

## **Submission to the questionnaire for the evaluation of the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence/ Statement by the Finnish League for Human Rights**

The Finnish League for Human Rights (FLHR) is an independent human rights organization that operates without religious or political affiliations. Our primary goal is to monitor the state of human rights in Finland, and we are proud to be a member organization of the International Federation for Human Rights.

We appreciate the opportunity to present our perspectives to GREVIO for the evaluation of the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, commonly known as the Istanbul Convention, regarding its implementation in Finland.

In this statement, the FLHR will concentrate on specific forms of violence against women within our area of expertise, namely, honour-based violence (HBV), forced marriage, female genital mutilation (FGM), and coercive control.

### **Article 15: Training of professionals**

*States should provide training for professionals on dealing with victims or perpetrators of gender-based violence.*

Recent advancements in Finland's approach to combating gender-based violence, particularly HBV and FGM, have seen improvements. Notably, the Government's Action Plan for Combating Violence against Women (2020–23) explicitly addresses honour-based violence, outlining specific objectives and measures to eradicate gender-based discrimination. This involves comprehensive training programs for officials and professionals. Additionally, the Action Plan on the Prevention of Violence against Children (2020-25) encompasses various measures to prevent HBV.

However, there prevails lack of knowledge and awareness among authorities, both at the national and municipal levels, regarding gender-based violence. Various forms of violence against women, such as honour-related violence, forced marriages, and female genital mutilation, are not adequately recognized and victims' Frights are not protected.

In the context of FGM, Finland has a comprehensive national action plan. Professionals in healthcare, for instance, bear the responsibility to discuss FGM with individuals at risk and intervene when necessary. However, the fulfilment of this obligation is inadequate, with professionals often unaware of their duties and responsibilities. Authorities in health care and social services, police, education, and immigration administration need further training on honour-based violence and FGM.

Guidelines for handling cases of honour-based violence need to be developed and made widely available for professionals in different fields who may encounter these cases in their work. Furthermore, models of consultation providing support and advice on honour-based violence for authorities and professionals in e.g., schools, health care and child welfare services must be developed.



Governments and institutions should implement mandatory, ongoing training programs for professionals across various sectors. These programs should focus on the gender-based violence and should include the recognition of signs and symptoms, and appropriate responses to honour-based violence and FGM. By investing in education and training, policymakers and institutions can empower professionals to play a role in prevention, intervention, and support for victims and survivors of HBV, forced marriages and FGM.

### **Article 20 (General support services)**

*The states should make sure that victims have access to services to facilitate their recovery from violence, including access to health care and social services.*

Intervention and prevention would be especially important in counselling centres and early childhood education. According to a study conducted by FLHR in 2016 professionals such as teachers, police and social workers have little knowledge of the phenomenon and lack clear guidelines for providing support to the victims of honour-based violence and FGM.<sup>1</sup>

Data collected by FLHR among women in communities with a relatively high risk of FGM, indicate that the professionals' duty to speak about FGM and to protect girls is not fulfilled: during pregnancy or after delivery, only 5 out of 67 women had been inquired about the risk of FGM to their child. Other shortcomings in national anti-FGM work include the lack of tailored support services such as therapy for victims and the failure to sufficiently include men in the preventive discussions in e.g., day care centres.<sup>2</sup> In addition, women who have undergone FGM encounter inadequate support and care within the Finnish healthcare system. Based on FLHR's grassroots efforts, it is understood that women often do not receive referrals for reconstructive surgery due to a lack of knowledge among doctors about FGM and available services.

The shortcomings in recognizing and addressing honour-based violence have been known for a long time. Services for victims of honour-based violence should be sufficiently and adequately resourced, as should civil society organisations working against violence. Building trust is key in the work against honour-based violence. Therefore, resources should allow for enough time for building a confidential relationship and the chance to have one-on-one discussions in reception centres, child welfare services, schools, integration services and health care especially for girls and women

In addition, it can be noted that the number of shelters, although increased, remains clearly below the recommendation by the Council of Europe and important regional differences exist. The situation is worrying, for example, in Northern Finland, including the Sámi Homeland. Moreover, the consequences of the COVID-19 pandemic on gender-based violence remain to be seen. A recent

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<sup>1</sup> Hansen et al. (2016) *Kunniakäsitykset ja väkivalta*. Violence and conceptions of honour. Ihmisoikeusliitto/FLHR. [https://ihmisoikeusliitto.fi/wp-content/uploads/2016/06/Kunniakäsitykset-ja-vakivalta\\_B5\\_netti-002.pdf](https://ihmisoikeusliitto.fi/wp-content/uploads/2016/06/Kunniakäsitykset-ja-vakivalta_B5_netti-002.pdf)

<sup>2</sup> Mohamed & Latvala (2019) *Female Genital Mutilation (FGM). Awareness and perceptions of Somali men in the Helsinki region, Finland*. Ihmisoikeusliitto/FLHR. <https://ihmisoikeusliitto.fi/wp-content/uploads/2020/09/FGM-Awareness-and-perceptions-of-Somali-men-in-the-Helsinki-region.pdf>



study suggests that social distancing may have facilitated new forms of coercive control at home, impeding access to shelters, particularly for women with immigrant backgrounds.<sup>3</sup>,

**Articles 49 ja 50 (General obligations and immediate response, prevention and protection)**

*Parties shall take the necessary legislative or other measures to ensure that investigations and judicial proceedings in relation to all forms of violence covered by the scope of this Convention are carried out without undue delay while taking into consideration the rights of the victim during all stages of the criminal proceedings; and in conformity with the fundamental principles of human rights and having regard to the gendered understanding of violence, to ensure the effective investigation and prosecution of offences established in accordance with this Convention.*

*Parties shall take the necessary legislative or other measures to ensure that the responsible law enforcement agencies respond to all forms of violence covered by the scope of this Convention promptly and appropriately by offering adequate and immediate protection to victims; and to ensure that the responsible law enforcement agencies engage promptly and appropriately in the prevention and protection against all forms of violence covered by the scope of this Convention, including the employment of preventive operational measures and the collection of evidence.*

In Finland, forced marriage can currently only be punishable under the Criminal Code as trafficking or aggravated trafficking in human beings, or as coercion. However, in practice current legislation is not applicable to all cases of forced marriage. According to experts, the human trafficking legislation is very complex. In the decision by the Deputy Chancellor of Justice from 2021 it was noted that the police and investigators have difficulty identifying the elements of human trafficking and consequently, rights of victims of human trafficking are not being fulfilled currently.<sup>4</sup>

According to FLHR, forced marriages should be considered as its own separate phenomenon as the current human trafficking legislation applies mainly to cases where the forced marriage includes clear elements of human trafficking and clear coercion. Thus, in certain circumstances, for example in cases where parents force their child into marriage thinking that it is in the child's best interests without any intention of harming them do not fall under the human trafficking legislation. The current legislation is not in accordance with the Istanbul Convention article 37 and violates the human rights of the victims of forced marriage. It is therefore crucial that marriages concluded under force are criminalised, including legally invalid marriages, such as so called cultural or religious marriages.

In relation to FGM, currently there is no specific legislation. The process of assessing the need of a specific criminalisation of FGM took place at the Ministry for Justice between 2021-2022 after a citizen's initiative demanding specific criminalisation had been accepted in the parliament. To our

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<sup>3</sup> Husso, M. et al. (2021) Korona, koti ja kontrolli: väkivaltatyöntekijöiden näkemyksiä lähisuhteiden väkivallan kohteina olleiden avun saamisen haasteista korona-aikana. *Sosiaalilääketieteellinen Aikakauslehti*, 58(3).

<sup>4</sup> Puumalainen M. (2021) The police have difficulties identifying human trafficking offences, *Chancellor of Justice* <https://oikeuskansleri.fi/en/-/deputy-chancellor-of-justice-mikko-puumalainen-the-police-have-difficulties-identifying-human-trafficking-offences>



great disappointment, the working group did not propose amendments to the provisions of the criminal code in its report published in February 2023<sup>5</sup>. FLHR was part of the working group.

Lastly, the FLHR points out that the legislation to protect women from coercive control, which is a central form of honour-based violence, and violence against women in general, is lacking in Finland. It is essentially important to strengthen the legislation by criminalising coercive control.

Recent legislative developments offer a slightly positive outlook. The government's proposal to dissolve forced marriages was accepted in parliament in February 2023 and it took effect in October 2023. In addition, the processes to criminalize forced marriages, and FGM are ongoing.

### **Article 56 (Measures of protection)**

*Parties shall take the necessary legislative or other measures to protect the rights and interests of victims, including their special needs as witnesses, at all stages of investigations and judicial proceedings*

Women and girls with migrant backgrounds are at heightened risk of experiencing HBV and being subjected to forced marriage and FGM. They may have greater difficulties to protect themselves or leave threatening situations. Furthermore, the fear of losing custody of their children or complications arising from legal processes can deter victims from seeking help from the police, fearing that the charges might not lead to justice. It is crucial to ensure that victims have the opportunity to pursue justice without undergoing re-traumatization and fear. Lengthy legal proceedings can make recovery slower and prolonged criminal process creates insecurity and anxiety in their everyday life.

Victims frequently hesitate to report cases to authorities for various reasons. Fear of exacerbating the situation, lack of information on where to report offenses, and distrust of the police or other authorities are common factors. Additionally, victims may be motivated to protect their family members, and the fear of potential exclusion from the community further discourages them from filing reports. Addressing these concerns and fostering an environment where victims feel supported and understood is essential to breaking the cycle of silence surrounding honor-based violence.

Police need to recognise an honour-based motive and take the communal nature of honour-based violence into account when a person files a report and when conducting the investigation. Throughout the entire criminal procedure, the victim should get enough information on the procedure and receive adequate support and protection.

Victims of honour-based violence should receive information on their rights and services provided as due the language barrier they are in vulnerable position. Unfortunately, authorities often fail to recognize honour-based violence and forced marriages adequately, leaving victims without sufficient protection.

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<sup>5</sup> *Tyttöjen ja naisten sukuelinten silpomisen rangaistavuuden selkeyttäminen rikoslaissa*. Oikeusministeriön julkaisu, Mietintöjä ja lausuntoja 2023:6 <https://julkaisut.valtioneuvosto.fi/handle/10024/164633>



## Recommendations

- Ensure systematic training of relevant authorities and professionals on HBV, FGM and other forms of GBV.
- Criminalize forced marriages, including the legally invalid marriages
- Criminalize coercive control
- Criminalize all forms of FGM
- Implement the Action Plan for the Prevention of FGM fully and efficiently and allocate sufficient resources to competent authorities to this end.
- Ensure that tailored support services for victims of FGM and HBV are available.
- Increase the number of shelter places and the geographic distribution of shelter to host survivors of GBV, HBV and FGM.

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