

NGO Parallel Report on the Implementation of the Istanbul Convention in Finland

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The report has been compiled in co-operation between several NGOs:

The Family Federation of Finland
The Federation of Mother and Child Homes and Shelters
The Finnish Association of People with Physical Disabilities
The Finnish League for Human Rights
The Finnish National Violence Observatory

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The provision of services in the third sector is very diverse, cooperation is close, and the parties involved in the report presented very rewarding and diverse observations. Although there are organisation-specific differences in the observations and views, in this report we have combined the findings of the parties involved, while bearing in mind the requirements of the Istanbul Convention and the recommendations made to Finland by GREVIO in its country report.

1 Enhancing the application of a gendered perspective

Finland is committed to complying with the Council of Europe Convention on preventing and combating violence against women and domestic violence. However, violence against women remains a major human rights problem, with major implications for both the individual and society. Gender matters when it comes to violence. Men are more likely to experience violence by other men in public places, while for women the most dangerous place is the home, and the perpetrator of the violence is often their own partner. Gender also determines our way of understanding violence in public discourse, in social work practices and as a legal issue¹.

A recent report compiled as part of the implementation of the Istanbul Convention's action plan reinforces the gendered nature of domestic violence. According to a registry study, from 2015 to 2020, 541 men and 6899 women have been victims of domestic violence in shelters. According to the same study, over a five-year period, the additional direct health care costs caused by physical intimate partner violence experienced by women amount to EUR 150 million per year (according to a population survey, 146,000 women are victims of physical intimate partner violence).² A recently published study on intimate partner homicides³ against women indicated quite worrying trends from the last few years. In Finland, the risk of women dying as victims of intimate partner homicide is high compared to other Western countries. Intimate partner homicides against women decreased in the early 2000s, but starting from the 2010s, the decrease has stopped. Homicides committed by former partners were even increased since the beginning of the 2000s. The study revealed that a significant part of the homicides has involved planning and were related to the divorce situation or ideas of separation.⁴

In Finland, violence against women is still not talked about directly enough. The terms like "domestic violence", and "intimate partner violence" are regularly used⁵. Violence against women is under-recognized and under-discussed in social and health services across, and it should be more systematically visible.⁶ Practical work in different sectors still underlines a gender-neutral way of understanding violence against women and domestic violence, although through education and advocacy work, the special characteristics of violence against women are better recognized than before. However, practical work is part of the bigger picture, in which attitudes play a significant role, which affects the gender equality policy aims and strategies. Attitudes that distort the understanding of the specificities of violence against women and domestic violence are in the background creating gender-neutral practices that produce inequality. For gender equality to

¹ See Piispa, Heiskanen, 2017.

² Siltala, et al., 2022, pp. 3, 32.

³ The term "homicide" is used in this report instead of "femicide", because there is no established equivalent for the latter in the Finnish language. However, we bring out clearly from the text when in practice we mean "femicide", for example by using a term "intimate partner homicide against women".

⁴ Suonpää, et. al., 2023, p. 79.

⁵ Since this report deals with the implementation of the Istanbul Convention, we will use the term "domestic violence" used in the Convention for the sake of consistency, even though the term "violence in close relationship" is often used in the Finnish source material.

⁶ See Siltala, et. al., 2022.

become a reality, a new, deeper and more gender-sensitive reflection is needed. It must cut across all strata of society and, to enable de facto equality, it must also apply to political decision-making⁷.

A positive development in taking account of and addressing violence against women and gender-based violence appears to be the establishment of the position of the National Rapporteur of violence against women at the Non-Discrimination Ombudsman as of 1.1.2022. The website of the Non-Discrimination Ombudsman describes the role of the rapporteur as follows: *"The rapporteur on violence against women comprehensively monitors violence against women and domestic violence, the functioning of national legislation and the fulfilment of international obligations. The rapporteur also monitors and evaluates measures to combat violence against women and domestic violence. Regarding domestic violence, the duties of the rapporteur also cover, for example, violence against men and boys. The rapporteur shall be independent."*⁸

In its country report on Finland, GREVIO drew particular attention to the fact that the Action Plan for the Istanbul Convention particularly highlighted that it applies not only to women, but also to men and boys who have experienced domestic violence. On the other hand, very little or no weight was attached to the perspective of women who had experienced violence.⁹ A similar tendency is still repeated in different strata of society, from political decision-making to the grassroots level. A good example of this is the above description by the Non-Discrimination Ombudsman on the role of the National Rapporteur of violence against women. Instead of merely stating that the role of the rapporteur covers not only violence against women, but also domestic violence, which, as a gender-neutral term covers all genders, the description placed particular emphasis on domestic violence against men and boys. The same special emphasis on the male gender is also repeated in the government's proposal on the subject¹⁰. It is therefore very difficult to even mention violence against women (especially domestic violence) in our society since the legislation, without giving special attention to the violence experienced by men. Clearly, the point made by GREVIO in its country report has still not been internalised.

Marjo Rantala, Finland's first expert in reporting violence against women, a senior officer at Non-Discrimination Ombudsman, directed quite harsh criticism at the Finnish state and Sanna Marin's government in an interview given to YLE. However, Rantala gives positive feedback on the fact that the position of national coordinator was finally established, even though it was required of Finland for more than 10 years. Rantala describes the current Sanna Marin government as the most female-friendly in history and praises it for the reform of the legislation on sexual offences and for the extensive Government Action Plan for Gender Equality 2020–2023¹¹, which has also paid attention to the reduction of violence against women. However, Rantala only gives the government a satisfactory grade. Rantala notes that without proper funding, the government's ambitious targets for reducing violence against women remained nothing more than empty words. Rantala, for example, highlights the Istanbul Convention and the multi-government action plan for its implementation, but no resources have been allocated for its implementation. The same applies to the reform of the wellbeing services counties, which became concrete at the turn of the year, for which Rantala has no information that separate funding has been allocated to work against violence. Rantala also highlights the underlying attitudes that prevent effective intervention in violence against women. Rantala describes the culture of explanation in Finland, where violence experienced by women is not recognized as a phenomenon, violence is perceived as a private matter, and putting a stop to violence is left to the woman victims. Rantala highlights the need for a

⁷ See Section 2 in this report about considering gender and also intersecting factors in practices and measures.

⁸ Yhdenvertaisuusvaltuutettu, 2021.

⁹ GREVIO, 2019, pp. 11-12.

¹⁰ See HE 123/2021 vp, p. 16.

¹¹ Ministry of Social Affairs and Health, 2021.

change in the attitudes of decision-makers in society and a better understanding of the phenomenon of violence against women¹².

1.1 The Action Plan for the Istanbul Convention for 2022-2025

The Action Plan for the Istanbul Convention for 2022–2025 draws attention to the critical feedback given by GREVIO to Finland in its country report on insufficient attention to the gendered nature of violence against women and a gender-neutral approach to national violence prevention¹³. Strengthening the gender perspective was included in the plan as one of the main objectives to prevent and combat violence against women. According to the plan, the integration of the perspective of identifying and combating gender-based violence will be supported in the most important projects and programmes, in cooperation with those responsible for them.¹⁴ In the new action plan, the gender perspective has been taken account of more comprehensively than before, but the framework for practical implementation remains rather thin. The objectives set out in the action plan are still largely devoid of concreteness¹⁵ and thus difficult to measure in terms of efficiency. It remains to be seen how the gender perspective will actually be taken account of and mainstreamed in practical work and operating environments that continue to rely heavily on gender-neutral uses and obscure the gendered nature of the phenomenon.

1.2 Legislation

Full implementation of the obligations of the Istanbul Convention requires a critical examination of the legislation and the improvement of the service system. In Finland, criminal policy has been strongly gender-neutral, and the raising of the gender perspective has provoked opposition among national actors¹⁶. In its country report on Finland, GREVIO drew attention to how some aspects of social policy and legislation seem to reflect the family-dynamic discourse of domestic violence instead of the discourse of gender-based violence¹⁷. International agreements – in particular the Istanbul Convention – have been the impetus for a number of legislative changes (most recently the comprehensive reform of the sexual offences legislation and the reform of the legislation on restraining orders), and although these are major advances, there has still been no significant progress in the legislation on gender mainstreaming.¹⁸ The Criminal Code (39/1889) is emphatically gender-neutral and does not fully take account of, for example, aggravating circumstances under Article 46 of the Istanbul Convention as grounds for increasing penalties. An example of the problematic nature of gender neutrality in the Criminal Code in the application of a gender-specific form of violence is a recent process that sought to make female genital mutilation (FGM) more precisely punishable. The working group that prepared the matter at the Ministry of Justice did not end up proposing any amendments to the Criminal Code. The working group's decision was not unanimous.¹⁹

¹² Heikel, 2022.

¹³ GREVIO, 2019, pp. 11-13.

¹⁴ Ministry of Social Affairs and Health, 2022, pp. 10, 21.

¹⁵ In the background, largely inadequate resources, see more information from Section 4 in this report.

¹⁶ Kainulainen, et. al., 2021, p. 9.

¹⁷ GREVIO, 2019, p. 11.

¹⁸ A gender-neutral way of understanding gendered phenomenon also affects how, for example, legislative changes achieve the desired results. One example is a 2011 legislative reform that transformed petty assaults in intimate relationships into offences subject to public prosecution, and which aimed at an increase in the number of crime reports of offences in this type. Instead of increase in number of crime reports, however, there has been an increase mainly in emergency tasks recorded for the police for the type of offence in question. (Fagerlund, et. al., 2022, p. 53.)

¹⁹ See Kimpimäki, 2022.

A significant change in the legislative consideration of gender entered into force in the Criminal Code at the beginning of 2023. Gender is now one of the grounds for increasing the severity of the punishment laid down in Chapter 6, Section 5 of the Criminal Code, so the offence can thus be punished more severely if the offence is motivated by gender. The aim of the legislative reform was to highlight the reprehensible nature of acts motivated by gender-based hatred, especially directed at women. The intention of the legislative reform has been to improve the effectiveness of addressing online harassment and hate speech in particular. Although the legislative reform sends a strong message that gendered hatred is also taken seriously under criminal law, there are also shortcomings in the legislative reform. There are concerns about the extent to which the application of the aggravating circumstance will be required and in what situations the court considers it proved that there is a gender-based motive behind the act, for example, instead of jealousy.²⁰ Especially when it comes to intimate partner violence, the situation seems challenging. Unfortunately, the legislative reform has failed to take account of the spirit of the Istanbul Convention.²¹

In addition, the Criminal Code, Finnish legislation in general²² and the service system identify vulnerable people poorly. In particular, domestic violence, its typical recurrence, and the targeting of a vulnerable person lack the grounds for increasing the severity of the punishment and the definitions of aggravated forms of crime. In the case of vulnerable persons, the problem is made particularly serious by the fact that, even after the reform of the legislation on sexual offences, the elements of basic rape do not recognize all abuses of power that are of particular importance to vulnerable persons.

In contravention of Article 46 of the Istanbul Convention, victims in the most vulnerable circumstances have been highlighted in the new legislation on sexual offences in the more leniently punishable section of sexual abuse. In addition, in the case of vulnerable victims, it is assumed that they have voluntarily participated in sexual intercourse or a sexual act. The persons affected by the said legal section have not been able to give their consent voluntarily of their own free will, since the perpetrator is a person who has abused his/her position and who has not only taken the initiative, but has also 'got a vulnerable person to participate' in sex with him/her. Thus, the will of the victim is not free.

Chapter 20, Section 5 of the Criminal Code on sexual abuse also contradicts Article 36 of the Istanbul Convention. In terms of the legal protection of all the victims mentioned in it, the assessment of the specificity of the author's dominant position and the seriousness of the author's abuse, built into the relevant provisions, also brings its own problems in cases of rape and sexual abuse. In situations of sexual abuse, the perpetrator is always in a special position of power over the weaker victim (e.g. educational responsibility, care responsibility), in which case the abuse is always serious. Therefore, Section 5 of Chapter 20 of the Criminal Code should be deleted. All offences involving sexual intercourse should be included in the definition of rape.

At present, Finnish legislation does not comply with the obligations of the Istanbul Convention with regard to Article 37 (criminalization of forced marriage) and thus does not safeguard the rights of all vulnerable women.

²⁰ See e.g. Mäntysalo, 2022.

²¹ *'The Istanbul Convention regulates the aggravating circumstances of substantive (criminal) law and requires, inter alia, that States Parties must ensure that an offence committed in close relationship is considered in national law as an aggravating factor. However, the Government's proposal states, for example, regarding intimate partner violence, that although women are more typically victims of intimate partner violence, the motive is not related to gender, but instead to relationship problems, jealousy and revenge, among other things. However, in a deeper understanding of violence against women and gender-based violence, the aforementioned motives are considered to be related to gender. The Ombudsman for Equality finds it unfortunate that the Government's proposal didn't take account of this view in the preparation or considered the need for possible separate essential elements of the offence in this regard.'* (Tasa-arvoaltuutettu, 2021)

²² E.g. Aliens Act (301/2004)

On the positive side, however, Parliament approved the government proposal on the dissolution of forced marriages other than through divorce in February 2023.²³

There are a lot of development needs in the gender impact assessment. Although the pressure from international human rights conventions has brought positive developments, there are still many problematic points in the evaluation. When it comes to gender impact, violence against women is often ignored, or the dynamics of the phenomenon are misunderstood. It should also be noted that it has not been considered necessary to assess the gender impacts of the Criminal Code in their entirety.²⁴ This contradicts the fact that, in the context of the implementation of the Istanbul Convention, legislative changes were not seen as necessary. This conclusion was therefore reached without a comprehensive gender impact assessment.

It is important for ministries to have experts in gender impact assessment who can support the draftsman in the impact assessment. Where possible, gender impacts should always be assessed both quantitatively and qualitatively. Gender equality in the government budget -gender impact assessment highlights several shortcomings in the quality of gender impact assessments. Research data and statistics are used in just under a third of gender impact assessments. Even when they are used, they are generally not analytically examined or sought to identify the inequalities that may lie behind statistical differences. Furthermore, the narrow understanding of gender equality as equal treatment of women and men ignores the effects in which the law puts the sexes in a real unequal position.²⁵

2 Non-discriminatory implementation of the Convention

2.1 Gender equality and non-discrimination

Although much progress has been made since GREVIO's comments in the country report on the implementation of the Istanbul Convention in Finland, the spirit of the convention has still not been sufficiently achieved in its implementation. Although a number of measures have been taken (including legislative changes and increased funding for victim support services, for example), ignoring the gender perspective raises concerns about actual positive developments. Violence against women is still not sufficiently understood as a human rights issue, gender-based violence and a form of discrimination. In the actions related to the implementation of the Istanbul Convention and in the practices of addressing violence, we can still see features of the family-dynamic model, where the gendered nature of violence is being drowned out.²⁶ In this case, measures and practices themselves will, at worst, become discriminatory on the basis of gender. Despite human rights treaties or laws, discrimination occurs, including in relation to work against violence.

Measures aimed at influencing e.g. gender stereotypes and gender-based role expectations, power positions between men and women or victim-blaming attitudes that underlie violence have been implemented on very

²³ See Eduskunnan vastaus EV 285/2022 vp - HE 172/2021 vp.

²⁴ See e.g., Nousiainen, 2011.

²⁵ See Elomäki et. al., 2018.

²⁶ See the Finnish way of handling men's violence against women and the consideration of different discourses of violence, e.g. Keskinen, 2005, pp. 102-107; Virkki, 2017; Piippo, et. al., 2022.

sparingly²⁷. Previous parallel reports by NGOs, as well as studies on the implementation of the Istanbul Convention, have highlighted attitudes and stereotypes as the biggest – and very persistent – challenge facing Finland, the effect of which is that the idea that women are the main victims of intimate partner violence is still very widely questioned²⁸. When we talk about violence against women or domestic violence, the debate easily turns into a 'What about men' -debate that fuels gender antagonism and focuses on setting the percentage of violence used by women and men²⁹. Violence against women is still under-visible across the board in social and health services, it is not sufficiently recognized, or professionals do not know how to act if the client/patient reports violence. There are still far too few specialist women's support services, and their development has been rather slow.

2.1.1 A gender-neutral way of dealing with a gendered phenomenon

The mainstreaming of the understanding of the phenomenon of violence against women and the gender perspective is also hampered by the perception of Finland as a model country for equality. This view is in stark contrast to the fact that, in terms of the prevalence of intimate partner violence against women, Finland is one of the top countries in Europe³⁰ (the so-called Nordic Paradox). In its country report on Finland, GREVIO stated that a strong tradition of promoting equality between women and men also leads to the marginalization of women as victims of violence by focusing on practices, measures and services that focus on the victim experiences of men and boys and the need to address them³¹. There still seems to be a prevailing perception of equality that has already been achieved, in which case there is no need to mention gender and instead gender-neutral forms of expression are understood as supporting equality. On the other hand, the meaning of gender can be seen as a kind of built-in thing, but gender is easily lost in concrete practices. When it comes to violence against women, this easily leads to victim-blaming practices.³²

The different manifestations of gender-based violence at different levels of society are mainly talked about in gender-neutral terms. A gender-neutral way of speaking leads to the absence of something very essential from measures and practices³³ aimed at preventing and combating violence; the wisest approach to addressing violence against women and domestic violence as a gender-based phenomenon. Instead of emphasizing the gendered nature of violence or opening up its meaning, it is often pointed out on the contrary how violence can affect anyone, regardless of gender. This is perhaps most evident when we talk about intimate partner violence, which is mainly violence against women and is mostly perpetrated by a man. The gender-neutral way of conceptualizing violence also affects measures and services aimed at preventing and combating violence, which for the most part are still implemented in a gender-neutral manner³⁴. The most typically used term is "violence in close relationship", which is a so-called umbrella term, which also hides the gendered dynamics associated with the phenomenon. Another striking point is the way of talking about violence passively, in

²⁷ E.g. EraseGBV Training programme for school professionals (<https://projects.tuni.fi/erasegbv/training-programme/>). In addition, The Finnish National Violence Observatory conducts an annual "Light, No Violence" -campaign which culminates on International Day for the Elimination of Violence against Women Day 25.11. The 2022 campaign theme was "Violence against women and attitudes" As part of the 2022 campaign, a webinar was held and it received quite a lot of positive feedback. Violence against women and attitudes (and need for change in those attitudes) were perceived as a topic that should be talked about much more and more visibly than at present.

²⁸ European Parliament, 2020, p. 99.

²⁹ See Notko, Husso, 2019, p. 18.

³⁰ See e.g. EIGE, 2017.

³¹ GREVIO, 2019, p. 11.

³² Holma, et. al., 2021, pp. 67-68.

³³ E.g. law, preliminary work on law, case law, action plans, media, discussion at different levels of society, official practices and guidelines, general support services and specialist support services.

³⁴ Fagerlund, et. al., 2022, p. 38.

which case both the perpetrator and the target of the violence are obscured and the violence, as it were, just happens. When it comes to intimate partner violence against women, this is often reflected in the way we talk about "violence between spouses". As a positive development, however, we can mention the fact that, regarding violence against children, lately there has been a more active agency in defining the phenomenon.³⁵ In this way, children are also better identified as victims of violence.

In addition to gender neutrality and a passive way of speaking, the power dynamics related to intimate partner violence against women is often ignored. Power dynamics are also not recognised at the structural level, at best it is taken account of only at the individual level³⁶. It is still very typical to see intimate partner violence against women as an individual problem; as a conflict between two equals or as a problem linked to substance abuse or mental health problems that has nothing to do with gender inequality.³⁷ Quite often, when talking about intimate partner violence, the term 'mutual violence' is also used, which is equally apt to obscure the position of power, to interpret the unequal situation as an equal conflict, and also does not give rise to self-defense in the context of intimate partner violence.

2.1.2 The importance of stereotypes, myths and the attitudes behind them

Paradoxically, gender neutrality also underpins built-in harmful myths and stereotypes, often motivated by traditional gender roles. Through them, we often subconsciously make interpretations of the people we encounter³⁸, including those who have used and experienced violence³⁹, as well as violence as a phenomenon⁴⁰. Interpretations often explain away the whole problem and often also blame women and the victims of violence⁴¹. Interpretations based on myths and stereotypes are harmful even in everyday thinking,

³⁵ See e.g. Fagerlund, et. al., 2022; Clarke, 2011.

³⁶ It is also worth noting in social discourse, but also among professionals, the tendency to define violence against women as a "problem of others". In the background there is probably difficulties of encountering the phenomenon, in which case one wants to exclude it from one's own sphere of life. Violence against women is not to be seen as a cross-cutting problem in society, but is defined in othering way as a cultural problem for people with an immigrant background or a problem of a lower class citizens. For more details, see e.g., Piippo, et. al., 2022; Clarke, 2011.

³⁷ See e.g. Virkki, 2017.

³⁸ E.g., according to the results of the 2017 Eurobarometer 465 survey on gender equality, 74% of the respondents in Finland agreed with the statement "*Women are more likely than men to make decisions based on emotions.*". 48% of the respondents in Finland, on the other hand, expressed the belief that men are more ambitious than women. (European Union, 2017, pp. 15, 40.)

³⁹ E.g., the 2010 Eurobarometer survey asked whether women's provocative behavior is the cause of domestic violence against them. According to the results, 74% of the respondents in Finland shared this opinion, which was an even higher result than the quite high average of the study (52%). (European Commission, 2010, Tables.)

⁴⁰ Although studies show that violence against women, especially intimate partner violence, is at a high level in Finland, public awareness of this seems to be rather weak. According to the results of the 2016 Eurobarometer 449 survey on gender-based violence, only 6% of the respondents in Finland replied that domestic violence against women was very common in Finland (lowest estimate of all EU countries) and 38% of the respondents in Finland replied that domestic violence against women was quite rare in Finland (highest estimate among EU countries). (European Union, 2016, pp. 10-11.)

⁴¹ "*The way in which violence is divided into physical and psychological goes back a long way into history and has been amazingly vibrant. Men's physical violence has been counterbalanced by women's verbal virtuosity, nagging and the associated "mental violence". The portrayal of mental violence by women and physical violence by men as comparable forms of violence has been repeated both in court cases and in fiction literature. There is nothing to suggest that perceptions have still changed in this regard.*" (Nyqvist, 2004, p. 104.) See also Piippo, et. al., 2022.

they are further energised by sensationalist newspaper writing⁴², at worst they can also lead to a wide range of inappropriate, even dangerous, practices and working methods.⁴³ The weak position of the discourse of gender-based violence in Finnish society also prevents the dismantling of victim blaming attitudes at different levels of society, including professionals, as well as victims and perpetrators of violence and their loved ones.⁴⁴ In a comparison between European countries, victim blaming attitudes towards women victims of intimate partner violence, have been found to be at a fairly high level in Finland⁴⁵. In several studies, harmful attitudes have also been shown to be quite common among professionals who encounter victims and perpetrators of violence in their work in the social and health care sector, as well as among the law-enforcement and judicial actors.⁴⁶

Harmful attitudes, as well as the underlying cultural stereotypes and myths, should be tackled in a wide range of sectors of society – not forgetting professionals in general and specialist support services – much more effectively than at present. This is also important for children and young people, who have been largely targeted by the measures taken so far⁴⁷. However, the input is far from adequate. Organizational actors working with boys recognise sexist and misogynistic speech based on unequal gender role expectations or violence, especially in the speech of teenage boys. In the background, perceived group pressure to produce toxic speech about, for example, sex or women is seen to be effective.

2.1.3 Risks of ignoring the gendered nature of violence in services

Gender neutrality and ignoring the gendered nature of violence are visible in the services, for example, in the low number of specialist women's support services (e.g. shelters and special support services)⁴⁸. There is only one women-only shelter in Finland. The content of the services still shows the effects of family dynamic discourse and, correspondingly, the understanding of gender-based violence is of highly varying levels. This applies not only to basic services, but also to specialist support services. Although the negative effects of couples counseling and couples therapy have long been known from the perspective of women who have experienced intimate partner violence⁴⁹, the way of seeing IPV as a problem requiring couples counseling lives on persistently in the Finnish helping culture⁵⁰. There are still numerous actors in Finland who approach IPV in a couples and family therapeutic manner, in which case the starting point for working is to enable the continuation of the relationship by teaching the parties methods of conflict resolution. At the same time, however, the responsibility for violence will also be placed on the shoulders of the victim. Even if the perpetrators of violence are seen to be primarily responsible for the violence they use, this premise is blurred if the work focuses on the couple's interaction models, conflict resolution methods and other couples therapy related issues⁵¹.

⁴² There are also positive developments in the media's approach to violence against women and domestic violence. For example, Helsingin Sanomat has actively highlighted the topic especially in their extensive articles critically examining the activities of the authorities. For more information, see Section 11 in this report.

⁴³ E.g. Nyqvist, 2004, pp. 104-106.

⁴⁴ Holma, et. al., 2021, p. 73.

⁴⁵ Ivert, et. al., 2017, pp. 559, 563.

⁴⁶ See e.g. Husso, et. al., 2012; Virkki, et. al., 2014; Niklander, et. al., 2019.

⁴⁷ See e.g. University of Tampere, Erase GBV online training programme for school professionals (<https://projects.tuni.fi/erasegbv/training-programme/>)

⁴⁸ For the history of the development of services, see e.g., Keskinen, 2005, pp. 106-107.

⁴⁹ See e.g., Nyqvist, 2004, p. 107.

⁵⁰ See also Section 10 of the report.

⁵¹ See e.g., Virkki, Jäppinen, 2017, pp. 110-112.

In Finland, the amount of specialist women's support services that have an adequate understanding of gender-based violence is very limited⁵². It is worth noting that there are also many services where work is based on individual work and the empowerment of a victim of violence, but the phenomenon of gender-based violence is still not taken account of in its entirety and, for example, social power structures are ignored as the work overlaps only with an individual framework. Here, too, there is a risk of working methods that discriminate a woman who has experienced violence⁵³. Even if the victim is not seen as responsible for the violence they have experienced, the victim is seen as responsible for its end. At the center is the victim's ability to end the relationship; the responsibility of the perpetrator of violence – but also of society – is ignored.⁵⁴

2.2 Intersectionality

Gender is not the only contributing factor in violence against women and domestic violence. Other intersecting factors such as age, socioeconomic status, mental health, disability, place of residence, ethnicity, and sexual orientation are consistently correlated with gender. In its country report on Finland, GREVIO paid particular attention to the challenges of regional accessibility of shelters. In its country report, GREVIO also made several mentions of intersectional discrimination concerning various vulnerable groups and minorities such as persons with disabilities, including women and girls with disabilities. GREVIO identified several barriers faced by women from national minorities, migrant women, women with disabilities and other women exposed to intersectional discrimination in their search for services and protection from violence.⁵⁵

Although there has been some positive changes, the service system still does not sufficiently take account of the effects of intersecting factors. Through the practical work in specialist support services, a picture has been drawn that the very individual-oriented way of dealing with people in Finland has the effect that intersecting factors are not sufficiently considered. On the other hand, it is also worth noting how, for example, ethnicity, culture, and religion can be taken account of in a way that is othering and discriminatory. An example of this is the definition of intimate partner violence as a cultural problem for men with an exclusively immigrant background.⁵⁶ This rhetoric is being expressed, especially among right-wing populist actors, but it has been worrying to observe the mainstreaming of othering rhetoric into professional practices as well⁵⁷.

2.2.1 Shelter services

According to the Council of Europe's recommendation, Finland should have 550 shelter places instead of the current 230⁵⁸. In recent years, shelter services have been developed quite a lot and the number of shelter

⁵² E.g. Women's Line, Rape Crisis Centre Tukinainen and MONIKA – Multicultural Women's Association.

⁵³ The consequences of violence are interpreted as the victim's features and the underlying causes of violence are seen to be the victim's personal factors, such as co-dependency.

⁵⁴ See e.g., Virkki, Jäppinen, 2017, pp. 110-112, 119.

⁵⁵ GREVIO, 2019, p. 12.

⁵⁶ See Clarke, 2011; Piippo, et. al., 2022.

⁵⁷ E.g. describing intimate partner violence in such a way that the phenomenon is first described in gender-neutral terms with an emphasis on conflict-related, interactive perspectives and individual factors (e.g. mental health problems, substance use) as the underlying cause. After that, there is usually a separate section, which describes the phenomenon among people with a migrant background bringing in more gendered terminology, as well as emphasising power imbalances and cultural factors.

⁵⁸ Terveiden ja hyvinvoinnin laitos, 2023.

places has also been increased⁵⁹. The development of shelter services is therefore a particularly positive step forward. Still, victims of violence were referred to another shelter more than 2,000 times in 2019⁶⁰. A considerable proportion of those referred were children. In many areas, it is difficult to access a shelter, either because of lack of shelter space or geographical distance, or because not all shelters are accessible. Regional availability has raised concerns, especially regarding Lapland. The deficiency is evident, at least in the Sámi region, which does not have its own shelter. Also, during the corona pandemic, especially in its early stages, there were major problems with the accessibility of shelters in many places, and the resources and measures to improve accessibility during the pandemic remained rather weak⁶¹. It would be important to secure housing also after the shelter period. Especially in large cities, finding a rental apartment after a period in shelter has become an obstacle to starting a new, safer life. Practices must be developed so that as many people as possible who move out of the shelter receive rental housing without delay.

The Report of the Finnish Government describes a survey of the accessibility of shelters and a number of measures taken to improve the accessibility of shelters. However, support service actors and those working with women with disabilities have expressed concern that the actual effects of the changes on improving accessibility seem to have been limited for the time being⁶². Work for better accessibility must be a continuous development, and accessibility must also be realized in connection with renovations and construction work. It should also be noted that it can also mean different things to people with sensory, developmental, or physical disabilities. The service network should be more flexible. In addition, the information collected about the services and their clients should include information on the number of clients with disabilities and if the client has been redirected elsewhere due to lack of accessibility.

There are still vulnerable groups of women who may not have access to shelters at all (e.g. substance abusers and homeless women), or access may be difficult (e.g. older women and women with disabilities). Also, women belonging to gender and sexual minorities, for example, may have a particularly high threshold for seeking services due to previous experiences of discrimination. It is important that ethnicity, disability, homelessness, substance abuse, mental health challenges, or any other intersecting factors do not prevent a woman from entering a shelter. Women who use drugs are particularly at risk of becoming victims of violence. The State of Finland report mentions that since December 2021, the Finnish Institute for Health and Welfare has been investigating the opening of a suitable (for women only) shelter or shelter places for clients with a high level of substance abuse or substance dependence⁶³. According to our information, there is still no such a shelter. The accessibility of shelters must also be ensured for national minorities. There are also challenges in the lack of shelters for clients who face a very high threat of violence.

2.2.2 Specialist support services

Despite the positive steps taken, there are still numerous development needs for specialist support services in order to achieve the level of service required by the Istanbul Convention. Regional differences are also quite large in terms of the accessibility of specialist support services. With regard to specialist support services, it is also worth noting that, in addition to services aimed at victims of violence, the differences in the accessibility

⁵⁹ In 2005, when shelter services were transferred as state-funded, EUR 8 million in funding was allocated to them and by 2022, the funding had already risen to EUR 24.5 million. In 2015 there were 19 shelters in Finland, at the beginning of the year 2023, there were already 29 shelters.

⁶⁰ Most often, clients were referred to another shelter in Uusimaa district.

⁶¹ The resources available during the Covid-19 -pandemic to reduce violence against women were generally quite weak in Finland, and this does not only apply to the accessibility of shelters.

⁶² Government of Finland, 2022, p. 3.

⁶³ Government of Finland, 2022, p. 4.

of services also apply to services aimed at perpetrators of violence. In addition to regional accessibility, many other intersecting factors also affect access to services. In this regard, we can talk about intersectional discrimination. For example, an immigrant belonging to a gender minority is not directed to specialist support services for domestic violence in the same way, but in his or her case, the obstacles to accessing services accumulate.

Seri support centers offer forensic examination, trauma support, psychological counselling and therapy for those who have experienced sexual violence. The national coverage of the centers has improved, but you can only apply for support for one month after the experience of violence. Especially when it comes to psychosocial support, the time limit is too narrow, as seeking help in situations of sexual violence is difficult, and it can be difficult to talk about the event. The centers offer sensitive support, which is not always available in basic services, either due to a lack of resources or a lack of skills. The CEDAW Committee, which monitors the implementation of the Convention on the Elimination of All Forms of Discrimination against Women, has recommended that some flexibility be allowed with regard to the one-month deadline⁶⁴. In addition to this, it is also important to guarantee long-term support for those who need it. The lack of access to long-term support is also a problem in specialist support services for domestic violence victims and perpetrators, as a large part of NGOs providing those services are financially tied to offering clientship periods that cover only five visits⁶⁵.

Children and young people as victims of violence and the prevention of violence against children have been inadequately taken account of in the action plan of the Istanbul Convention. Among professionals engaged in specialist support services, the access of children who have experienced violence (including those who have witnessed it in their close relationships) to the services they need has also raised concerns. Access to services for children is rather limited and there are many other barriers to access. There are shortcomings in the consideration of particularly vulnerable children and in the identification of risk groups by professionals. Children are not always identified by the authorities as victims of violence, especially if the violence has not directly targeted them. There is also a lot of variation in the recognition of psychological violence, and quite often, for example, in child welfare, it is treated with great disdain. Even when services would be available, it often becomes a problem that if the parent who uses violence also has custody of the child, his or her consent is also required to be able to get access for a child to that service. This consent is often not given by the parent who uses violence. It is possible for child welfare authorities to override this consent and bring a child within the scope of support, but if violence or its effects are not recognized in child welfare services or violence is treated with disdain, access to proper support may be prevented. Unfortunately, such situations are still very common.⁶⁶

Positive developments can be observed in the fact that some new research data has been obtained on violence experienced by special groups, and the availability and accessibility of services. In 2022, the Finnish Institute for Health and Welfare carried out a research project in cooperation with The Finnish Association of People with Physical Disabilities and The Threshold Association. The aim of the project was to investigate the prevalence of domestic violence experienced by persons with disabilities and the availability of services. The picture drawn from the results of the project was quite worrying. Persons with disabilities have experiences of domestic violence clearly more than the rest of the population, and in the case of women, the differences are particularly pronounced, placing women with disabilities in a particularly vulnerable position. According to the study, women with disabilities were found to experience violence 2–3 times more than other women, and women with mental disabilities have up to 10 times the risk of becoming a victim of sexual violence. People with disabilities were also found to face major challenges in seeking help. Of particular concern to the

⁶⁴ CEDAW, 2022, p. 8.

⁶⁵ See more information in Section 4 in this report.

⁶⁶ For more information on the status of children, see Section 4 in this report.

accessibility of services is the fact that there seems to be a lot of shortcomings in identifying women (and their needs) with intersecting vulnerabilities and experiencing intersectional discrimination. Legislative factors do not have a significant impact on overriding intersectional vulnerabilities and intersectional discrimination, for example for women with disabilities and people with disabilities who have experienced domestic violence.⁶⁷

3 A long-term coordinated plan

The systematic nature of measures to prevent and combat violence against women and domestic violence has improved in recent years⁶⁸, but the level defined by the Istanbul Convention has still not been reached. Although Sanna Marin's Government highlighted measures aimed at preventing and combating violence against women and domestic violence in its Government Programme, as well as the Istanbul Convention, particularly prominently, the Government did not allocate resources to work aimed at ending violence. Although the Action plan for the Istanbul Convention for 2022–2025 brought improvements to several of the problems identified, the main challenges have remained unchanged. Although the plan will continue into the next government term, and there are also long-term objectives included, the problem is that there are still no resources reserved for the implementation of the objectives. As a continuum to the lack of resources, the plan faces the challenge of recording several objectives in a very loose form without setting clear measurable indicators for them. The fact that the main problems have not been tackled also contributes to the positive steps taken with the new action plan.

In addition to the Action plan for the Istanbul Convention for 2022–2025, the work aimed at preventing and combating violence against women and domestic violence is guided by the Government Report on Gender Equality Policy, which sets national gender equality targets until 2030. The report also includes equality objectives for ending gender-based violence.⁶⁹ The targets are very ambitious, and their achievement would require new and more effective gender equality measures. It is important that the implementation of the objectives is monitored and that clear indicators are set for them in order to assess success. The gender equality objectives must guide the future governments' gender equality plans and other action plans, in which the most effective means of implementation can be determined for the objectives, the setting of targets by the administrative branch, and the preparation of budget and legislation.

The prevention of violence plays a key role in achieving the Gender Equality Policy Report's objective. NGO actors have long been actively highlighting the need for a structural law to ensure cooperation between municipalities, wellbeing services counties (WSC) and central government in preventing and combating violence against women and domestic violence⁷⁰. The introduction of new WSC's is an opportunity to get the

⁶⁷ For more details, see Luoma, et. al. 2022.

⁶⁸ E.g. The employing of a full-time General Secretary, made possible by the increased resources of the NAPE Committee, has made it possible for the Committee to develop its work with a more long-term view. (Ministry of Social Affairs and Health, 2022, p. 40.)

⁶⁹ See Valtioneuvosto, 2022, pp. 21-30.

⁷⁰ In municipalities, prevention work has been carried out for more than a decade, although the use of policies and tools has been very uneven. The working groups for the prevention of domestic violence have met regularly in different areas, a good example is the City of Espoo's working group, whose work from 2018 to 2022 has been intense. The working group included representatives of high-level professionals in the social and health care sector and representatives of the third sector. The plans and changes related to health and social services reform have had the effect of making a new start for the working group still awaited.

work on violence prevention in order, but it cannot be done without legislation⁷¹. At the moment, the vast majority of the specialist support services run by NGOs – where there are more clients than in shelters - are financed by STEA. If the specialist support services become legal under the structural law, it should be noted that it will also mean the end of STEA's funding for those services. Structural law cannot therefore be enacted without ensuring the funding of the specialist support services carried out by the NGOs in some other way. In this context, the effects of possible competition on specialist support services must also be considered.

The WSC's started their operations at the turn of the year 2022–2023, but so far, no special funding has been allocated to the work against violence. A coordinating body would also be needed to prevent and eliminate violence against women and domestic violence in all WSC's⁷². The implementation of the Istanbul Convention should be a priority in all WSC's in the future, so it would be important for all those counties to have an action plan against violence against women and domestic violence. At the moment, it is not visible that the necessary coordination structures are being created for nearly all WSC's. The key question is how the guidelines of the Finnish Institute for Health and Welfare for municipalities and WSC's⁷³ will be implemented in practice. Without a structural law, the implementation seems rather uncertain.

In the framework of the soon-to-be-completed Action Plan for Combating Violence against Women for 2020–2023, projects funded by the Ministry of Justice instead brought positive progress. Here, too, however, the future is on a very uncertain footing, and it would be important in the future for the state to take full responsibility for funding measures aimed at ending violence against women and domestic violence. It would also be important to strengthen the role of NGOs as a part of the structures, planning, implementation, and evaluation of the work of the WSC's to combat violence against women and domestic violence. The work done by NGOs must be made more visible in the WSC's and genuine and functional models of cooperation between the authorities and the third sector must be created. Services aimed at perpetrators of violence should also be taken account of more prominently as part of the work to combat violence against women, including multi-professional cooperation.

4 Ensuring appropriate resources

There are still very limited resources for preventing and combating violence against women and domestic violence. No funding had been set aside for the action plan of the Istanbul Convention in the Government budget for 2023. The matter was fixed in the Parliament, which granted EUR 300,000 for the action plan. However, even this funding is so small that, in practice, the measures must be implemented within the framework of the existing budgets of the ministries. The budget of the Ombudsman for Equality is insufficient in relation to the tasks, which is also acknowledged, for example, in the Government Report on Gender Equality Policy⁷⁴. The resources of the newly established National Rapporteur of violence against women must

⁷¹ The 2019 municipal survey showed that only every second municipality had a separate coordination group for domestic violence, which the majority of municipalities lacked, as well as clear objectives for preventing violence, and the follow-up of these objectives. However, in the municipalities where the coordination group had been set up, the situation was better. (Suonpää, et. al., 2023, p. 85.)

⁷² The coordinator of preventing and combating violence against women and domestic violence could invite local actors into working groups, monitor the development of violence against women at the regional level, map the needs of training for social and health care professionals and report to The Non-Discrimination Ombudsman, who as of 1.1.2022 acts as a National Rapporteur of violence against women in Finland.

⁷³ See October, Laitinen, 2022.

⁷⁴ Valtioneuvosto, 2022, p. 13.

be secured on a long-term basis. Law-enforcement and judicial resources to investigate serious crimes such as violence against women, including digital violence, must be secured.

4.1 Resources for specialist support services

The resources of specialist support services aimed at ending violence against women and domestic violence, are still inadequate and unevenly distributed regionally. The services are mainly provided by NGOs. However, the services are insufficient, and their long-term financing is uncertain. More funding is needed for preventive work, crisis work and particularly demanding work. Now, for example, there are not enough resources for preventive work. It would be very important to safeguard the services of NGOs in the future⁷⁵. Regarding special support services, a particular challenge is that the funding of services comes from the Funding Centre for Social Welfare and Health Organisations (STEA) as a form of target grant that does not allow for sufficiently long individual work processes. Most organizations offer special support services to victims and/or perpetrators in such a way that the clientship allows for only five appointments. For a large number of clients, this is far too short a period for both recovering from violence and cutting off the use of violence. Adequate support services also work preventively. They can be used, for example, to prevent violence from becoming more serious when the victim receives information about the services and dares to seek them in time. Early intervention is also essential in the work to break down the violent behavior. It should also be noted that the period of the Covid-19 pandemic increased domestic violence and the demand for low-threshold special support services. Still, the only amount of money ear-marked for combating violence in the pandemic years 2020–2021 was the EUR 26,0000 spent on opening the Nollalinja chat-service⁷⁶. Especially in the early days of the Covid-19 crisis, there was serious concern among professionals regarding individual victims about the way in which their fundamental human rights – and experiences of violence – were ignored under measures to combat the pandemic⁷⁷.

The Action Plan for the Istanbul Convention for 2022–2025 describes the concerns expressed by NGOs regarding the continuity and sufficiency of services with the reform of the funding model for STEA grants. It is pointed out in the action plan, that a replacement funding model is currently being drawn up.⁷⁸ The reform of the funding model is still ongoing, and the situation is uncertain. The grants will be transferred to the state's general budget funding from the beginning of 2024, and during the current year, the preparations for a decree will begin. In the preparation, it will be considered, among other things, regulating activities and services financed by grants in more detail than at present. As far as NGOs are concerned, there is still concern about whether the upcoming reform will limit the already scarce financial resources of the third sector in terms of

⁷⁵ NGOs have traditionally developed, organized and implemented services for victims and perpetrators of domestic violence. The third sector started combating violence against women already in the early 80s as part of shelter activities. In the early 90s, work with perpetrators began in NGOs. Over the years, a large amount of expertise and competence has accumulated in third sector operators. However, the understanding that there is a need for solid working processes with both the victim violence and the perpetrator is still a "silent" topic. The Federation of Mother and Child Homes and Shelters has developed two national programmes, the use of which will continue to be important. These models are Lapsen kaltoinkohtelun katkaisu -model, as well as for Turvallisille raiteille -model.

⁷⁶ Mesiäislehto, et. al., 2022, p. 150. See also European Parliament, 2020, pp. 153-157, 171.

⁷⁷ As an example, an excerpt from an interview with a special support service professional: *"The client who arrived at the shelter had had a situation where she/he and her/his children would have needed (even earlier) a place in the shelter. The client had been ill and the shelter had refused to accept the client because the client had not had a coronavirus test. Shelter was in the situation contacted by a child welfare worker. Children were urgently taken into custody, but the parent who encountered violence stayed at home with the perpetrator of the violence. [...] The client was threatened with violence, as well as killing. She/he was also subjected to physical violence. [...] Child welfare services did not have time during the week to clarify the parent's situation."* (Hietamäki, et. al., 2021, p. 116.)

⁷⁸ Ministry of Social Affairs and Health, 2022, p. 39.

work aimed at preventing and combating violence against women and domestic violence. It is also worth noting that the statutory state subsidy for women's organizations has been very low compared to other NGOs for civic engagement. Strong women's organizations and their long-term, collaborative, and structural work supports the strengthening of equality over the electoral period. It is important to bring state aid to women's organizations to a permanently sustainable level within the framework of state finances.

According to a recent study by the Finnish Institute for Health and Welfare, the additional costs of physical intimate partner violence against women amount to EUR 150 million per year in health care alone⁷⁹. In addition, victims use social and legal services many times more than the rest of the population. So, this amount is only the tip of the iceberg of actual expenses. Adequate funding for preventing and addressing violence would therefore bring savings to society as a whole. However, the near future of special support services that are run by NGOs, is in many ways foggy and very uncertain.

5 Cooperation with NGOs

Although there have been positive developments in the role of NGOs in recent years, their role as part of the implementation of the Istanbul Convention to prevent and combat violence against women is still uncertain in many ways. These uncertainties have already been highlighted in section four of the report.

The representation of NGOs in NAPE, in the working group of the Ministry of Justice's Action Plan for Combating Violence against Women for 2020–2023, and in the stakeholder work of the National Rapporteur of violence against women is very important. It would be possible to further strengthen the role and diverse representation of NGOs in these institutions and to establish a better direct link with national preparation. For example, the National Council of Women of Finland, which represents 72 women's organizations, is not represented in the NAPE working group. There is represented only one organization focused on supporting immigrants (MONIKA – Multicultural Women's Association). There is also room for improvement in the involvement of NGOs. The establishment of the NGO working group within NAPE was a very positive step forward, as was the fact that this working group of NGOs, along with the rest of civil society, was involved in the preparation of The Action Plan for the Istanbul Convention for 2022–2025. Participating in the preparation and making the voice heard was particularly important, if only because the role of the NGOs would otherwise have been largely ignored in the action plan itself. However, the role of the NGOs should be further strengthened in the future.

NGO working group (except for one representative of an NGO) wasn't involved in the evaluation of the previous action plan of the Istanbul Convention (2018–2021). As far as the NGO working group is concerned, there have also been challenges regarding the schedule, in particular, regarding communication and dialogue with the NAPE Committee, which has contributed to the fact that the voice of the NGO working group has so far not been heard as well as it should be. In the future, there would be a need for closer cooperation between NAPE Committee and its NGO working group. In addition, the limited resources of the NGO actors to participate in the activities may also be a challenge in the future.

In the drafting of legislation, it would be important to consult stakeholders more extensively and at an earlier stage of the drafting process. This can be done, for example, through consultations, workshops and expert panels. "The Impact Assessment Section" could be an excellent way of expressing the views of stakeholders in the preparation of legislation, and its use should be encouraged, especially for large projects. Stakeholder consultation is also important in the preparation of EU-legislation at the national level and in the implementation of treaties, which is not reflected in the guidelines for law drafting. It would be of paramount

⁷⁹ Siltala, et. al., 2022, p. 3.

importance to ensure that NGOs are involved in the assessment of the implementation of international human rights conventions. Unfortunately, there has still been a great deal of variation in this area and, for example, regarding this particular reporting, the NGOs were in no way involved by the state.

6 National coordination and evaluation

Establishing the function of National Rapporteur on violence against women has been a very positive step in the coordination and supervision of the implementation of the Istanbul Convention and work to combat violence against women. Due to the scale and persistence of the phenomenon, external monitoring, evaluation, and analysis of work to combat violence against women are needed, as well as suggestions for improvement. It is important that the rapporteur's position has a sufficient legal basis and the right and obligation to report on the progress made in reducing violence against women to Parliament. Similarly, it is important that the rapporteur has a broad right of access so that he or she is also informed about confidential judgments. The resources of the rapporteur must be secured on a long-term basis. We should be prepared for the fact that binding EU-legislation on violence against women will increase in the future. The annual budget of EUR 200 000 allocated to the rapporteur is not sufficient to enable the rapporteur to provide legal advice and, in specific situations, to provide legal aid to victims.

In its country report on Finland, GREVIO pointed out that it had remained uncertain about the extent to which the action plan was to be implemented, and how its follow-up and evaluation were going to be ensured. GREVIO also made some very detailed comments on the way in which the evaluation carried out meets the criteria set for it.⁸⁰ The evaluation of the Action plan for the Istanbul Convention for 2018–2021 paints a picture which suggests the issues raised by GREVIO were hardly taken account of in the later stages of the implementation of the action plan.⁸¹

7 Development of statistics

In its country report on Finland, GREVIO drew critical attention to a number of shortcomings in official statistics. The shortcomings prevent the formation of a detailed picture of the manifestations of violence against women. The shortcomings concern, among other things, factors related to victim experiences, reporting to the police, seeking help and responding to requests for help. In addition, GREVIO pointed out to Finland that statistics on domestic violence and intimate partner violence are not presented in a way that would highlight the gendered nature of such violence.⁸²

A recent study on intimate partner homicides against women, that was conducted by the Institute of Criminology and Legal Policy at the University of Helsinki and the University of Eastern Finland, provides valuable information on violence against women, but also on the challenges related to statistics. The research report highlights several identified issues and development needs related to statistics and information exchange. The report shows that much more needs to be done to bring statistics on violence against women and domestic violence to an appropriate level that also fulfils the obligations of the Istanbul Convention. On the positive side, however, attention has been paid to the issue and various studies and studies have begun to be carried out on the subject.

⁸⁰ GREVIO, 2019, p. 16.

⁸¹ See Nikulainen, Perttu, 2022.

⁸² GREVIO, 2019, p. 17.

One area of concern is the future of the Finnish Homicide Monitor. The Finnish Homicide Monitor is currently the responsibility of the Institute of Criminology and Legal Policy and the National Police Board of Finland. The system was launched in 2002, with the aim of A) monitoring the development of the number and characteristics of homicides and B) producing high-quality data for the study of fatal violence. Its purpose is to produce material to fulfill the data collection obligations required by international treaties. The database produced by the Finnish Homicide Monitor records basic information on the parties and characteristics of intentional homicides (e.g., murder, manslaughter, homicide and infanticide) and non-intentional homicides (which involve an assault) reported to the police.⁸³

The Finnish Homicide Monitor contains comprehensive data for the years 2003 to 2018, but from now on, data on the development of the number of intimate partner killings are incomplete. From 2019 onwards the data have not been filled in by the police for all killings⁸⁴. A recent study highlighted the need to ensure the quality of data collection in the Finnish Homicide Monitor in the future⁸⁵. For now, the continuation of the system seems to be on an obviously uncertain basis.

A report on the introduction of the Domestic homicide review (DHR) was published in June 2022. In the report, the introduction of the research function was estimated to bring a lot of progress in the prevention of violence against women and domestic violence. The report also suggested starting a qualitative analysis of individual killings to obtain more detailed information on the phenomenon than quantitative methods. However, the report also revealed the worrying information that the current legislation does not enable smooth data collection and the research permit process to obtain registry information can take months. Several other challenges related to data collection also arose (e.g., the key datasets of different government actors are scattered around the country). So, despite its usefulness, the implementation of the research function was thought to be a laborious and time-consuming process.⁸⁶

7.1 Intersectionality

Shortcomings have also been identified in statistics that take account of special groups. An example of this is the statistical data on the experiences of violence of persons with disabilities. In addition to the obligations of the Istanbul Convention, the Convention on the Rights of Persons with Disabilities (CRPD) also imposes an obligation on Finland to collect statistical and research data as a basis for the implementation of the Convention. This obligation requires statistics on, for example, discrimination against people with disabilities. Persons with disabilities have been found to have a higher risk of being subjected to violence than the rest of the population, and the risk is particularly high for women with disabilities. However, there is no accurate and regularly updated statistical information on violence experienced by persons with disabilities. That's because according to Section 24 Paragraph 25 of the Act on the Openness of Government Activities (621/1999), disability is confidential information. With the CRPD, disability is no more a disease, it's a human rights issue. Thus, there is no justification for thinking of disability as health information.⁸⁷

⁸³ Suonpää, et. al., 2023, p. 28.

⁸⁴ Lack of statistical data on intimate partner killings against women as of 2019 is also affected by the fact that the statistical data provided by Statistics Finland do not cover intimate partner killings in which the victim and the perpetrator have lived at different addresses.

⁸⁵ Suonpää, et. al., 2023, pp. 95, 97.

⁸⁶ Suonpää, et. al., 2023, pp. 92-94.

⁸⁷ For more details, see Luoma, et. al. 2022.

8 Training of professionals

8.1 Training of law-enforcement officers and prosecutors

In its country report on Finland, GREVIO states that it has received a mixed picture regarding the level of training on violence against women undertaken by members of the various professionals. GREVIO drew particular attention to the shortcomings in training of law-enforcement officers and prosecutors.⁸⁸ Several large-scale training projects has been carried out recent years, but there's still a lack of systematic and mandatory training for law-enforcement officers and prosecutors on all forms of violence against women.

During 2022, Victim Support Finland (RIKU) organised⁸⁹ trainings on violence against women for judges, prosecutors, police officers and legal aid attorneys in the NAKO-project, which is part of the Ministry of Justice's Action Plan for Combating Violence against Women (2020-2023). The intention was to organize 10 training sessions in different parts of Finland, but due to the small number of participants, only 6 training sessions were carried out. It was difficult to get judges, prosecutors and legal aid assistants to participate in the trainings. The involvement of police officers was moderate, although regionally highly variable. Due to the smaller number of participants than planned, it was decided that the last additional NAKO training would be held at the beginning of 2023, and which would also be open to other target groups. About 40 new prosecutors took part in this training session as an obligation. It could be concluded that the mandatory nature has a significant impact on the level of participation. Thus, it seems that, on a voluntary basis, it is difficult to get participants from this target group for trainings related to violence against women. Therefore, systematic and mandatory basic training would be necessary. According to the information, no systematic and mandatory training is currently planned.

In addition to the need for basic training on the phenomenon, it must also be ensured that violence against women is taken account of in additional training and the practical implementation of the training is ensured. Additional training is also necessary in relation to violence experienced by special groups; for example, violence experienced by persons with disabilities and its specific characteristics. The historic reform of the legislation on sexual offences⁹⁰ is expected to significantly improve the position of victims of sexual offences, as the victim's own will be central to the definition of rape in the future. With this important reform, it is also important to ensure adequate additional training and resourcing of professionals throughout the judicial chain. This will ensure that the new legislation is applied appropriately and that criminal proceedings progress as quickly as possible. The police's competence in violence against women, sexual violence, digital violence and human trafficking must be ensured by concentrating the investigation on investigators in charge and investigators who are particularly familiar with the task.

Currently, police officers' training on the legislation of sexual offences includes two three-hour self-study webinars that are viewed on a computer. They have been available to all police departments since the beginning of October 2022. In addition, background material is provided. Some police officers have felt that the training does not provide enough tools to apply the new legislation. Competence is required especially in investigation, but also in field work. Therefore, webinars alone are not enough to provide education about demanding legislative reform. Interactive learning is also needed to detect and deconstruct attitudes.⁹¹

⁸⁸ GREVIO, 2019, pp. 22-24.

⁸⁹ Trainings organised in cooperation with Setlementti Tampere and the Federation of Mother and Child Homes and Shelters.

⁹⁰ Convention on the Rights of Persons with Disabilities (CRPD) Article 13 Access to justice, requires training of the law-enforcement on disability-related issues.

⁹¹ Rautio, 2022.

Furthermore, there is no information on whether, for example, the online courses offered by the Council of Europe on various human rights-related themes have been used by the authorities. The European Programme for Human Rights Education for Legal Professionals (HELP) offers a diverse perspective on human rights and, among other topics, violence against women in the form of online courses. The courses are designed specifically for law-enforcement officers and members of the judiciary.⁹²

With practical experience, systematic initial and in-service training in all forms of violence covered by the Istanbul Convention should be mandatory for all law enforcement officers and prosecutors. Efforts to reduce violence against women and legislative changes also need to be supported by a strong commitment to their careful and precise implementation. A shared understanding of the phenomenon and commonly considered approaches to address violence against women and domestic violence cannot arise without interactive learning, so despite their ease, online trainings alone are not sufficient to understand the phenomena.

8.2 Training in other professional fields

In its country report, GREVIO noted that representatives of some professional groups, such as social workers, health professionals and teachers, appear to receive basic training in the prevention, detection and multi-professional intervention of different forms of violence. GREVIO also added that this training not always seem to be sufficient. We would also like to highlight the educational shortcomings in these areas. Attention should be paid to strengthening equality, non-discrimination and human rights competence. There is no mandatory basic training related to violence against women and domestic violence in the studies⁹³, and mandatory basic training related to these themes should be introduced as soon as possible⁹⁴. Due to the high turnover of staff in social and health services, training should also be carried out on a regular basis.

Positive progress has been made with development projects funded by the European Commission. The projects have developed training programmes to meet the needs of professionals who encounter violence against women and domestic violence in their work. The Enhancing Professional Skills and Raising Awareness on Domestic Violence, Violence against Women and Shelter Services (EPRAS) project analyzed the training needs of professional groups and developed a multi-faceted online study module. It should be noted that although the online format makes the trainings easily accessible, it also creates challenges in enabling the development of a comprehensive and in-depth understanding of phenomena.⁹⁵ As a positive step forward, since 2017 the University of Jyväskylä has offered the 30-credit Violence Research study module, which is also accessible to the open university students. The topics covered by the module are "*violence perpetrated and encountered in daily life, at institutions and in intimate relationships as well as cultures of violence and violence in the media*".⁹⁶ For example, through these study modules, professionals can update their knowledge of the phenomenon. It would be important for the new wellbeing services counties to invest in the regular further training of professionals on violence against women and domestic violence.

In the field of public healthcare and social welfare, there are still major shortcomings in the understanding of the phenomenon and, consequently, in addressing violence, identification and referral to appropriate services. The assessment of violence should be part of the basic activities of social- and health services, but at the

⁹² Council of Europe, HELP Online Courses.

⁹³ Many universities of applied sciences offer voluntary, rather limited study modules on the subject.

⁹⁴ Holma et. al., 2021, pp. 72-73; Notko, Husso, 2019, p. 20.

⁹⁵ Holma, et. al., pp. 72-73.

⁹⁶ Notko, Husso, 2019, p. 20.

moment, many services ask about violence very inadequately or not at all⁹⁷. Substance use is already being actively assessed in social and health services (Audit survey), and hopefully in the future, the assessing of violence would also establish its own place. Unfortunately, at the moment, for example, maternity and child health clinics or services for the disabled do not always actively raise the issue, and they do not know how to direct the victims or perpetrators of violence to appropriate services.

8.3 Particular attention should be paid to the content of training

In its country report on Finland, GREVIO also points out how a lack of education and understanding of the dynamics of domestic violence, the control and power position associated with the phenomenon, the gendered nature of violence, risk factors, or the need to protect the victim, can lead to inappropriate and unsustainable practices in the activities of the authorities.⁹⁸

The online trainings developed in recent years for those working with violence against women and domestic violence, as well as the manuals and guides compiled to support their work, are major advances in increasing the understanding of phenomena, although there is still a need for more extensive training modules. Some of the training modules that have already been developed raise concerns about deficiencies in their content. The elements of the dynamics of gender-based violence highlighted by GREVIO, are far from always conveyed by educational entities. Rather, many trainings have been implemented in a very gender-neutral way.⁹⁹ The gender-neutral and partly myth-reproducing approach of the trainings should be replaced by a gender-sensitive and research-based perspective on gender-based violence.

A typical feature of the training modules implemented with a gender-neutral approach is that they highlight violence against women in the form of statistical data and the listing of national legislation and international human rights treaties. In the content, the gendered nature of the phenomenon is nevertheless lost. The dynamics of gender-based violence, gender-based forms of violence, or various myths, stereotypes, harmful gender roles or attitudes are not highlighted as themes of education. The dynamics of gender-based violence may also be described in gender-neutral language, thereby distorting the dynamics of the phenomenon. Gender matters when we talk about violence. It appears different for men and women when you look at, for example, the victims and perpetrators of violence, its prevalence or even its forms and motives.¹⁰⁰ This information should be shared and taken account of in training.

The online training, developed and implemented in the Enhancing Professional Skills and Raising Awareness on Domestic Violence, Violence against Women and Shelter Services (EPRAS) project, coordinated by the Finnish Institute for Health and Welfare (THL), addressed a lot of important themes so that professionals could address violence against women and domestic violence in an appropriate way. Unfortunately, gender-neutrality was present in this training as well, leaving much of the dynamics of gender-based violence out of the training. In the evaluation of the project, the content of the training is described as follows: *"The training provides professionals with sufficient basic skills to identify and address domestic violence. It also provides a*

⁹⁷ The Finnish Institute for Health and Welfare has prepared guidelines and simple questions for scanning violence in general support services, but they are only rarely used.

⁹⁸ GREVIO, 2019, p. 23.

⁹⁹ Some training modules that take into account the dynamics of gender-based violence have also been developed. Examples of these include the Violence Research study module of the University of Jyväskylä, and University of Tampere ERASE GBV, training programme for school professionals.

¹⁰⁰ It would be particularly important to take account of the fact that adopting the understanding of the dynamics of gender-based violence requires new ways of learning that challenge and deconstruct attitudes in an interactive manner. It is also important to learn to recognize different forms of gender-based violence, such as stalking and coercive control. In particular, influencing attitudes is difficult through e-learning materials alone.

brief description of what violence against women means."¹⁰¹ Violence against women is therefore left as a separate side issue, which it should certainly not be.

Another example of training carried out with a similar, gender-neutral approach is the "*Functional Handbook for Police Officers to Address and Prevent Domestic Violence*", published in 2022¹⁰². Although the handbook is a major step in the right direction to ensure that violence against women and domestic violence is properly addressed by the police, the handbook did not provide police officers with the understanding and knowledge of gender-based violence they desperately need. At the beginning of the handbook, the obligations of international human rights treaties and the shortcomings observed in Finland in the police's operations in order to fulfil them are highlighted prominently. In addition, the beginning also reminds us of the need for a change in attitude to tackle violence against women. It is therefore quite disconcerting to note that, apart from the opening words, the handbook has been implemented in a gender-neutral manner.

The handbook deals with violence against women for only about half a page.¹⁰³ The section describes statistical data and terminology related to violence against women. In contrast, the dynamics of the phenomenon are not described at all. Furthermore, there is no room for the depiction of intimate partner violence against women, as well as for the dismantling of stereotypes and gender role expectations. In the later parts of the handbook, which discuss violence towards children and stalking, for example, these phenomena are not addressed in a way that acknowledges the relation to gender and violence against women. Instead, half of the short section on violence against women is used to describe "mutual violence"¹⁰⁴ and violence against men. In addition, there is a section on violence against men, which highlights data that contradict previous statistics, without opening up this contradiction in any way. Also, the same section describes using the authorities as a tool for violence during divorce or separation, as a form of structural violence. The section states that "*Structural violence can be used by both men and women, but men are more often the target of it.*" As far as that claim is concerned, no such claim was found in the cited source.¹⁰⁵

Sufficiently regular and thorough training would increase understanding of the various forms of gender-based violence and help to identify them. Violence committed through technology is not always recognized, which is why it is important to train professionals on the subject. It is also important to provide more tools and training for the law-enforcement officers and the members of the judiciary in identifying, detecting and handling hate speech and hate speech offences. In addition, there is a need for more research information on online hate and resources to combat it.¹⁰⁶ It is also of paramount importance to strengthen national efforts to identify, prevent and address honour-related violence. The state must ensure the dissemination of the guidelines of the action plan against the Female Genital Mutilation (FGM) and the implementation of a uniform operating model at the national, regional and municipal levels. The training of professionals on this topic must also be ensured.

¹⁰¹ Niklander, et. al., 2019b, p. 30.

¹⁰² See Liimatainen, Ranta-Eskola, 2022.

¹⁰³ See also the Report of the State of Finland, Section 11, in which the handbook is described as dealing with both domestic violence and violence against women. The handbook itself therefore focuses exclusively on domestic violence and does not describe other forms of violence against women.

¹⁰⁴ "Mutual violence" is mentioned in the manual as a term in one sentence, but what is meant by the term, on the other hand, is not opened up at all. It would be particularly important to describe the dynamics of the phenomenon here too, and also openly question the applicability of that term as a descriptor of intimate partner violence. Violence is the exercise of power, not a fair argument. As a term, "mutual violence" hides the dynamics of the phenomenon, the positions of power, and also the act of self-defence.

¹⁰⁵ Liimatainen, Ranta-Eskola, 2022, pp. 9-10, 22.

¹⁰⁶ For more details, see Saresma, et. al., 2022.

9 Child custody and visitation rights

The Istanbul Convention requires that violence against the other parent must be taken account of when making decisions on child custody and visitation rights. The convention also requires the necessary legislative or other measures to be taken to ensure that the exercise of visitation or custody rights does not jeopardise the rights and safety of the victim or children. The Act on Child Custody and Right of Access (361/1983) was reformed in 2019. It does not pay attention to the safety of the victim as required by the convention. Witnessing violence is also violence against a child. In its country report on Finland, GREVIO drew attention to the issues described above and encouraged the necessary measures to address the shortcomings in the consideration of violence in child custody and visitation rights. GREVIO encouraged Finland to create an integrated approach that is binding on all actors, and priorities the need for protection and safety for victims of domestic violence as a priority.¹⁰⁷

Women's organizations argued that Article 31 of the Istanbul Convention should have been taken account of in its entirety when the Act on Child Custody and Right of Access was reformed. The revised act only partially takes account of the article. The law requires that guardians must protect the child from violence and that when deciding on the child's residence and visitation rights, the parents' ability to protect the child from violence must be taken account of. This is problematic, as national studies show that the authorities consider a non-violent parent to be obliged to protect the child, and if the parent fails to do so, he or she may be considered unfit to act as a guardian.¹⁰⁸ There are also known cases where violence has been completely bypassed by the court, and a parent seeking to protect a child from violence has been ordered, under threat of a conditional imposition of a fine, to carry out meetings between the child and the violent parent, while also ignoring the child's own wishes not to see his or her parent.

Approximately 1,700–1,800 custody and visitation court disputes are handled annually in Finnish district courts. In the year of the Covid-19 pandemic, 2021, only half of this number was handled. What looks like a prolonged post-divorce dispute may actually be bullying, violence and the exercise of power using children as a tool. A prolonged divorce and custody dispute is, at worst, a form of child abuse that can have far-reaching consequences for the child's well-being. According to Elina Pekkarinen, the Ombudsman for Children, in Finland there is a lack of professional skills to face and recognize domestic violence and difficult divorce situations. Finland has also received reproaches for these circumstances from international human rights monitors.

Professionals who encounter victims of stalking and post-separation violence have drawn a worrying picture of the ability of the Finnish legal system to recognize violence and protect its victims – who are mainly women and children -. We can talk about structural violence, in which the victim's experience of being a victim of violence multiplies. The policies of the authorities also often allow stalking and violence to continue. Experience has shown that the courts' competence and understanding of the phenomenon of violence is highly haphazard and decision-making is not based on knowledge. The judge's attitudes influence the proceedings and often the sessions are aimed at "correcting parental relations". In court decisions, reasoning overrides violence, and the reasoning does not make sufficient use of the individual's knowledge of the situation of an individual child. Some of the decisions focus on the rights of the parent, not the best interests of the child or the child's opinion. The proceedings of the courts do not comply with the obligations of the Istanbul Convention or the Convention on the Rights of the Child (OHCHR), nor with the Act on Child Custody and Right of Access.

¹⁰⁷ GREVIO, 2019, pp. 39-40.

¹⁰⁸ See e.g. Knezevic, et. al., 2022.

In the district courts, victims of violence may not have been allowed to bring up the violence they have experienced, if they did not have strong evidence of the matter. This is also instructed by legal aid attorneys. Violence is only meaningful when it is possible to prove the experiences. This is a challenge in the context of, for example, psychological violence, coercive control, post-separation violence, and stalking. When the courts ignore violence and interpret the phenomenon as related to a quarrel or custody dispute, it turns to interpret, at worst, the fact that the party who is the victim of violence, is considered to be a quarrelsome parent, an uncooperative or alienating parent who does not "allow" the child to meet the perpetrator parent. In this case, the victim's attempts at protection turn against the victim themselves. In this way, the system does not make it possible to protect yourself, but instead condemns it. This approach is not only a challenge for the courts, but also applies to social services.

It is also worrying that custody disputes involving underlying violence by a parent against a child and/or a parent appear to end up in the scope of mediation. As far as expert-assisted mediation of custody disputes is concerned, the practices are still in the process of development and are obviously varied. Assisting experts themselves have expressed concern that they may not have any information about possible underlying violence before the mediation session. The assistants consider separate meetings before mediation to be appropriate, as well as more comprehensive preliminary materials, such as statements from the police or child welfare for example.¹⁰⁹ It is also concerning that the brochure on expert-assisted mediation exclusively highlights the positive aspects of mediation and makes no mention of the factors which constitute an obstacle to mediation or in which case mediation should be given particular consideration.¹¹⁰

In December 2022, Parliament approved amendments to restraining orders. The purpose of those amendments is to improve the effectiveness of restraining orders. In this context, however, no changes were made to the current legislation concerning how a restraining order would affect the right of custody and access to the child. Violence against a parent also harms the child. The implementation of custody and visitation rights in restraining order situations should take account of both the effect of violence on one parent and the effect of violence against the other parent on the child who witnessed it. If access rights are deemed possible, the children's meeting should always be arranged under supervision when the protection of the restraining order has been extended to the children, or when previous violence or threats give rise to it. In order to safeguard the unconditionality of the restraining order, the protected person should have the opportunity to agree on the practical organization of the right of access to the child by means of an intermediary, such as social services or child welfare services. The child should be protected from being used as a tool to circumvent the restraining order.

NGOs have formed the impression that the law reform of the 2019 has not had the desired – or at least not sufficient – effect on violence being considered when deciding on custody and visitation rights. In practice, the main rule still seems to be that a parent who has used violence retains the right of access to (usually) his child and, in most cases, custody. There seem to be particular challenges when the violence has been directed against one parent or when there is post-divorce violence, stalking or coercive control¹¹¹. Several studies also send out a similar message¹¹². In a survey directed to divorced parents by the Federation of Mother and Child Homes and Shelters, 63% of respondents agreed that the reformed law does not adequately protect the child from violence and abuse. The responses highlighted the fact that the change in the law did not bring about any improvement for those who have had to resign due to violence. One survey respondent described her situation as follows: *"I am afraid of the other parent of my child and the child is afraid of him too. No one has ever taken account of these points. The other parent has threatened the child a lot and the child's motive for*

¹⁰⁹ Kultala, Kinnunen, 2019, pp. 45-50.

¹¹⁰ Tuomioistuinvirasto, 2022.

¹¹¹ All the forms of violence mentioned are forms of gender-based violence, which mainly affect women.

¹¹² See e.g., Mustonen, 2021; Hopper, 2023.

going to meetings with him is that nothing worse would happen."¹¹³ For the new study on the difficult divorce situations produced by the Federation of Mother and Child Homes and Shelters, experts from different administrative branches working with families were interviewed. The study revealed quite large shortcomings, from professionals' poor understanding of phenomena to the fragmentation of the service system. Based on the study, recommendations were drawn up for the development of working practices. The recommendations placed strong emphasis on, among other things, the better identification of violence, the development of risk assessment and service guidance¹¹⁴, and the development of cooperation between different actors and within the members of the judiciary¹¹⁵.¹¹⁶

Unfortunate cases have come to light in which a father, who has repeatedly behaved violently towards his ex-partner has still retained the right to see his child, and through the child, revenge has been carried out on the former partner.¹¹⁷ Special attention must be paid to the flow of information and the guarantee of safety for children. In one case, an ex-partner had been informed of a restraining order and had subsequently killed himself and his children.¹¹⁸ It is also typical that decisions on visitation rights gradually dismantle protective measures that provide security, such as supervised or subsidized visits. Whether there has been a change in the behavior of the violent parent, or whether (usually) he has sought help for violent behavior, is not paid attention to when making decisions. The removal of restrictions is seen as a very automatic direction of change. Decisions such as this one bypass the victims' experiences of violence and do not protect the victim or the child, on the contrary, they allow the violence to continue.

10 Mediation

In its country report, GREVIO expressed several concerns about mediation in domestic violence cases and made a number of recommendations for the development of mediation:

- the introduction of clear policies and guidelines to ensure that all law enforcement and prosecuting staff are aware that mediation is prohibited in cases of repeated violence,
- ensuring voluntary participation in mediation,
- ensuring that the mediation process does not result in the discontinuation of criminal investigations and prosecutions in cases of violence against women,
- in addition, the power vested in the police to propose mediation in cases of domestic violence should be reconsidered, as this may jeopardise the effectiveness of criminal investigations.¹¹⁹

Since the publication of the GREVIO country report, there have been no significant changes in terms of mediation and no measures have been taken to address the concerns raised by GREVIO. With regard to the use of mediation, several studies have been carried out, which have revealed some very worrying aspects of the state of mediation in domestic violence cases, particularly with regard to the legal protection of victims of

¹¹³ Federation of Mother and Child Homes and Shelters, 2020.

¹¹⁴ The recommendations focused on the service guidance of children and adults (including both victims and perpetrators).

¹¹⁵ E.g, information about the imposition of a restriction order should become simultaneously for everyone who are dealing with the child custody case.

¹¹⁶ Rautio, et. al., 2021, pp. 4-9.

¹¹⁷ See recent Supreme Court decision KKO:2023:5, which shows that the conditions for eliminating visitation right are very high.

¹¹⁸ See YLE, 2022.

¹¹⁹ GREVIO, 2019, p. 48.

violence (mainly women). The message of several studies carried out in this context has been very contradictory in relation to the concerns that have been raised. As a key message, it is strongly emphasised that mediation in domestic violence can be continued, although the activities need to be harmonised and the process requires development.¹²⁰ This is quite worrying given the scale of the concerns. However, there has been no change in the grievances highlighted by GREVIO and national studies, but the amount of mediation in domestic violence has instead increased. In 2021, a total of 2,476 domestic violence offences were referred to mediation, which is 18,6% of all cases referred to mediation. Most of these concerned violence perpetrated by a man against a woman in a relationship.

In 2023, a report was published, the purpose of which was to map the experiences of those who participated in the mediation of domestic violence (victims and perpetrators). The aim was to hear the voices of those who participated in the mediation process to support the decision on the continuation of mediation activities in domestic violence cases. The report begins from the premise that it would be self-evident to continue mediating domestic violence, and this is in no way called into question. The experiences of those involved in the process are referred to in a very general tone, and positive experiences justify the usefulness of the continuation of mediation activities. Negative experiences play a minor role, as does the fact that the research data was very small¹²¹. So small that it is impossible to draw generalizing conclusions based on it. Furthermore, the survey¹²² used as data for the study was carried out very soon after the end of the mediation, which calls into question the report's conclusion that mediation has been successful in reducing the risk of recurrence of violence.

The results of the study also highlighted development needs, but what is worrying is that the dynamics of gender-based violence were hardly identified in the study. The report presents the experiences of those who participated in mediation on the benefits of mediation as follows: *"Most of the interviewees felt that they had received tools through mediation to prevent the recurrence of violence. They described, among other things, the increased knowledge, the behavior agreements between the parties, and the referral to additional services as having helped... The advice on how to avoid escalation of disputes and to develop communication was found useful."*¹²³ The report raises concerns that the phenomenon of gender-based violence is not sufficiently understood in mediation process and that violence is approached as a problem of interaction, with part of the responsibility shifting to the shoulders of the victim of violence.

According to the policies on mediation of domestic violence, cases should not be mediated if the violence has been repetitive. Non-governmental organizations that offer support services to victims and perpetrator programs are concerned that repeated violence still ends up being mediated, and the voluntary nature of participation in mediation is not being ensured in the required way. The Federation of Mother and Child Homes and Shelters, among others, has strongly highlighted how mediation has been used even when there has been serious and repeated violence. At the moment, there is an interpretation that the violence is not repeated, if there is no previous police record on it. It can be difficult for someone who has experienced violence to express their own point of view in a mediation situation, as the unequal position of power does not

¹²⁰ Lähisuuhdeväkivallan sovittelun selvitystyöryhmä, 2019, pp. 1-2. See also a positive exception to this: Tiina Qvist's doctoral dissertation from 2019, in which she comprehensively highlights the shortcomings of mediation and stresses that mediation shifts responsibility for violence to the person experiencing it and leaves her/him without the protection she/he needs. See Qvist, 2019.

¹²¹ There were 11 actual interviews and 25 people responded to the survey. Those who participated in the interview and those who responded to the survey may probably include the same people. (Shemeikka, et. al., 2023, pp. 33, 36.)

¹²² Shemeikka, et. al., 2023, pp. 33, 36, 85.

¹²³ Shemeikka, et. al., 2023, p. 78.

go away in mediation either. Sometimes victim, who has been referred to mediation, has been under the impression that (usually) she should go to mediation because the police have referred her there¹²⁴. Honour-related violence should never be mediated, as it is, by definition, coercive control over a long continuum, regardless of the severity of the physical violence. An outsider often does not notice how fear affects the actions of the person experiencing violence. At its worst, mediation is a mean for the perpetrator of violence to target more psychological violence, for example by threatening, pressuring or coercing.

Directing domestic violence cases to mediation often means a decision of waiving prosecution. Prosecutors have different practices as to whether criminal proceedings will continue if the case is in mediation. In addition, cases have come to light in which cases have been referred to mediation without much action having been taken in the pre-trial investigation. When the matter ended in a mediation agreement, the pre-trial investigation may have been concluded based on the agreement reached, without the police having determined what kind of criminal act was involved. Victims are therefore not in an equal position in relation to the handling of the case, including in criminal proceedings. National clear criteria for mediation in domestic violence have not yet been drawn up, although this has been agreed in a working group attached to the Ministry of Social Affairs and Health, which investigated mediation in domestic violence and published its report in 2019.¹²⁵ It is also worrying that mediation in domestic violence is often justified at the speed of the process compared to time-consuming criminal proceedings¹²⁶. Finland has also received notices from international human rights monitoring bodies regarding the slowness of criminal proceedings, and the problem cannot be remedied by referring cases to mediation.

In mediation, compensation for damages can be agreed, and this is usually the case if the violence in question is not domestic violence. In mediation of domestic violence, the focus is on apology and behavioral agreement. A recent study on mediation in domestic violence found that approximately 60% of all agreed compensation was either apologies (35%) or behavioral agreements (28%). Financial compensation was agreed upon in only 7% of the mediated cases. Such a situation undermines the legal protection of victims of domestic violence in relation to the status of victims of other forms of violence. Victims of domestic violence are also entitled to financial compensation. There may be a perception that it is enough for the victim that the violence ends. According to the same study, 75% of the mediated cases did not include any kind of ex-post follow-up from the mediation office's side.¹²⁷

The possibility of mediation services to refer the parties to support services is a commonly used argument for the benefits of mediation in domestic violence. In general, there is no information on where these victims are directed and, according to the findings of the NGO actors, there is very little or no guidance so that the referred persons actually have access to support services¹²⁸. According to the findings of an actor who works with crime victims, very few clients are referred to their services from mediation offices. Even when they are

¹²⁴ In the police's manual for intervening in domestic violence, such a risk is strongly linked to cultural aspects and it is stated that a person with a foreign background does not necessarily understand the meaning of mediation in terms of the criminal process and may then mistakenly understand that mediation must be agreed to at the suggestion of the police. However, such a risk is not limited to persons with foreign background, but also applies equally to members of the native population. However, this is not considered in the police manual. (Liimatainen, Ranta-Eskola, 2022, p. 44.)

¹²⁵ See Lähisuuhdeväkivaltarikosten selvitystyöryhmä, 2019.

¹²⁶ Liimatainen, Ranta-Eskola, 2022, p. 44.

¹²⁷ Shemeikka, et. al., 2023, pp. 58-59.

¹²⁸ A recent study on mediation in domestic violence cases revealed that service guidance was recorded for only 21% of the mediation initiatives, but at the same time there was also revealed shortcomings in the statistics, so that the actual amount of service guidance remained partly obscure. (Shemeikka, et. al., 2023, pp. 78-79.)

guided, it often only happens when the mediation is already behind them, and it may not have gone as desired for the victim. According to the law, the police are obliged to refer victims of crime to support services, so justifying the benefits of mediation with service guidance is without grounds for this reason alone. In practical work, concerns have also arisen as to whether mediation is interpreted as a support service and thus the victim is referred to either mediation or support services, and not to both at the same time.

The SUSTIMA project, which surveyed the state of mediation in Finland, drew a worrying picture of the state of mediation in domestic violence. In connection with the project, the views of both the staff of the mediation office and the volunteer mediators on the challenges of mediation and their development needs, among other things, had been surveyed. Many of the respondents highlighted as a challenge the criticisms of mediation in cases of domestic violence, and mediation was described as opposed on "ideological grounds". Opposition to mediation in intimate partner violence was mooted, perceived as harmful and described as disturbing the work peace of mediators. However, the same respondents highlighted mediation in domestic violence as a special area for development, for which uniform criteria were desired. When asked about development needs and where mediation actors feel they need more knowledge and skills, the most mentioned were legal competence and the identification and handling of power imbalances. As a special theme, more training on mediation in domestic violence was requested.¹²⁹ The responses given gave a rather worrying picture of mediation activities. The concern expressed that mediation jeopardizes the realization of the human rights of the victim of domestic violence is branded as a disturbance of peace at work. This raises the question of whether the values and attitudes of mediation services is in line with the spirit of the Istanbul Convention? It is particularly worrying that the concerns expressed by NGO actors are not being listened to, while at the same time it is being pointed out that mediation actors lack competence in identifying and dealing with domestic violence and power imbalances.

At the moment, there are a great many shortcomings in the mediation of domestic violence that jeopardize the safety and legal protection of the victim. The state's own steering mechanisms for the use of mediation are unclear. As it stands, mediation jeopardizes women's human rights. That is why the NGO actors are very critical of mediation. However, some NGO actors consider mediation of domestic violence is possible limited cases when certain criteria are met. However, a large number of NGO actors are in favor of banning mediation.

11 Resources and competencies of law enforcement agencies

In the country report on Finland, GREVIO made several critical remarks regarding the actions of law enforcement authorities in relation to the obligations of the Istanbul Convention. GREVIO called on the state to ensure the necessary resources, information and powers for law enforcement authorities to respond quickly and appropriately to all forms of violence covered by the Istanbul Convention. As specific measures, GREVIO highlighted the need to increase the number of female police officers and the power to refer victims of violence against women and domestic violence to specialist women's support services to ensure adequate support. To assess the adequacy of the nationwide number of female police officers, we do not have sufficient information at our disposal. In our view, the number of female police officers has increased, and they are involved in preliminary investigations into domestic violence. Nor do we have any information on, for example, how often a victim of violence wishes to meet a female police officer in a pre-trial investigation and how well

¹²⁹ Peltonen, et. al., 2022, pp. 124, 130, 141-144.

these wishes have been fulfilled in practice¹³⁰. In our view, the issue is generally not actively raised by the police.

11.1 Service guidance for victims

The fact that victims of violence against women and domestic violence are referred to specialist women's support services to ensure that they receive adequate support is influenced, first of all, by the issues raised in paragraphs two and four concerning the shortcomings in these services. There are still large differences in the regional availability of services, and services that enable only short-term customer relationships may not be sufficient for those referred to them. The resources for specialist women's services are very limited. There are major differences in the quality of the content of services, especially in their understanding of the gendered nature of violence and intersecting factors. Services that work with victims of violence, have encountered many women who have been disappointed in the services and who have been referred by various parties to inappropriate and, at worst, harmful, service. Often the working method in those services has based on couples counseling or therapy.¹³¹

The extent to which police officers refer victims of violence against women and domestic violence to the services they need, still seems to vary widely. This variation has become visible, for example, through research on the mediation of domestic violence. Studies have revealed that there have been major shortcomings in guidance of victims of violence, and police officers have not always internalized their duty to offer service guidance but may have transferred this responsibility to the mediation office.¹³² With regard to the perpetrators of violence, the variation is certainly even greater than this, as for the time being the police do not have a statutory obligation to refer the perpetrators of violence to the services they need.

The experiences of professionals who work with victims of violence and crime victims also paint a picture of the variability of guidance. The referral of police officers to the services of Victim Support Finland (RIKU) has increased clearly in recent years. Most of those referred are victims of violence against women in particular. The majority of RIKU's customers are women. In 2022, their share was 76%. RIKU has long experience and considerable expertise in working with victims of violence. RIKU also guides victims forward to special support services according to the situation and the victim's wishes.

It is also important to consider the referral of perpetrators of violence to services. Unlike the service guidance of victims, the service guidance of perpetrators is not yet written in the law. The Finnish Institute for Health and Welfare, in cooperation with the Lyömätön Linja Espoossa NGO, implemented a nationwide development project, within the framework of which the operating model created by the Lyömätön Linja Espoossa in cooperation with the police and the prosecutor's office, was disseminated to refer a suspect of a domestic violence offence to a perpetrator program¹³³. The results of the operating model in Espoo have been quite good, especially when the police have centralised the investigation of the offences in question in a separate unit of its own. When the operating structures of the police changed so that the centralized unit was dismantled, it was reflected in a rather large decline in service guidance. In the future, it would also be important and useful to take into account already developed operating models that have been proven to work in order to improve the efficiency of service management and to instill operating models in structures. Here it is important to take into account the solid expertise of NGOs in preventing and combating violence against women and domestic violence. In addition, it would also be a good idea to consider instilling domestic violence

¹³⁰ GREVIO 2019, pp. 49-50.

¹³¹ See e.g. Husso, 2003; Nyqvist, 2002; Antikainen, 1999.

¹³² Lähisuuhdeväkivallan sovittelun selvitystyöryhmä, 2019, p. 27.

¹³³ See more information Hyvärinen, Hautamäki, 2013.

units as an integral part of police departments. This would ensure special expertise in issues related to violence against women and domestic violence.¹³⁴

11.2 Serious shortcomings in the activities of the authorities

In its three articles¹³⁵, Helsingin Sanomat reported on serious problems in police investigations of sexual offences and domestic violence. Investigations can take up to years and even driving license issues are prioritized over rape. Measured by police department, the clearance rate for rape offences is, at worst, less than half. Of the suspected rapes reported to the police, only about 20% lead to prosecution and 15% to a conviction. Finland has an international obligation not only to criminalize sexual violence, but also to ensure the effective investigation of cases and the rights of crime victims. For the reform of the legislation on sexual offences to have the desired effect, the efficiency of criminal investigations and the judiciary must be ensured separately. Finland has received numerous convictions from the European Court of Human Rights specifically for the duration of legal proceedings. The reports by Helsingin Sanomat also highlight the lack of information and understanding of violence against women and domestic violence by the police and judicial authorities, as well as harmful, often victim-blaming and belittling attitudes.¹³⁶

As NGO actors, we have noticed that the police's approach to violence against women and domestic violence appears to be quite varied. Unfortunately, despite numerous positive experiences of cooperation, belittling and dismissive attitudes, stemming from myths and stereotypes, are no rare either. The harmful attitudes have also become visible in some police outlets in various media. In August 2021, in a crime magazine, the police published a guideline for women titled "*How to avoid rape – the police advise, but not blame*". Among other things, the police investigator pointed out how women should be reminded of how insecure they are when they are drunk and how naivety and intense drunkenness can turn out to be the fate of women.¹³⁷ Another example is the Stop! campaign by police, which aimed to educate, wake up and encourage people to seek help on time and from the right instances. In a podcast episode on domestic violence, the phenomenon was introduced in a gender-neutral way and was strongly linked to apply only to the most disadvantaged individuals in society. Substance abuse, untreated mental illness, people's own experiences of violence, social exclusion and unemployment were cited as the underlying causes of violence.¹³⁸

In its country report, GREVIO raised concerns about how the change in the legislation on the transfer of petty assaults to public prosecution has been implemented in practice. GREVIO noted that not all emergency calls resulted in a police home visit and in 2017, only 5554 domestic violence calls resulted in a criminal complaint, when the entire amount of the calls was 26089.¹³⁹ Repeated home visits also did not increase the likelihood of reporting a crime. According to the available information, there does not appear to have been any change¹⁴⁰. It has also emerged that the most common reason why a report of petty assaults has not been recorded during a home visit has been that the victim did not want it. It would therefore appear that the

¹³⁴ Information on service providers in the third sector must also be increased and not only victims, but also perpetrators should be actively guided to services.

¹³⁵ HS 24.11.2022 <https://www.hs.fi/kotimaa/art-2000009223672.html>; HS 16.1.2022 <https://www.hs.fi/sunnuntai/art-2000008463544.html>; HS 28.1.2022; <https://www.hs.fi/kotimaa/art-2000008556277.html>

¹³⁶ See also Section 2 and 8 in this report.

¹³⁷ Tani, 2022.

¹³⁸ Poliisi, Pysähdy! -kampanja.

¹³⁹ GREVIO, 2019, p. 49.

¹⁴⁰ Fagerlund, et. al., 2022, p. 53.

police have a lack of understanding of the petty assault as a crime subject to official prosecution¹⁴¹. A recent study highlighted the fact that, according to information received from the police, the number of crime reports recorded in domestic violence tasks in relation to the duties has increased over the past few years¹⁴². However, no official information on the subject is available, as the latest research data presents a different picture.

In recent years, the Assistant Chancellor of Justice Mikko Puumalainen has thankfully become active in assessing the police's actions regarding domestic violence and sexual offences. In 2019, he found that the police had acted against the law by not reporting a crime in a case of intimate partner violence. In his decision, Puumalainen drew attention to the following factors in which unlawful or improper conduct by police had been taken in relation to the matter in question: *"The Assistant Chancellor of Justice agreed with the police department's assessment with regards to the obligation to file a criminal complaint. The state of intoxication of the parties does not diminish this obligation. In addition, the Assistant Chancellor of Justice emphasized that repeated acts of violence are not grounds for not registering a criminal complaint. On the contrary, they are also an indication of the increased risk of serious violence, which requires a risk assessment to be carried out. The police department's investigation did not reveal that a risk assessment had been carried out, that the injured party had been informed of support services for victims of domestic violence, that her contact information be forwarded to support services, that those otherwise involved be referred to support services or substance abuse work, that the need for a temporary restraining order had been assessed, or that the police had been in contact with other authorities. During the pre-trial investigation, the injured party had not been heard by telephone until about three months after the events."*¹⁴³

Helsingin Sanomat's news coverage prompted Assistant Chancellor of Justice Mikko Puumalainen to investigate on his own initiative the police's conduct in pre-trial investigations of sexual and domestic violence offences and, above all, whether the pre-trial investigations have been conducted in the manner required by the Criminal Investigation Act (805/2011) without undue delay¹⁴⁴. Puumalainen made positive remarks about the fact that in many police departments the pre-trial investigations did not linger unnecessarily. In a few police departments, on the other hand, Puumalainen found several cases in which pre-trial investigations had lingered without an acceptable reason, even for so long that in some cases the right to prosecute was time-barred. In several serious crimes, investigative efforts had also been significantly delayed. Puumalainen expressed concern about his findings and stated that the serious delay in the pre-trial investigation would lead to violations of legal protection and that large differences would jeopardize the equality of citizens. The Puumalainen investigation also revealed that, although the police in their responses to the reasons for the delays cited the scarcity of resources, this was not actually the case in the cases in question. Puumalainen emphasizes the need for effective internal control, which cannot be based on the fact that an individual official or police department invokes a lack of resources.¹⁴⁵

In addition to the delay in the pre-trial investigations, Puumalainen found numerous other serious shortcomings and omissions in his investigation. He highlighted, among other things, shortcomings in assessing the need for protection of victims of crime, in referral to support services and in informing victims about their rights. In addition, Puumalainen drew attention to a case that had been delayed by almost three years because the police officer initially dealing with the case had not been able to identify the elements of the rape offence

¹⁴¹ Suonpää, et. al., 2023, pp. 89-90.

¹⁴² Suonpää, et. al., 2023, pp. 96-97.

¹⁴³ Apulaisoikeuskansleri, 2019.

¹⁴⁴ Many other instances have also raised concerns regarding recent development in terms of the effectiveness of the criminal process and the resources of the various actors in it, and which the Covid-19 - crisis made even worse. Processing times for police pre-trial investigations and court hearings in criminal cases have increased throughout the 2000s and the corona pandemic further accelerated this growth. (See e.g., Suonpää, et. al., 2023, p. 97.)

¹⁴⁵ Apulaisoikeuskansleri, 2022, pp. 3, 57-60.

in the case. For this reason, the case had been prioritized incorrectly. In the second case, assault involving strangulation had been investigated under the criminal code of petty assault. Puumalainen refers to the Supreme Court's decision-making practice when it states that for such life-threatening violence, the title should not be petty assault. Finally, Puumalainen states that his observations raise the question of *"Despite the training and instructions given in police departments, are the obligations set out in the Istanbul Convention, the Victims' Directive, the Criminal Investigation Act and the National Police Board's guidelines on encountering victims in particular in matters concerning domestic violence or sexual offences have still been adopted in practice."*¹⁴⁶

NGOs also express concern that the actions of law-enforcement officials to prevent and combat violence against women and domestic violence, to protect victims and to ensure the realization of human rights are not up to the level required by the Istanbul Convention. In particular, we draw attention to the shortcomings in identifying the gendered nature of violence and in the belittling and victim-blaming attitudes that still exists in the police organization. Those have not been sufficiently addressed by the training carried out so far. It would be important for education in the future to focus more on understanding the dynamics of the phenomenon of gender-based violence and on dismantling harmful attitudes and stereotypes instead of a gender-neutral educational orientation.

11.3 Risk assessment

The effectiveness of the multi-professional MARAK approach to risk assessment and support for intimate partner violence has been evaluated in Finland in 2010–2015, and the results obtained from it have been very positive. The model has clearly succeeded in reducing the number of crime reports to the police by victims who have repeatedly contacted the police due to intimate partner violence¹⁴⁷. GREVIO has called on Finland to ensure that systematic and gender-sensitive risk assessment is adopted as a standard procedure in the activities of all authorities¹⁴⁸. Still, the MARAK-model is only used in 38 locations in Finland, and assessing risk is not mandatory in legislation. The number of clients in MARAK is also quite small compared to, for example, the number of victims who have gone to a shelter or the number of intimate partner violence cases reported to the police¹⁴⁹. The statistics on MARAK activities have also revealed a lot of shortcomings in terms of customer guidance; most clients come to MARAK activities under the guidance of a shelter or social services. On the other hand, the guidance by the police and health care is weak.¹⁵⁰ This is quite worrying, as both the police and the health care services are actors who encounter a very large number of victims of violence and, in particular, the police are the primary actors in assessing the risk of violence.

From the point of view of actors engaged in work with victims and perpetrators of violence, there are still very many shortcomings in the risk assessment. Many of these are closely linked to the lack of structures for measures aimed at reducing violence against women and domestic violence at the national level, in municipalities and in the wellbeing services counties. Multi-professional cooperation and the extent to which organizations are involved in this vary greatly. It would be important for the new wellbeing services counties to invest in the training of professionals on risk assessment, also involving non-governmental actors in this cooperation¹⁵¹. The MARAK operating model – and the structures of cooperation in general – are lacking in

¹⁴⁶ Apulaisoikeuskansleri, 2022, pp. 29-30, 35, 39, 62.

¹⁴⁷ Piispa, October, 2017, p. 307.

¹⁴⁸ GREVIO, 2019, p. 52.

¹⁴⁹ Suonpää, et. al., 2023, p. 96.

¹⁵⁰ Suonpää, et. al., 2023, p. 90.

¹⁵¹ For example, the Turvassa -project of the Federation of Mother and Child Homes and Shelters has developed risk assessment methods for demanding separation situations. It would be good to make use of these in the future as well.

many locations¹⁵², which also makes multi-professional risk assessment very challenging. Cooperation can easily be well personified, which means that personnel changes may completely break off well-functioning cooperation. There are also many ambiguities and variations in the interpretation of the law regarding notification rights and obligations, which has led to their under-use. The legislation on the exchange of information contains a number of interpretative deadlocks (mainly due to the imprecision of the text of the law) which prevent the proper transmission of information between the various actors.

A positive step forward is a recent study on intimate partner homicides against women, which prominently highlights a number of problem areas in actions aimed at preventing violence, also offering positive development ideas. The study highlights the need to develop risk assessment and the need to study the effectiveness of existing methods of preventing intimate partner violence¹⁵³. The study concludes that both MARAK activities and many other services related to the prevention of intimate partner violence focus on victims of violence. As a development proposal, the study highlights the fact that, especially from the perspective of homicide prevention, it would also be useful to consider potential offenders and to develop interventions and risk assessment aimed at them. One form of preventive police action is the HAH-model, which focuses on "persons of concern", in which the aim is to carry out a threat assessment and take the necessary measures to reduce targeted violence and its threat. According to the police, HAH activities are closely linked to MARAK activities and like MARAK, they are multi-professional. However, there is no publicly available information on the extent to which HAH activities target perpetrators of intimate partner violence.¹⁵⁴ A NGO that works with perpetrators cannot offer any information about the multi-professional cooperation with the police in this regard¹⁵⁵. However, it would be very welcoming idea to strengthen multi-professional cooperation.

11.4 Due diligence of public authorities

A recent study on intimate partner killings against women highlighted as key findings that reducing intimate partner killings requires investments in better identification of violence, risk assessment and effective means of intervention. According to the results of the study, some of the cases were drawn in such a way that it would probably have been very challenging to intervene in advance by the authorities, as there appeared to have been no previous contacts with the authorities in relation to violence in several cases. On the other hand, the study revealed that in the vast majority of cases, physical and mental violence had persisted long before the homicide and victims had also used health care services in increasing numbers. However, the reasons for the visit that suggest violence were rare in the data. It has already been established that those who have experienced intimate partner violence, are very poorly identified in health care. The investigation also revealed that in only a few cases the victim had not told anyone about the violence and, in most cases, at least one of the victim's loved ones was aware of it. It should also be noted that the study used quite limited documentation, and for example the register data of social services and NGO services were missing in the study.¹⁵⁶

¹⁵² See also Section 3 in this report.

¹⁵³ Suonpää, et. al., 2023, p. 94.

¹⁵⁴ Suonpää, et. al., 2023, p. 90.

¹⁵⁵ Due to scheduling reasons, we didn't have time to find out if any other actors in the field of work with perpetrators might have information regarding co-operation with the police.

¹⁵⁶ Suonpää, et. al., 2023, pp. 57-58, 80-86.

However, there were also several cases in the study, where the violence had come to the attention of the authorities or the third sector actors prior to the killing¹⁵⁷, but even then, the measures taken to address the violence had remained limited and manifestly inadequate, as the violence eventually led to a homicide. In summary, the research results found that the authorities do not always recognize domestic violence, or their means of addressing it are inadequate. As a key result of the study, it was emphasized that more effort should be made to identify intimate partner violence and improve the effectiveness of reporting, without forgetting to refer perpetrators and victims of violence to the services they need.¹⁵⁸

A particularly worrying picture of the material was drawn concerning the actions of the police and the prosecutor: *"In many cases (62% in the pre-trial investigation records) the police had gone to check the situation due to the emergency call, or a police report had been made to the police, but the matter had remained there. The reason for the fact that the pre-trial investigation was not conducted was not found in the pre-trial investigation reports. In one case, a pre-trial investigation had been conducted in the case and the case had been brought under consideration for prosecution, but the prosecutor had made a decision not to prosecute the suspected act."*¹⁵⁹ These cases had not been opened up in detail, so it is impossible to assess, for example, whether the authorities have acted in accordance with the due diligence obligation under Article 5 of the Istanbul Convention, but overall, the results of the study paint a worrying picture of how weak the level of intervention in violence by the authorities is at the moment in our country. That is why we would like to highlight the 2009 judgment of the European Court of Human Rights (ECtHR) in the case of *Opuz v. Turkey*, where the ECtHR took a strong stance, emphasizing the state's duty to protect its citizens from violations committed by other individuals and to provide appropriate protection to victims of repeated domestic violence. In this case, the ECtHR identified the absence of intervention in domestic violence against women as gender-based discrimination by the state. The ECtHR justified its decision based on Turkey's widespread culture of state of non-intervention with regard to domestic violence against women. Unfortunately, the culture of the silence still prevails in Finland as well.¹⁶⁰

12 Restraining orders

According to Statistics Finland, around 70 per cent of those protected by a restraining order in recent years have been women and around 90 per cent of those sentenced to it men. At the moment, restraining orders work woefully weakly as a means of protection. A working group on enhancing restraining orders at the Ministry of Justice examined the state of the restraining order system and made several proposals for improving the system. The amendments to the restraining order approved in Parliament in December 2022 improve the effectiveness of the restraining order and strengthen the right to life, personal integrity, and safety of victims of violence against women and those living under the threat of domestic violence. The legislative amendments in the Act on Restraining Orders (898/1998) will enter into force on 1.10.2023.

The amendments strengthen the authority's obligation to impose a restraining order on its own initiative if the person protected by it is in imminent danger to life and health. The changes will enable the electronic enforcement of restraining orders. The police and the prosecutor will be obliged to refer the person protected by a temporary restraining order to support services. However, the police or the district court should also be obliged to refer to services when the victim herself or himself applies for a restraining order. Legislation should

¹⁵⁷ Ways in which the violence had come to the attention of the authorities prior to the killing: application for a restraining order, violation of a restraining order, clientship in child protection or other section of social services, police home alarm tasks, visits to health care and prison time.

¹⁵⁸ Suonpää, et. al., 2023, pp. 57-58, 80-86.

¹⁵⁹ Suonpää, et. al., 2023, pp. 57-58.

¹⁶⁰ See e.g., Abdel-Monem, 2009.

ensure that the victim's need for protection is assessed immediately after domestic violence or suspicion of it has arisen.

The court fee will be waived, which is an important improvement. Since 2016, the EUR 260 fee charged to the applicant for a restraining order, if the restraining order is not ultimately issued, has a negative impact, especially on low-income victims of domestic violence. Since the introduction of the court fee, the number of applicants for a restraining order has decreased. In the future, a violation of a restraining order must be treated as urgent, but only if the person is suspected of violating the restraining order, which is not to be considered minor overall.

In the past, restraining order requests have allowed the person ordered to contact the person protected by the injunction when it comes to the issues of common children. The regulations have often been rather vague and loose, which has allowed psychological violence and stalking to continue despite the restraining order. The aim of tightening the conditions for communication in the proposal is to improve the safety of the person protected by the ban, as foreseeable contacts, such as agreeing on meetings and meeting arrangements, would be clearly prohibited in the future. Furthermore, for a special reason, it has been considered necessary to be allowed to contact the registrant for the restraining order, for example, in the event of sudden serious illness of the child, etc. due to the nature of the situation. The change is a step in the right direction, but it remains to be seen how the courts will interpret the specific reasons and the exceptions they allow.

Despite numerous improvements, there is also room for improvement in the legislation on restraining orders. For example, despite the improvements, attention to safety is still uncertain. Furthermore, the benefits of the improved restraining order law do not extend to communal violence, where there may be several perpetrators. The authorities must ensure adequate protection for victims of honour-related violence other than through a restraining order. It should be easier to apply for restraining orders against the violent party and they should more broadly safeguard the rights of the victim. In particular, restraining orders issued by the police are rare in Finland¹⁶¹.

13 Migration and asylum

According to the survey¹⁶², women with foreign background experience violence 2–3 times more than women in the majority population, and the risk of rape among women with foreign background is almost double compared to women in the native population. According to Section 52 a of the Aliens Act (301/2004), a victim of human trafficking may be granted a continuous residence permit if the victim is in a "specially" vulnerable position. The Non-Discrimination Ombudsman has stated that the wording sets too high a threshold for obtaining a residence permit. The violence experienced by immigrant women must be taken better account of in the grounds for a residence permit. In order to ensure this, the residence permit of a victim of human trafficking should be issued on the condition of their being in a vulnerable position instead of a particularly vulnerable position.

Although Section 54 Subsection 7 of the Aliens Act allows victims of violence to obtain an independent residence permit when family ties are broken, the organizations' experience has shown that a permit is often not granted even if there has been serious violence in the relationship. When inquiring about the amounts, the Finnish Immigration Service has informed that, in total, approximately 40 residence permits have been granted under Section 54 Subsection 7 since 2021, of which fewer than five have on the grounds of violence and the rest apparently on the basis of a close bond with Finland. NGO actors have also tried to find out the practices

¹⁶¹ See Section 9 in this report for more information.

¹⁶² See KPMG, 2018.

related to the granting of permits from the Finnish Immigration Service without receiving a clear answer. It seems that it is also unclear to the Finnish Immigration Service, what exactly the threshold for granting this permit is. According to the Finnish Immigration Service, when applying for a residence permit, it is not required to report a crime or to be in a shelter, but they are part of the account, as well as statements by child welfare services or other similar parties, for example. Furthermore, it is unclear in practice how long this permit is normally granted and on what basis the length of the permit is justified.

Because the practices for granting a residence permit on the basis of violence experienced by a spouse are so unclear, the experience of organizational actors has shown that women have also had to apply for asylum, for example, on the basis of an increased risk of honour-related violence due to divorce. The challenge may have been that when the integration services of a municipal resident have already been well underway, and a woman ends up as an asylum seeker, she may have to move back to a reception center, for example. If a woman living in a depended position, under control, could be given the most anticipated information possible in advance that there is no fear of removal from the country, many may dare to disengage from the situation earlier.

At the moment, however, no one dares or can yet give anyone definite information about the support services, because the practices have been unclear. It seems to be unclear to everyone exactly what the threshold for granting this permit is. Sometimes the uncertainty that the victim could obtain an independent residence permit after leaving her abusive spouse prevents her from leaving the relationship. If the couple has children born in Finland, it is even more difficult for the mother to leave the relationship. In addition, it was unclear for a long time whether a permit could be applied for if a permit based on family ties had already expired. Often it may have already expired, as the woman may not have been aware of her own residence permit situation or whether the family ties permit is, for example, a residence permit. The abusive spouse has already been cancelled in retaliation. However, it has now become clear that, fortunately, this permit can be applied for even if the previous permit has already expired.

Integration legislation is based on the integration of immigrants on humanitarian grounds, but among work-based immigrants there may be equally vulnerable persons, especially if the working conditions at the workplace are not in order. Recent studies¹⁶³ revealed clear shortcomings in the interpretation and application of the criminal provision on the exploitation of persons subject to human trafficking and related offences (procuring and extortionate employment discrimination) and on the exploitation of a person subjected to sex trafficking. It will not be possible to develop a work-based immigration policy in a sustainable way without, at the same time, ensuring that foreign workers are not exploited. Support for the settlement of vulnerable work-based immigrants must be secured by legislation. The recommendations of the reports related to pre-trial investigation, court proceedings, training of authorities and the development of legislation should be implemented and possible needs for amendments to criminal legislation and criminal procedure legislation should be investigated in order to improve the fight against human trafficking and related crimes.

¹⁶³ See Koivukari, et. al., 2022; Melander, Mahmood, 2022.