulnerable situation.

455. Under section 52 a of the Aliens Act, a victim of trafficking in human beings staying in Finland is issued a temporary residence permit if: 1) the residence of the victim of trafficking in human beings in Finland is justified on account of the pre-trial investigation or court proceedings concerning trafficking in human beings; 2) the victim of trafficking in human beings is prepared to cooperate with the authorities so that those suspected of trafficking in human beings can be caught; and 3) the victim of trafficking in human beings no longer has any ties with those suspected of trafficking in human beings. The above provision relates specifically to victims of human trafficking. In other cases, an individual humanitarian reason or other ground might be used.

456. Legislation makes it possible to issue an independent residence permit. What is essential is that the residence permit process and advice is handled so that the victims obtain the necessary information about their possibilities and feel that they can tell about their experiences. A residence permit may be issued for an individual humanitarian reason (Aliens Act, section 52) or to a victim of human trafficking (Aliens Act, section 52 a).

457. There are no separate statistics on said grounds as they are under other reasons. However, we are dealing with a few applications a year at the most. In 2017, there were two decisions on the first residence permits for victims of human trafficking and there were 19 decisions on extended residence permits. Decisions on victims of human trafficking do not usually relate to violence against women.

458. The Finnish Immigration Service cooperates with different NGOs. For example, the Finnish League for Human Rights trained the Finnish Immigration Service in the autumn of 2017 on honour violence and it also arranged training on the circumcision of women. The reception units regularly meet with different NGOs. The reception units have independent cooperation with the NGOs in their area, purchase professional service provided by the NGOs, where necessary (for example some shelters), guide their clients to professional services arranged by the NGOs and utilise material produced by the NGOs (for example, Serene operations to promote mental health work among refugees).

459. The Finnish Bar Association has stated that spouses have the right to demand a separate asylum decision for their asylum case. In that case, the other spouse will not get the information about the other spouse's interview information. This requires a confidential way of communication directly between the decision-making body or a legal counsel. Usually the legal assistant is needed but not always ensured nowadays. There will thus remain cases in which the autonomous residence permit will not be granted, for example, when the wife is not heard properly in the case due to missing language skills or the lack of legal assistance.

## **7.2. Asylum application based on gender**

460. Under section 87 a, subsection 2, paragraph 6 of the Aliens Act, an act considered to be persecution may by its nature be gender-specific or child-specific.

461. The senior advisers of the asylum unit are trained and instructed to take into account the special situation of women in the process. The training is based especially on training provided by the European Asylum Support Office (EASO).

462. The statistics of the Finnish Immigration Service do not indicate the basis for applying for or granting asylum. In 2015, a total of 5,998 women applied for asylum. 316 of them were granted asylum and 70 received subsidiary protection. In 2015, 188 girls applied for asylum and 5 of them were granted asylum and 7 received subsidiary protection. In 2016, the total number of female asylum seekers was 1,949. Of them, 1,445 women were granted asylum, and subsidiary protection was granted to 557 women. The total number of girls applying for asylum was 123, and 35 of them were granted asylum, and 40 girls were granted subsidiary protection.

463. The Finnish Immigration Service does not keep statistics on violence against women, nor has it done any research relating to the topic.

464. The Finnish Bar Association is of a view that the gender perspective is not ensured and that there are no specific means to ensure it. If proper legal assistance is granted, the legal counsel can try to ensure the gender-sensitive interpretation. The Convention status seems to be granted only at random. No proper free legal aid is granted anymore before the first decision of the Finnish Immigration Service because asylum seekers may no longer choose their legal representative themselves if they are not able to pay for services.

## **7.3. Gender-sensitive asylum procedures and guidelines**

465. In the immigration unit of the Finnish Immigration Service, the combating and prevention of violence towards women and domestic violence is especially concentrated in situations observed in the residence permit application process. The applicant or the sponsor may tell about domestic violence during the residence permit process or possibly thereafter. Contacts from other authorities or denunciations by outsiders are also possible.

466. The Convention is taken into account in the residence permit process and decision-making. Violence against women can be combated and prevented both by granting the victim a residence permit independently from the residence permit of the family member guilty of violence and by taking into account the residence-permit issue of the possible sponsor and his or her possible deportation. When writing the decision granting a residence permit, the aim is to take into account difficult family situations and it is not mentioned as the basis of a negative decision that the sponsor does not want the person to come to Finland.

467. The Finnish Immigration Service has tried to promote the independent participation of women in the residence-permit process by means of a campaign called “The Turn of Women”. Women are encouraged to act as independently as possible irrespective of their language skills. The situation is taken into account when receiving the application for a residence permit, and a

marking may be made if there is something unusual in the situation and possible violence can, where necessary, be clarified by means of an oral interview, which is arranged so that the spouse is not present.

468. The operating areas of the Finnish Immigration Service also include not only violence towards women and family violence but also phenomena related to honour violence or violence based on cultural reasons and forced marriages. The Finnish Immigration Service considers the guidance given at its service locations and telephone service significant in the combating and preventing violence because immigrant women victims are not necessarily aware of their own rights and are too afraid to tell about their experiences.

469. Since 2015, the asylum unit has had an internal guideline on the circumcision of women and girls, and forced marriages have been under discussion. The asylum unit has an expert in human trafficking and a senior adviser specialised in vulnerable groups. The asylum unit is part of the network of the Finnish League for Human Rights against the circumcision of women and honour violence.

470. The development work of the reception unit has taken into account "Women, peace and security – the National Action Plan of Finland 2012-2016", where the aim is to promote operations to assist the victims of human trafficking, women and girls in danger of victimisation or repeat victimisation and to protect them from violence and human trafficking. The reception centres have direct cooperation with the system assisting the victims of human trafficking, and instructions relating to the topic are drafted in cooperation with the reception unit to be used in the reception centres.

471. When providing reception services, human rights of the clients are in the centre of the work, and all the reception centres have committed themselves to equality. When reception services are given, special attention is paid to the special needs of those who are in a vulnerable situation, and these needs are clarified individually within a reasonable period after their arrival. The reception centres employ professionals in social-welfare and health services, who are responsible for the clarification of the service needs of the clients and the provision of support services. The staff aims at identifying the forms of violence defined in the Convention and to safeguard the security and empowerment of the victim with suitable accommodation and social-welfare and health-care services.

472. In 2016-2017, the Joutseno reception centre operated a Hapke 3 project, the aim of which was to concentrate on preventive operating methods and to promote the ability of reception centres to support the well-being, health and functional ability of women who had experienced violence and abuse. The material of the project was available to all centres, and it has been integrated into the work of the centres.

473. In 2017, the Oulu reception centre started a Security, TURVA, project, the aim of which is to promote the awareness of asylum seekers of basic and human rights. In addition, in 2018 the director of the Oulu reception centre started a clarification concentrating on the family concept and partner relationships of asylum seekers and their problems and on the ways of assistance that have been experienced as functional and on what types of intervention should be developed.



474. The identification of the special needs of the clients has been made part of the initial meetings at the reception centres. The identification of special needs continues through the customership, and the services of the client are based thereon. The Hapke 3 project was born from development needs observed at the reception centres relating to the special needs of those in a vulnerable position as well as the observance of age and gender when arranging accommodation. During the project, the security walking model of the National Council of Crime Prevention has been modified to suit the surroundings of reception centres and group activities, and women's discussion groups relating to the theme have been created. In addition, the project has adapted the model of psychological first aid (PEA) suitable for reception centres and produced a service trail for victims of human trafficking at the reception centres in cooperation with the system helping victims of human trafficking. The project has also adapted the acute assistance file of the National Institute for Health and Welfare for rape victims (the VOKRAP file) and translated the client manual on the topic into several languages.

475. The reception centre has committed itself to the target of Finland (The National Action Plan of the Ministry for Foreign Affairs "Women, Peace and Security") to prevent human trafficking, sexual and other violence against women as well as to support victims of crime.

476. The reception centre has, in cooperation with the asylum unit, developed instructions to identify the victims of genital mutilation and forced marriages and those in danger thereof as well as on interventions. The reception centre has worked on this theme in cooperation with the National Institute for Health and Welfare, the Ministry of Social Affairs and Health and the office of the Ombudsman for Children. Internal instructions have been compiled on the genital mutilation of women and children.

477. Attention to the above instructions, training and general discussion and gender sensitivity in the asylum process is being processed.

478. The Finnish Bar Association is of a view that legal assistance should be granted to all asylum seekers equally, so that women could freely choose their legal counsel. An independent legal counsel is the key element in ensuring the proper gender-sensitive handling of cases concerning especially gender-sensitive issues. It has to be ensured that the assisting is specialized and done in culturally sensitive ways to ensure the correct decision-making, which requires assisting by a refugee specialist. A specialist can help throughout the whole process and ensure that asylum interview is conducted by a female interpreter, if necessary. The asylum seekers are not in a position to ensure these matters by themselves due to several reasons. Gender guidelines should be valued and followed strictly by the decision-makers and there should be specific guidelines for the asylum procedures, which should also be made visible and transparent so that they would be followed. The right to choose a specialized lawyer should be made possible to ensure the right to choose, for example, the sex of the assistant.

#### **7.4. Prohibition of refoulement**

479. The prohibition of refoulement referred to in section 147 of the Aliens Act relates to both men and women. If it is apparent that a woman's life or health is in danger in the homeland, she shall not be returned to her homeland. If an application for international protection is

denied, the applicant may, nevertheless, be issued a residence permit on another basis, if necessary.

480. The Finnish Immigration Service handles and decides asylum applications. Each application for international protection is handled individually. In connection with clarifying asylum, the grounds for persecution are also determined. In connection with the asylum procedure, the granting of the right of residence on other grounds that emerge is also studied and decided. The Finnish Immigration Service takes into account the facts that emerge during the asylum procedure when considering the issuing with a residence permit on the basis of international protection, the prevention of deportation and an individual humanitarian ground or victimization by human trafficking.

481. A woman (or a man) whose asylum application has been denied and who has not been issued with a residence permit for Finland on any other ground, is given a deportation decision and she or he is removed from the country. The Police do not separately assess whether the person is threatened by persecution; this is done by the Finnish Immigration Service when assessing the asylum application. The decisions of Migri may be appealed to various instances: to an Administrative Court and the Supreme Administrative Court.

482. When returning the person, the Police take into account the absolute reason of the Constitution prohibiting return. "A foreigner shall not be deported, extradited or returned to another country if in consequence he or she is in danger of a death sentence, torture or other treatment violating human rights." The consideration relating to this is done by the Finnish Immigration Service in connection with the assessment of the person's asylum application.

483. According to the Finnish Bar Association, the appeal procedures are used as in other asylum cases too. According to the law, in the appeal process an asylum seeker has the right to choose his/her lawyer. However, in cases where the applicant is granted free legal aid paid by the state, the reduction in attorneys' fees paid has reduced the number of lawyers who work properly.

## **7.5. Other measures**

484. Section 2 includes in more detail various strategies and programmes which can, from the perspective of the Finnish Immigration Service, be used to combat violence against immigrant women. What is essential is that the victims are informed of their rights and have the courage to tell about their experiences so that helping them is possible. This must also be observed in all advice.

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