

# **Committee of the Parties**



## **Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)**

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### **Recommendation on the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence by Finland**

IC-CP/Inf(2020)3

Adopted on 30 January 2020

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The Committee of the Parties to the Convention on Preventing and Combating Violence against Women and Domestic Violence (hereinafter referred to as “the Convention”), acting under the terms of Article 68(12) of the Convention;

Having regard to the purposes of the Convention to protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence; to contribute to the elimination of all forms of discrimination against women and promote substantive equality between women and men, including by empowering women; to design a comprehensive framework, policies and measures for the protection of and assistance to all victims of violence against women and domestic violence; to promote international co-operation with a view to eliminating violence against women and domestic violence; and to provide support and assistance to organisations and law enforcement agencies to effectively co-operate in order to adopt an integrated approach to eliminating violence against women and domestic violence;

Bearing in mind the provisions of Article 66 (1) of the Convention concerning the monitoring role of the Group of Experts on Action against Violence against Women and Domestic Violence (hereinafter referred to as “GREVIO”);

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by Finland on 17 April 2015;

Having examined the Baseline Evaluation Report concerning the implementation of the Convention by Finland adopted by GREVIO at its 17<sup>th</sup> meeting (22-23 May 2019), as well as the comments of the Government received on 28 June 2019;

Considering the overarching priorities set out in Chapter I of the Convention (purposes and scope of the Convention, definitions, equality and non-discrimination, due diligence and gender-sensitive policies);

Bearing in mind the primordial importance of the provisions set out in Chapter II of the Convention, in particular the obligations to (1) ensure a holistic response to violence against women by devising a set of comprehensive and co-ordinated policies implemented by way of effective multi-agency co-operation; (2) institutionalise and fully mandate one or more co-ordinating bodies as required by Article 10 of the Convention; (3) adequately resource policies, measures and mandates introduced to prevent and combat all forms of violence against women, including government and non-governmental specialist support services; and (4) to collect relevant statistical data disaggregated, at a minimum, by sex, age, type of violence, relationship of the perpetrator to the victim and geographic location;

Welcoming the measures taken by the Finnish authorities in implementing the Convention and noting in particular:

- the numerous past and current initiatives taken in the prevention and combating of violence against women which is clearly framed as a human rights violation;
- the long history in promoting the equality between women and men and the various national action plans and policy documents to this extent;
- the adoption of the Action Plan for the Istanbul Convention (2018-2021) demonstrating the authorities' clear political will and leadership to implement the convention to the fullest;
- the overall effort to carry out studies and research on specific aspects of the Istanbul Convention and in relation to different groups of victims, which are often conducted and/or commissioned by public entities;
- the progress made in increasing the funding allocated to and the provision of services for all women victims of violence, in particular through the setting up of sexual violence referral centres (SERI) and the amendments to the Act on State Compensation to Providers of Shelter Services in order to ensure the funding of domestic violence shelters through compensation by the central government;

- the creation and funding of the national telephone helpline on domestic violence and violence against women (Nollalinja);
- the measures, such as the internal guidelines on identifying FGM-related risks, which seek to enable Finnish asylum case managers to identify and assess gender-related risk factors of persecution and to help women disclose relevant information.

A. Recommends, in light of the considerations indicated in the preamble above, that the Government of Finland take the following measures identified in GREVIO's Baseline Evaluation Report<sup>1</sup> for immediate action to:

1. enhance the application of a gendered perspective in the implementation of the Istanbul Convention, including its provisions in relation to domestic violence (paragraph 5);
2. take measures to ensure that the provisions of the Istanbul Convention are implemented without discrimination on any of the grounds listed in Article 4, paragraph 3, including by improving the regional accessibility of shelters as indicated in the Action Plan for the Istanbul Convention (paragraph 14);
3. develop, on the basis of the existing NAPs and the lessons learnt therefrom, a long-term co-ordinated plan/strategy placing the rights of victims at the centre of all measures to implement the Istanbul Convention in its entirety, giving due importance to all forms of violence against women (paragraph 22);
4. ensure appropriate human and financial resources for any policies, measures and legislation aimed at preventing and combating violence against women and for the institutions and entities mandated with their implementation (paragraph 28);
5. further recognise, encourage and support co-operation with all non-governmental actors involved in preventing and combating violence against women to ensure their participation in the design of policies and programmes, in particular national action plans and the provision of services, counselling, advocacy and awareness raising (paragraph 31);
6. assign the role of co-ordinating body to fully institutionalised entities, equip these with clear mandates, powers and competences and allocate the necessary human and financial resources to these entities in order to guarantee the effective independent evaluation of national policies to prevent and combat violence against women (paragraph 35);
7. develop data categories for mandatory use by the law-enforcement agencies and the judiciary on the type of relationship between the perpetrator and the victim, in order to document the nature of their relationship more specifically. Additional elements such as the gender and age of victim and perpetrator, type of violence and geographical location must also be recorded (paragraph 40);
8. introduce systematic and mandatory initial and in-service training on all forms of violence covered by the Istanbul Convention for all law-enforcement officers and prosecutors (paragraph 72);
9. take the necessary measures, including legislative amendments, to ensure that courts are under the obligation to consider all issues related to violence against women when determining custody and visitation rights, while ensuring the recognition of witnessing violence against a close person as jeopardising the best interest of the child, and restricting

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<sup>1</sup> The number of the paragraph setting out the GREVIO's proposals and suggestions in the report is indicated in brackets.

custody and visitation rights where this is warranted to guarantee the safety and best interest of the child (paragraph 150);

10. introduce clear protocols and guidelines on mediation in domestic violence cases with a view to ensuring that all law-enforcement and prosecution staff are aware that mediation is prohibited in cases of repeated violence, while safeguarding that all offers of mediation are accepted entirely voluntarily and that they do not result in the discontinuation of criminal investigation and prosecution in violence against women cases; and to reconsider the power vested in the police to propose mediation as a criminal justice measure in domestic violence cases which might jeopardise the effectiveness of criminal investigations (paragraph 193);
  11. equip all relevant law-enforcement authorities with the resources, knowledge and powers to respond promptly and appropriately to all forms of violence covered by the Istanbul Convention, in particular by raising the number of female police officers and equipping police with the mandate to refer victims of violence against women and domestic violence to specialist women's support services in order to ensure the provision of adequate support (paragraph 203);
  12. to assess the level of implementation of the Act on Restraining Orders with a view to identifying and remedying any obstacles in the letter of the law or in its practical implementation (paragraph 225);
  13. ensure that fear of deportation from Finland, with or without their children, may not prevent migrant women from leaving abusive spouses/partners, by informing newly arrived migrant women of the possibility of obtaining an independent residence permit after leaving an abusive relationship, and ensuring capacity building for immigration officials to increase their understanding of the trauma this may cause (paragraph 241); and to remove excessively high evidential barriers for applications for extended residence permits such as the requirement of a criminal conviction to prove the abuse (paragraph 242);
- B. Requests the Government of Finland to report to the Committee of the Parties on the measures taken to improve the implementation of the Convention in the above-mentioned areas by 30 January 2023.
- C. Recommends that the Government of Finland take measures to implement the further conclusions of GREVIO's Baseline Evaluation Report.