

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

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

**Comments submitted by Finland
on GREVIO's final report on the implementation
of the Council of Europe Convention
on preventing and combating violence
against women and domestic violence
(Baseline Report)**

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Final comments of the Government of Finland
on the final report on legislative and other measures
giving effect to the provisions of the Council of Europe Convention on
Action against Violence against Women and Domestic Violence in Finland,
as approved by GREVIO
(first (baseline) evaluation procedure)

The Government of Finland acknowledges the receipt of the final report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Action against Violence against Women and Domestic Violence (Istanbul Convention) in Finland, as approved by GREVIO (Group of Experts on Action against Violence against Women and Domestic Violence) (first (baseline) evaluation procedure), which was adopted by GREVIO at its 17th meeting, held on 22 to 23 May 2019.

Having regard to Rule 44, paragraph 3 of GREVIO's Rules of Procedure, the Government has been invited to submit any final comments on the report.

In this connection, the Government wishes to note that it has also been requested to provide comments on the draft version of the report approved by GREVIO at its 16th meeting, held on 5 to 6 February 2019.

Following the aforementioned invitation by GREVIO, the Government acknowledges the report and the proposals and suggestions there in, which will be carefully examined. The Government would like to express its appreciation to GREVIO as well as the Secretariat for their work in conducting the first evaluation procedure concerning Finland. The Government appreciates the dialogue that it has been able to engage in with GREVIO and the spirit of openness and cooperation during the evaluation.

The Government would like to inform that the Programme of the new Government was submitted to Parliament on 6 June 2019.¹ The implementation of the Istanbul Convention is strongly promoted in the Programme. According to the Programme, *inter alia*, Finland will support, strengthen and develop international law and a multilateral treaty system and it is important that the implementation and supervision of international human rights agreements be promoted and strengthened, including the Istanbul Convention.

Moreover, according to the Programme, *inter alia*, the EU will step up its work to counter all violence against women.

¹ <http://julkaisut.valtioneuvosto.fi/handle/10024/161664>

Furthermore, according to the Programme, *inter alia*, the availability of shelter services for victims of domestic violence and intimate partner violence will be raised to the level provided in the Istanbul Convention.

In addition, according to the Programme, *inter alia*, the Government will draw up an action plan for combating violence against women. The action plan will bring the support services for victims, the number of places in shelters, and the resources allocated to shelters into line with the level required by the Council of Europe. The Government will establish a post for an independent rapporteur on violence against women and ensure the implementation of the Istanbul Convention. Violence against men will also be prevented in all its forms.

The Government would now like to submit the following **final comments** on the final report. These comments are made in a chronological order.

Paragraph 108: The Government wishes to specify that, more precisely, all seven Girls' Houses are now engaged in sexual violence work (in the cities of Helsinki, Espoo, Turku, Tampere, Kuopio, Oulu and Rovaniemi)

Paragraph 116: The Government would like to recall its comments on the draft report and wishes to clarify, with regard to timely transport to shelters, that all the shelters have the possibility to pay client's travel costs to the shelter if necessary.

With regard to sanitary facilities, the Government wishes to clarify, moreover, that most of the shelters have one or more family places with good accessibility for clients with special needs.

Also with regard to personal disability assistants, the Government wishes to clarify that all the shelters admit personal disability assistants.

Paragraphs 118 and 119: The Government wishes to clarify that, more precisely, the national telephone helpline on domestic violence and violence against women (Nollalinja) is available in Finnish, English and Swedish and it offers support and referrals to specialist services by *trained social and health care professionals*. Moreover, the National Institute for Health and Welfare continuously advertises Nollalinja for women.

Paragraph 166: The Government wishes to specify that, more precisely, provisions on sexual abuse and rape (and on their aggravated forms) can be, and are also in practice, applied simultaneously. The fact that rape is targeted at a child aggravates the sentence with the effect that in addition to rape, the perpetrator is sentenced for sexual abuse of a child. Furthermore, a provision on "aggravated rape of a child" has been added to chapter 20, section 7b of the Criminal Code, including acts where perpetrators were earlier sentenced for aggravated abuse of a child and aggravated rape. Consequently, if rape is targeted at an 11-year-old child, for example, the perpetrator will be sentenced both for aggravated sexual abuse of a child and rape. If the act also fulfils the elements of aggravated rape, the perpetrator will be sentenced for aggravated rape of a child. The penal provision to be applied depends both on the severity of the act and on the child's age and the perpetrator's relationship to the child.

Paragraph 196: The Government wishes to inform that the basic training for police officers covers broadly theoretical information and practical training on how to act when responding to emergency calls for domestic violence. Even though first responder police officers do not have the right of arrest or the right to issue an emergency barring order, this can be dealt with quickly by contacting a commanding officer with the right of arrest. Every police officer also has the right of apprehension when this is justified.

Paragraph 200: The Government wishes to inform that, indeed, Police National Police Board submitted a report to the Ministry of the Interior concerning the information, which was based on a newspaper article. The Government wishes to inform, moreover, that statistics had been requested on rape clearance rates broken down by municipalities and not by police departments whereas what is relevant in examining statistics, is not municipalities but rather departments. Moreover, the article examines statistics on cases that have been reported and solved during the same year. However, the cases are not always the same ones but may be cases reported in different years. In any case, clearance rates of all offences vary between years and departments but the National Police Board seeks to harmonise actions on the national level through its monitoring.

Paragraph 202: The Government wishes to inform that intimate partner violence is comprehensively addressed in training for police officers, and the National Police Board has issued instructions on the referral of victims to assistance. The Police are obligated to refer victims to assistance. Victim Support Finland (RIKU) has the main responsibility for providing assistance but actors specialised in women who have experienced intimate partner violence are also used on the local level. The Police are engaged in active cooperation with health and social authorities, and several municipalities also use the MARAC cooperation model (Multi-Agency Risk Assessment Conference).

Paragraph 218 and 219: The Government wishes to recall its comments on the draft report and to emphasize that according to Article 52 of the Convention, in situations of immediate danger, it must be possible to order a perpetrator of domestic violence to vacate the residence of the victim or person at risk. In Finland, a restraining order may be imposed regardless of residence circumstances, but these circumstances determine which provisions are applied. The preconditions for imposing an inside-the-family restraining order are stricter than those for imposing a basic restraining order. According to the justification for Section 1(2) of the Act on Restraining Orders concerning inside-the-family restraining orders, provisions on the inside-the-family restraining order shall not be applied, for example, in a case where one involved party has another residence and he or she stays only part-time at the other involved party's residence, for example as a partner. Neither do the provisions apply if the person temporarily or occasionally stays at the other party's residence (Government Proposal HE 144/2003, p. 29) Consequently, these situations do not relate to the victim's residence as required in Article 52. On the other hand, according to the Finnish legislation, an inside-the-family restraining order may be imposed regardless of the ownership of the residence. According to the instructions of the police on restraining orders (POL-2018-26808), the premise is that inside-the-family restraining orders are used to intervene in the actions of the party on whom the order is imposed and the party to be protected may stay in the residence regardless of its ownership. Any problems the person subject to the order may have with finding a temporary residence may not diminish the rights of the party to be protected through the order (p. 6). Consequently, the provisions on the inside-the-family restraining order comply with the Article's requirements.

Moreover, recalling its comments on the draft report, the Government wishes to reiterate that Article 52 of the Istanbul Convention imposes an obligation on the parties to ensure that competent authorities are granted the power to order, in situations of immediate danger, a perpetrator of domestic violence to vacate the residence of the victim or person at risk for a sufficient period of time. Paragraph 264 of the explanatory report states that the "sufficient period of time" was left to the parties to decide. According to the explanatory report, the duration of orders in Council of Europe member states ranges between ten days and four weeks, with or without the possibility of renewal. The duration of the inside-the-family restraining orders applied in Finland fulfils the requirements of the Article as they may be imposed for a maximum of three months and are extendable, if necessary.

Paragraph 227: The Government wishes to clarify that in practice, it appears, many injured parties choose a private attorney in a situation where the party is entitled to a trial counsel funded from state resources under the Criminal Procedure Act.

Paragraph 232: The Government wishes to specify that in Finland, pool of Public Legal Aid Service lawyers could be read either referring to all lawyers providing legal aid (pool of lawyers who provide legal aid) or to only public legal counsels (Public Legal Aid Attorneys).

Paragraph 234: The Government would like to recall its comments on the draft report and wishes to inform that legal aid funded from public resources for adult asylum seekers does not currently cover the counsel's attendance at an asylum interview referred to in section 97a of the Aliens Act, unless this is necessary for particularly serious reasons. According to the new Government Programme referred to above, the legal protection of asylum seekers will be strengthened by increasing the possibility of using a counsel at asylum interviews.

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