

# **Fem-R's Shadow Report to the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) regarding Finland's implementation of the Istanbul Convention**

*April 2023*

Fem-R is a feminist and anti-racist civil society organisation that aims to increase the voices of racialised people in Finnish society and build equal and safer Finland for all people. Fem-R provides a platform for racialised people to interact, participate, advocate and network in Finland. The organisation is run by racialised people for racialised people and all of its activities and actions are based on the principles of safer space, intersectional feminism and anti-racism. Fem-R adds a feminist and anti-racist viewpoint to the Finnish discourse where racialised people are often treated as subjects rather than as agents.

## Introduction

As an intersectional anti-racist non-governmental organisation, Fem-R's submission focuses on migrant women as they are especially vulnerable in sexual assault and domestic violence cases and often do not receive adequate assistance. According to EU-wide surveys, women from migrant backgrounds experience violence at higher rates than other women.<sup>1</sup> Approximately one fourth of women in Finnish shelters are from migrant backgrounds<sup>2</sup>—a percentage that grows to one third in the Helsinki region—<sup>3</sup>which is disproportionate to their presence in the general population.<sup>4</sup> Migrant women's high numbers and increased vulnerability makes ensuring specialised services for migrant women especially important.

## I. Fundamental rights, equality and non-discrimination

While Finland notes that it provides the Nollalinja helpline services in nine different languages,<sup>5</sup> that accessibility does not extend to the more extensive services provided by shelters to victims of domestic violence. In terms of shelters' accessibility, Finland notes that the specialised needs of women with disabilities and Roma women are taken into consideration.<sup>6</sup> Nevertheless, Fem-R considers Finland's measures to help migrant women suffering from domestic violence to be inadequate as no special measures are consistently created for them.

Finland has also come under criticism for not having enough shelters. Fem-R notes that there is only one shelter specialised in helping women from migrant backgrounds.<sup>7</sup> Not only are migrant women in need of protection from discrimination in receiving services; they are often in need of special assistance that takes into consideration their particular vulnerability.<sup>8</sup> Not providing specialised assistance to an especially vulnerable group amounts to a form of discrimination in light of Articles 4 and 12 as services are not actually available as required by the Istanbul Convention.<sup>9</sup>

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<sup>1</sup> EU Fundamental Rights Agency, *Violence against women: an EU-wide survey. Main results*, 2014, available at <https://fra.europa.eu/en/publication/2014/violence-against-women-eu-wide-survey-main-results-report>.

<sup>2</sup> "Tilastoraportti 20/2022. Turvakotipalvelut 2021." While Finland does not track the immigration or residence status of women in shelters and instead only records the mother tongue of the women in shelters, 26 percent of women in shelters in 2022 spoke a language other than Finnish, Swedish or Sámi as their mother tongue. The most common mother tongue was Arabic, which was spoken by six percent of women.

<sup>3</sup> <https://yle.fi/a/3-10602765>

<sup>4</sup> Tilastokeskus. "Maahanmuuttajat väestössä," available at <https://www.stat.fi/tup/maahanmuutto/maahanmuuttajat-vaestossa.html>. According to official statistics, 8.5 percent of those living in Finland are from migrant backgrounds (meaning that both their parents or their only known parent was born abroad).

<sup>5</sup> "Report by the Government of Finland on the implementation of recommendations addressed to state parties by the Committee of the Parties," Council of Europe, Feb. 2023, p. 4.

<sup>6</sup> Ibid., p. 3-4.

<sup>7</sup> Turvakoti Mona. More information available at <https://monikanaiset.fi/turvakoti-mona/>.

<sup>8</sup> The Finnish government recognised this in earlier guidelines for those working with migrant women experiencing domestic violence. See *Maahanmuuttajanaiset ja väkivalta: Opas sosiaali- ja terveystieteiden tutkimuskeskukseen*, Sosiaali- ja terveystieteiden ministeriön oppaia 2005:15, available at <https://julkaisut.valtioneuvosto.fi/handle/10024/74349>.

<sup>9</sup> The Istanbul Convention's Article 4.4 also explicitly approves of positive action measures: "Special measures that are necessary to prevent and protect women from gender-based violence shall not be considered discrimination under the terms of this Convention." Article 12.3 reads as follows: "Any measures taken pursuant to this chapter shall take into account and address the specific needs of persons made vulnerable by particular circumstances and shall place the human rights of all victims at their centre." We consider this to apply to the special needs of migrant women.

The main accessibility barrier for migrant women in shelters is linguistic accessibility. Concretely, this would mean providing increased funding for shelters to use interpreters as needed. NGOs have expressed that current funding for NGOs is inadequate and inconsistent, creating unnecessary uncertainty in organising operations in general and making having interpreters challenging.<sup>10</sup> Migrant women should be able to rely on support personnel to fully understand their accounts of events. Migrant women also need to be able to receive information about services available to them in a language they feel comfortable using. This is especially crucial since many migrant women are prevented from acquiring the necessary knowledge about Finnish society and social services by their partners.

Fem-R would also like to draw attention to Finland citing intersectionality as a guiding principle in its Action Plan 2022-2025 without establishing concrete measures to implement it.<sup>11</sup> This reflects the general lack of understanding of intersectionality as a policy principle in Finland. While intersectionality should be mainstreamed more broadly, it should also be concretised in terms of actions to be taken.

### **III. Financial resources**

Recent governmental developments are especially worrying for NGO support services' continued operation and expansion. GREVIO notes as a positive development that the funding for shelters now comes from the central government rather than municipalities.<sup>12</sup> While this suggests that funding would be more consistently available, Fem-R notes that the election of a majority-conservative government in the parliamentary elections on April 2, 2023 represents a negative development for women's rights and is likely to result in funding not being increased as hoped for by NGOs. The new government therefore represents a threat to the implementation of important measures to protect migrant women from domestic violence by not making available necessary funding. There is therefore an increased need for international attention to Finland by the Council of Europe and other international organisations regarding the provision of support services for migrant women experiencing domestic violence and other forms of gendered violence.

## **II. Comprehensive and co-ordinated policies implemented under the responsibility of an adequately mandated and resourced co-ordinating body**

While efforts to curb domestic violence affecting migrant women mostly assume that their partner is also from a migrant background, it should be noted that migrant women are also at risk of experiencing domestic violence from their Finnish partners. In 45 percent of cases of domestic violence against migrant women, the perpetrator was Finnish.<sup>13</sup> Finland's cultural

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<sup>10</sup> Based on Fem-R's experiences and conversations with other NGOs.

<sup>11</sup> Committee for combating violence against women and domestic violence (NAPE), "Action Plan for the Istanbul Convention 2022-2025," Ministry of Social Affairs and Health, available at <https://julkaisut.valtioneuvosto.fi/handle/10024/164242>.

<sup>12</sup> GREVIO, "Baseline report on Finland," Council of Europe, p. 33-34.

<sup>13</sup> *Maahanmuuttajanaiset ja väkivalta: Opas sosiaali- ja terveysalan auttamistyöhön*, Sosiaali- ja terveysministeriön oppaita 2005:15, p. 25, available at <https://julkaisut.valtioneuvosto.fi/handle/10024/74349>.

problem of violence against women<sup>14</sup> therefore also affects the migrant women who marry or are in intimate relationships with Finnish men.

In abusive intimate relationships with Finnish partners, migrant women's vulnerability can also be heightened. Finnish partners are in a position of greater power in relation to migrant women as they are more knowledgeable about Finnish society, legislation and available forms of assistance; they can therefore misrepresent or omit information about services available to migrant women. Migrant women can therefore be even more isolated from the rest of society in abusive relationships with Finnish men than in relationships with migrant men. It is therefore crucial that domestic violence is not conceptualised as a problem only affecting the migrant community—as in, migrant women in relationships with migrant men—but also as a problem of Finnish society at large, affecting migrant women.

Similarly, Fem-R welcomes efforts addressing perpetrator behaviour but notes with concern the increased focus in media on violence perpetrated by women,<sup>15</sup> which obscures the gendered nature of violence. The increased focus on violence perpetrated by women can be used to distract from the fact that, as of 2020, men remained the perpetrators in 81 percent of the cases.<sup>16</sup> Finland should, in all awareness-raising efforts, accurately represent the gendered nature of violence as women overwhelmingly remain the victims of intimate partner violence.

## VIII. Emergency barring, restraining or protection orders

NGOs specialised in migrant issues have noted the lack of practical implementation on the right of migrant women to receive an autonomous residence permit when subjected to domestic violence under the Finnish Aliens Act.<sup>17</sup> The Finnish Immigration Service (Migri) officials seem to often apply incorrect requirements for evidence provided as part of an independent resident permit application related to domestic violence. The Aliens Act allows the victim to provide documentation apart from police reports or legal documents as proof of domestic violence, but Migri officials in practice often do not find this to be sufficient for granting a residence permit. Unreasonable evidentiary demands create a major barrier for migrant women's applications, which can cause them to stay in abusive relationships for the fear of being deported.<sup>18</sup>

There is also a need for additional information about the possibility of applying for an independent residence permit based on experiencing domestic violence. Migrant women are

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<sup>14</sup> See, for example, Salla Kivelä, *Documentation of Family Violence and in Healthcare and the Associations of Violence on Well-Being*, 2020, available at <https://trepo.tuni.fi/handle/10024/118932>. According to the comprehensive study, Finland is the second most violent country in Europe when it comes to domestic violence against women. According to the latest official statistics from 2021, 34 percent of women had experienced violence or threats of violence in an intimate relationship. See "Parisuhdeväkivallan kokemukset yleisiä Suomessa: 'Sukupuolistunut väkivalta ja lähisuhdeväkivalta Suomessa 2021 -tutkimusten ennakkotuloksia,'" available at [https://www.stat.fi/media/uploads/sukupuolistunut\\_vakivalta\\_teemasivu/parisuhdevakivallan\\_kokemukset\\_yleisia\\_suomessa.pdf](https://www.stat.fi/media/uploads/sukupuolistunut_vakivalta_teemasivu/parisuhdevakivallan_kokemukset_yleisia_suomessa.pdf).

<sup>15</sup> For an example of a news article in *Helsingin Sanomat*, see <https://www.hs.fi/kotimaa/art-2000008575140.html>.

<sup>16</sup> Tilastokeskus, "Tietoon tulleet alaikäisiin kohdistuneet perheväkivaltatapaukset vähenivät 14 prosenttia," June 2021, [https://tilastokeskus.fi/til/rpk/2020/15/rpk\\_2020\\_15\\_2021-06-01\\_tie\\_001\\_fi.html](https://tilastokeskus.fi/til/rpk/2020/15/rpk_2020_15_2021-06-01_tie_001_fi.html).

<sup>17</sup> Article 54, sub-section 7, added in August 2015.

<sup>18</sup> GREVIO, "Baseline report on Finland," p. 57. GREVIO notes that MIGRI requires "robust evidence of abuse suffered, such as police records or criminal convictions"

often prevented from seeking this help by their isolation from Finnish society by their abusers; lack of knowledge about Finnish social services, which can also be controlled by their partner or their partner's families; and women's fear of being deported without their children, which can be heightened if their partner is Finnish. This information should be provided not only when first applying for a residence permit but also during any subsequent applications.

While Finland notes that Finnish Immigration Service has been provided some training related to interviewing vulnerable persons, including victims of domestic violence,<sup>19</sup> Fem-R recommends more training for officials along with increased internal oversight. Migrant women are often afraid of initiating a claim against their partners who can be influential in affecting Migri decisions by cutting off the relationship by initiating a divorce, terminating a woman's right to a residence permit by the reason of family ties. Fem-R finds a more context-driven assessment of an independent residence permit to be a precondition of women's human rights being respected also during the residence permit application process.

## Recommendations

- Incorporate an intersectional approach to the provision of all support services for victims of domestic violence through implementable, concrete measures.
- Provide more comprehensive information and repeated opportunities for assuming information about domestic violence-related services and other forms of gendered during the integration process and other services provided to migrant women.
- Provide funding for increased interpretation services in shelters and other support services.
- Ensure consistent funding for NGOs providing services for women experiencing domestic violence, such as shelters, allowing for predictability in operations.
- Establish clear guidelines for Finnish Immigration Service officials on evidence in cases of domestic violence, including emphasis on their requirement to follow international standards and enforce human rights in assessing women's independent residence applications based on a specific reason. Also provide increased training on the trauma experienced by migrant women regarding gendered violence and its effects on their behaviour in application processes (including ability to disclose past trauma) and the potential trauma of being separated from their children as a result of deportation. These same measures should apply to asylum application processes.
- Providing professional, female interpreters during Migri interviews, which should be conducted without any relatives present. Women should also be given adequate time to prepare with the assistance of competent legal aid professionals.

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<sup>19</sup> Finland's report on the Istanbul Convention, p. 26.