

Statement to Grevio 15.12.2023

A short summary of the challenges encountered in the work of VIOLA – väkivallaksi vapaaksi ry's (VIOLA Free from Violence) Support Center Varjo and 'Taloudellinen väkivalta tutuksi' (economic abuse) project in situations of intimate partner violence in Finland.

About us

We represent a Finnish non-governmental organization, VIOLA Free from Violence's Support Center Varjo and VIOLA's national project regarding economic abuse ('Taloudellinen väkivalta tutuksi'). Our activities are primarily funded by the Funding Centre for Social Welfare and Health Organizations (STEA). We work nationwide, focusing particularly on situations of post-separation violence, where clients face persecution, conflicted separation, economic violence, or alienation. We provide counseling, guidance, and psychosocial support to victims of persecution and violence. We often collaborate with other professionals and authorities in situations of post-separation violence and offer consultation and training to professionals on the aforementioned topics. We are the only nationwide support center for persecution and post-separation violence. Additionally, this statement is based on a 2.5-year national project ('Taloudellinen väkivalta tutuksi') on developing strategies to combat economic violence, which is the first of its kind in Finland, focusing on and providing assistance in cases of economic violence.

General findings based on customer experiences

Findings summarized:

- In the Finnish system, victims' experiences of violence and post-separation stalking are not adequately recognized. Abuse is sometimes confused with custody battles and disputes, or the situation is only viewed from the perspective of alienation.
- There are deficiencies in mapping out abuse, and authorities do not systematically investigate family situations sufficiently. Services are not nationally equal, and there is insufficient help available for victims, children, and perpetrators.
- Measures to address post-separation abuse, economic abuse and stalking are unclear and insufficient. Clear service paths are lacking, the system is fragmented, family situations are not considered holistically, and no authority takes overall responsibility for the customer's process.
- Challenges related to the courts are closely tied to the above point. Courts do not adequately recognize the dynamics of abuse, and, in some situations, abuse is overlooked. Additionally, the current system allows for the initiation of repeated legal processes.
- The system emphasizes reconciliation and highlights cooperative parenting as the ideal solution even in situations where conditions for cooperative parenting are not met. Principles associated with cooperative parenting can enable the continuation of violence.

According to the experiences of Support Centre Varjo's clients, violence is not sufficiently recognized and prevented in Finland, especially in cases of post-separation abuse, persecution, psychological abuse or when children are indirectly involved in the perpetration of violence. Client experiences have highlighted shortcomings in the way public authorities deal with abuse, including shortcomings in the identification of 'abuse and overlooking the phenomenon. Abuse is not adequately mapped or investigated. Abuse as a phenomenon is sometimes confused with other phenomena such as disputes, custody battles and parental alienation. When the perspective of resolving family matters is on post-separation dispute and conflicts, the

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emphasis is not on methods of delineation or securing safety. Perpetrators are not directed to change their violent behavior patterns towards the child and the other parent. On the contrary, parents may be supported in improving their relationship to enhance cooperative parenting. In practice, "quarreling" parents have been supported in joint discussions to mend their "strained" relationships. The latest government program also mentions increasing mediation to resolve difficult custody disputes. However, these situations often are about post-separation abuse, for which mediation is not the right solution.

The deficiencies in official actions extend to a more comprehensive approach to handling the situations of families experiencing post-separation abuse. Victims of post-separation abuse and stalking lack clear service paths; our system is fragmented and no authority takes responsibility for leading the processes. In part, the access to the services (e.g., child protection services) can be very difficult. Child protection also lacks effective methods for interrupting post-separation abuse, and multi-professional cooperation is arbitrary.

The Finnish system can be used as a tool for violence, and the different practices and/or legislation of various authorities enable the continuation of post-separation abuse and stalking. According to our customer experiences, the competence of the courts regarding the phenomenon of intimate partner violence is arbitrary; decision-making is not always based on information, and decision-making does not make sufficient use of the knowledge of the individual child's situation, nor the views of professionals with special expertise. If the court ignores the views of the child and the special experts and decides the case against the child's interest, the procedure does not comply with the UN Convention on the Rights of the Child, nor the law on child custody and visitation of the child.

It is also not "allowed" to talk about domestic violence in the courts (this is systematically prohibited, e.g. the attorneys give instructions on this). The abuse only becomes relevant when it is possible to prove the experiences. This is a problem, for example, in the context of psychological abuse, coercive control, post-separation abuse, and stalking. When abuse is bypassed in the courts, and the phenomenon is interpreted as related to quarreling or custody battles, it may turn into a situation where the victim of violence is considered uncooperative or an alienating parent who does not "allow" the child to meet the other parent. In this case, the victim's attempts at protection turn against the victim. Thus, the system does not enable protection against violence but condemns it.

In custody and visitation court processes, there is no obligation for the perpetrator of violence to accept help and prove their non-violence. There is also no such obligation in the Finnish legislation. The regulation of legislation related to the custody and visitation of the child does not provide tools for eradicating post-separation abuse.

In the Turvassa project (2019-2022) managed by the Federation of Mother and Child Homes and Shelters, a child-centered risk assessment tool has been developed for multidisciplinary assessment of risks in difficult divorce situations. This risk assessment method has been implemented only in some parts of Finland. There are not enough resources for the training sessions for the use of the method, making it unavailable to all professionals. Training professionals in child-centered, multidisciplinary risk assessment should be regular, long-lasting, and include evaluations of the tool.

The assessment of risks to the child is not yet systematic and multidisciplinary. In difficult custody disputes and high-risk divorce situations, professionals often view situations as communication difficulties between parents, neglecting the psycho-social difficulties of the divorcing family, abusive parenting, and the child's exposure to violence. Both in child supervisor services and court processes, there is a strong emphasis on reconciliation, highlighting cooperative parenting as the ideal solution even in situations where the conditions for cooperative parenting are not met, and where the principles of cooperative parenting enable the continuation of violence.

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In Finland, some who are stalked feel that they are in a lawless position because the system is unable to protect them or their child from post-separation abuse and stalking. For this reason, experiences of post-separation abuse and stalking can be partly linked to structural and systemic violence, as the problematic structures of our society and challenges in the system enable the continuation of violence, placing the targeted individuals in a more disadvantageous position than other citizens. Our society would need stricter obligations and structural reforms in official functions and legislation so that the individual's right to inviolability and security, as mentioned in the Finnish Constitution (§7), and the public power's duty to act as a protector of human rights (§22) would be better realized.

About economic abuse

When it comes to prevention and systematic support for economic violence, Finland is still in the early stages. There is relatively little knowledge about the prevalence and effects of this phenomenon because it is often overlooked in violence surveys. There is no population-level research data on economic violence available in Finland, which is why it is still an "invisible" phenomenon here, and the success of preventive measures cannot be evaluated very well. However, the Taloudellinen väkivalta tutuksi (Economic Abuse) project is an example of Finland taking action to prevent this form of violence.

Working with those who have experienced economic violence reveals that their experiences of violence have not been well recognized in support services and official processes. Assistance has been fragmented, and there is insufficient cross-sector collaboration among professionals working beyond administrative boundaries. There is a need for sufficient, trauma-informed, timely, and long-lasting services.

Identifying economic violence can take a long time. Disagreements over financial matters are often seen as normal conflicts within a relationship, which spouses are expected to negotiate and resolve themselves. To recognize and bring attention to this phenomenon, there is a need for public discourse and raising awareness about economic violence. This could reduce the associated shame and concealment. At the population level, there is a need for more education on financial literacy, which could reduce the risk of becoming economically exploited. Assistance and official work should include regular discussions about financial matters and responsibilities. In addition, there is a need for a nationally specialized support service for economic violence victims to provide them with support, assistance, and guidance. Professionals, such as lawyers in different roles, may also need consultation in cases involving economic violence.

Legal protection against economic violence in Finland is weak. Many forms of economic violence are considered to be individual matters of personal autonomy. Especially during a relationship, there are few legal mechanisms to address economic violence by a spouse.

Seeking joint custody of the child can prevent the detection of violence. In official encounters, separation situations are often seen as temporary crises, and the continuation of violence in different forms is not recognized. Children often become instruments in post-separation violence situations, and their assistance typically falls within the responsibility of the third sector without sufficient sustainable funding models. A violent guardian may even deny the child access to help for the violence.

The slowness of the court process is a clear drawback, allowing the use of economic violence against the other spouse. Finland also lacks judges with expertise in children's rights, and there is generally a lack of expertise in post-separation violence and persecution within the judiciary.

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Challenges exist in the Finnish legal aid system in cases of economic violence. An indigent party may receive free legal aid, while the victim of economic violence may appear wealthy, although their assets may be under the control of the perpetrator. For these reasons, the parties are often not in an equal position, which can prevent the victim of economic violence from defending their rights in court.

Problems in legislation from the perspective of economic violence:

- Serious mental violence/compulsive control is poorly recognized and accounted for in official processes, courts, and services.
- The definition of persecution in legislation does not recognize situations of economic (or procedural) violence.
- The legislation concerning marital property is quite outdated, allowing for the prolonging of property division for years. The tasks, authority, and possibility of using an estate administrator should be evaluated. Existing legislation could provide solutions against economic violence if viewed from this perspective. New ideas are needed to develop arrangements related to marital property so that one party cannot delay and complicate the divorce, property settlement, and division.
- Because coercive control is not criminalized in Finland, it is overlooked in the legal process, even though economic abuse and coercive control are often seen together
- Women facing procedural persecution face difficulties because they may be left with recurring costs of legal proceedings. The women who contact the Taloudellinen väkivalta tutuksi project have reported that it can take several years for them to cover these costs. This is another concrete example of the long-lasting consequences of economic violence.

Professional training does not sufficiently include information about violence against women. This also applies to professionals who regularly encounter domestic violence in their work (such as nurses, social workers, and social counselors). There is a significant need to increase awareness about this issue among different professionals as part of their education and as ongoing training. Additionally, primary education should include age-appropriate information for children and young people about domestic violence and safety in relationships.

Best Regards,

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