



REFERENCE: YH/follow-up/Finland/64

10 August 2016

Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the seventh periodic report of Finland at the Committee's fifty-seventh session, held in February 2014. At the end of that session, the Committee's concluding observations were transmitted to your Permanent Mission (CEDAW/C/FIN/CO/7). You may recall that in the concluding observations, the Committee requested Finland to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraph 19 of the concluding observations.

The Committee welcomes the follow-up report received on time in February 2016 (CEDAW/C/FIN/CO/7/Add.1) under the CEDAW follow-up procedure. At its sixty-fourth session, held in July 2016 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 19** of the concluding observations that the State party “allocate adequate financial resources to the national action plan and strategies aimed at eliminating violence against women”: The State party indicated that the Government's five-year action plan to reduce violence against women, which reached the end of its implementing period in 2015, has been evaluated and considered by an external entity as a good instrument in promoting multi-sectoral actions for violence reduction. It further mentioned that the implementation of the social and health care-related measures of the plan had been affected by the pending nationwide social welfare and health care reform. It added that a future action plan for the elimination of violence against women will be drafted by the coordination body, in line with the Istanbul Convention. According to information received by the Committee, the national action plan to reduce violence against women (2010-2015) was insufficiently funded, which impeded its full implementation. The Committee notes the information provided by the State party on the implementation of the Government's action plan to reduce violence against women for the period 2010-2015 and the preparation of the next action plan. However, it considers that the State party did not take sufficient measures to allocate adequate financial resources to such plan. It considers that the recommendation **has not been implemented**.

Regarding the recommendation that the State party “establish an effective and adequately funded institutional mechanism at the government level to coordinate, monitor and assess the effectiveness of measures taken”: The State party indicated that, in accordance with article 10 of

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the Istanbul convention, a coordination mechanism is being established at the government level and is due to be operational in spring 2016. It mentioned that such mechanism will be headed by a senior civil servant coordinator and an expert secretary and composed of representatives of various government ministries and State agencies, and will cooperate with non-governmental organisations. It further informed the Committee that the mechanism will draft an action plan for a term of four years, including plans on detailed cross-ministerial monitoring. However, according to information received by the Committee, the draft decree on the establishment of a coordinating body presented last year by the Ministry of Social Affairs and Health does not include any additional, earmarked human, technical and financial resources to allow the mechanism to fulfil its mandate. The Committee welcomes the steps taken by the State party to establish a coordination mechanism at the government level. However, it considers that the State party did not take sufficient measures to adequately fund such mechanism in order to ensure its effectiveness in coordinating, monitoring and assessing the Government's policy on violence against women. The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

Regarding the recommendation that the State party "take the legislative and other measures necessary to prohibit mandatory mediation and conciliation in cases of intimate partner and other forms of domestic violence": The State party mentioned that there is no mandatory mediation in cases of intimate partner and domestic violence. It indicated that, according to the Act on Mediation in Criminal and Certain Civil Cases, mediation is always voluntary, independent, confidential and cost free, requires the consent of all the persons involved in the case, and can be cancelled by them at all stages of the process. It further stated that professional personnel of the mediation office carefully assess the suitability of each mediation case and decide whether or not to start or pursue the process. It added that the number of domestic violence cases referred to mediation nearly doubled after the 2011 amendment of the Criminal Code which classified petty violent crimes in close relationships as offences under public prosecution. However, according to alternative sources of information, the victim and the perpetrator are not equal participants in the mediation process, and it is very difficult to ensure that the victim participates in the mediation process voluntarily. The Committee notes that mediation and conciliation in cases of intimate partner and other forms of domestic violence is not mandatory but based on the voluntary consent of the parties involved and that the number of domestic violence cases referred to mediation nearly doubled since 2011. It also notes the observations of the alternative sources that, in practice, it is often difficult to ensure that the victim participates in the mediation process voluntarily. The Committee considers that, for the period under consideration, the recommendation **has been implemented**.

Regarding the recommendation that the State party "review the legislation on rape so as to remove any requirement that sexual assault be committed by force or threat and place the lack of consent at the centre of its definition; amend the Penal Code, chapter 20, section 1.2 on rape and section 5.1, containing provisions on sexual abuse, to ensure that the definition of rape also covers cases of non-consensual sexual acts where there is an abuse of authority, such as in cases of rape committed against women who are residents in closed institutions": The State party mentioned that chapter 20, section 1.1 of the Penal Code covers the cases where the offender has forced another person into sexual intercourse by the use or threat of violence. It further mentioned that chapter 20, section 3 concerning coercion into a sexual intercourse was repealed in 2014 and acts which were earlier considered more lenient than an actual rape are nowadays punished applying the provisions governing rape. In addition, it indicated that the Government's proposal 216/2013 underlines comprehensively protection of sexual self-determination, which places the lack of consent at the centre when dealing with rape cases. Furthermore, it is reported that chapter 20, section 5 concerning sexual abuse was modified by Law 509/2014, which stipulates that "a person who abuses his or her position and entices into sexual intercourse, into another sexual act essentially violating his or her right of sexual self-determination, or into submission to such an act a defenseless patient being treated in a hospital or other institution, shall be sentenced for sexual abuse". The Committee notes the amendments to chapter 20, section 1.2 to consider sexual intercourse with a defenseless person as rape, and to chapter 20, section 3 to broaden the scope of

the definition of rape. It further notes Government's proposal 216/2013 on the protection of sexual self-determination. However, the Committee considers that, although legal provisions on rape have been revised towards a consent-based definition, the State party did not take specific measures to remove the existing requirement that sexual assault be committed by force or threat, and did not place the lack of consent at the centre of its definition. Furthermore, it considers that the State party did not take concrete measures to amend chapter 20, section 5.1, containing provisions on sexual abuse, to ensure that the definition of rape also covers cases of non-consensual sexual acts where there is an abuse of authority, such as in cases of rape committed against women who are residents in closed institutions. The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

Regarding the recommendation that the State party "align the sanctions for non-consensual sexual acts where there is an abuse of authority from a fine to the minimum sentence of imprisonment as is the case for the commission of such acts; and take specific measures to fully investigate, prosecute and punish perpetrators of rape in order to increase the conviction rates in cases of rape": According to alternative sources of information, chapter 20, section 5.1 of the Penal Code states that acts committed by someone in a position of authority or trust against a person in their custody or in relation to who they have a duty of care such as a patient in a hospital or other institution, or whose capacity to consent is impaired due to illness, handicap or other infirmity, are punishable under the crime of sexual abuse, and carry a minimum sentence of a fine. Moreover, it is indicated that it takes about one year from the reporting of a rape case to the police to the start of an investigation, and that only 150 of such cases result in conviction every year, out of approximately 1000 cases investigated annually. The Committee considers that the State party did not take concrete measures to align the sanctions for non-consensual sexual acts where there is an abuse of authority from a fine to the minimum sentence of imprisonment as is the case for the commission of rape. It further considers that the State party did not take specific measures to fully investigate, prosecute and punish perpetrators of rape in order to increase the conviction rates in cases of rape. The Committee considers that the recommendation **has not been implemented**.

Regarding the recommendation that the State party "ensure that a sufficient number of shelters, staffed by qualified personnel and provided with adequate financial resources, are available to women victims of violence, including those from disadvantaged groups who require special support": The State party indicated that the Act on State Compensation to Producers of Shelter Services, whose purpose is to guarantee qualitative and comprehensive shelter services and define competence requirements for the shelter personnel, entered into force in January 2015. It also mentioned that 24/7 psychosocial support, counselling and guidance is provided to every person who has experienced or has been threatened with domestic violence, free of charge and regardless of his/her residence. It further reported that, for the year 2016, a total of 11.3 million euros have been allocated to 19 shelters that altogether accommodate 118 family placements, cover geographically different parts of Finland and include also places for the Swedish-speaking minority, migrant women and children, and women with disabilities. It added that the shelters are financed, instructed and monitored by the Ministry of Social Affairs and Health, while the National Institute for Health and Welfare is responsible for the national coordination and development of such shelters. According to information received by the Committee, the number of shelters is still insufficient and not appropriately disseminated throughout the territory, due to the lack of State funding. It is further mentioned that Finland lacks 433 family places in shelters, calculation based on the standards of the Council of Europe and the Istanbul Convention Explanatory Report. The Committee welcomes the measures taken by the State party to ensure that shelters, staffed by qualified personnel and provided with adequate financial resources, are available to women victims of violence, including those from disadvantaged groups who require special support. It considers, nevertheless, that steps should be taken to further increase the number of such shelters and improve the geographic coverage of the territory. The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

Regarding the recommendation that the State party “open rape crisis centres, walk-in centres and 24-hour, free-of-charge, helplines that provide protection and assistance to all women victims of violence, including migrant women, women with disabilities and women belonging to sexual minorities”: The State party indicated that, until 2016, women victims of rape/sexual violence and/or exploitation have received free of charge support and guidance only during weekdays within fixed hours through services organized by non-governmental organisations. The State party further mentioned that a nationwide 24/7 helpline service free of charge for all victims of violence is being finalized by the Ministry of Social Affairs and Health with the aim of having helpline services available and functioning during the fall of 2016. Besides, it reported that national guidelines for helping victims of sexual violence are due to be published during the spring 2016 and that district hospitals will receive directions on creating a local treatment chain for helping victims of rape and other forms of sexual abuse. Finally, it mentioned that a rape crisis centre is planned to be piloted in one of the district hospitals. The Committee notes the finalization of a nationwide 24/7 helpline service free of charge for all victims of violence, as well as the measures envisaged to open a rape crisis centre in one of the district hospitals. It also notes the upcoming publication of national guidelines to be used by district hospitals to create a local treatment chain for helping victims of rape and other forms of sexual abuse. However, it considers that the State party did not take sufficient measures to open rape crisis centres and walk-in centres that provide protection and assistance to all women victims of violence, including migrant women, women with disabilities and women belonging to sexual minorities. The Committee considers that the State party took some measures to implement the recommendation. It considers that the recommendation **has been partially implemented.**

Regarding the recommendation that the State party “ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence within the time frame indicated by the State party”: The State party indicated that the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence has been ratified and that the Convention entered into force on 1 August 2015 in respect of Finland. The Committee welcomes the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. It considers that the recommendation **has been implemented.**

The Committee recommends that, in relation to paragraph 19 of the concluding observations, the State party provide, **in its next periodic report due in February 2018**, information on further actions taken to:

- 1) Expedite the adoption of the new national action plan for the elimination of violence against women and allocate adequate financial resources for its implementation;
- 2) Expedite the establishment of the government level coordination mechanism and ensure that it is adequately funded to coordinate, monitor and assess the effectiveness of measures taken;
- 3) Monitor the implementation of the Act on Mediation in Criminal and Certain Civil Cases to ensure that mediation is actually voluntary, independent, confidential and cost free;
- 4) Continue reviewing the legislation on rape so as to remove any requirement that sexual assault be committed by force or threat and place the lack of consent at the centre of its definition; amend the Penal Code, chapter 20, section 1.2 on rape and section 5.1, containing provisions on sexual abuse, to ensure that the definition of rape also covers cases of non-consensual sexual acts where there is an abuse of authority, such as in cases of rape committed against women who are residents in closed institutions;
- 5) Align the sanctions for non-consensual sexual acts where there is an abuse of authority from a fine to the minimum sentence of imprisonment as is the case for the commission

of rape, and to take specific measures to fully investigate, prosecute and punish perpetrators of rape in order to increase the conviction rates in cases of rape;

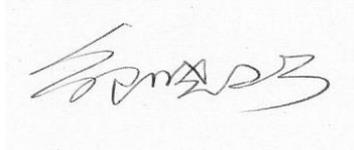
6) Ensure that a sufficient number of shelters, staffed by qualified personnel and provided with adequate financial resources, are available to women victims of violence; and

7) Finalize the establishment of the nationwide 24/7 helpline service and open rape crisis centres and walk-in centres that provide protection and assistance to all women victims of violence, including migrant women, women with disabilities and women belonging to sexual minorities.

The Committee looks forward to pursuing its constructive dialogue with the authorities of Finland on the implementation of the Convention.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



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Rapporteur on follow-up
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