

## **Finnish NGO's parallel report to UN's Committee monitoring the Convention on the Elimination of All Forms of Discrimination against Women July 2010**

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## 1. Introduction

In July 2008, UN Committee monitoring the Convention on the Elimination of All Forms of Discrimination against Women held a hearing of Finland in New York. In the final notes, CEDAW Committee encouraged Finland to take measures against the discrimination of women and to deliver a special report to the Committee on violence against women in July 2010.

CEDAW Committee wants information from the Finnish government regarding the following in particular: plan of action to prevent violence against women, coordination of prevention of violence on national level, safe shelters, and the use of mediation in case of violence in intimate partner relationships.

Opinions on violence against women in Finland were collected from 18 NGOs<sup>1</sup> into this parallel report. This report focuses mainly on current developments.<sup>2</sup> It is not a shadow report, because the Finnish government has not published the draft report and NGOs were not heard during the drafting process. This parallel report was translated from Finnish to English by Amnesty's voluntary translators, whom we thank enourmously.

In general, the framework of the discourse on violence against women in Finland remains challenging. The discourse is silenced by redirecting focus from the big picture towards the individual and by creating an illusion of symmetry between different phenomena of violence. Instead of breaking taboos, statements such as "*women are violent too*" and "*the greatest problem in Finland is violence between two males*" are examples of the aforementioned diversion tactics. They help obscure the gender-specific issues in violence and cause the common value base, which would allow for efficient action against violence, to be broken down.

The problem with rhetoric can be better explained via a parable. In Finland, there is a widely accepted understanding that certain careers are dominated by women. Undoubtedly, health and care are mainly female-dominated, although most surgeons are male and despite there being male child minders in any larger group. It is also clear that the wage gap of female-dominated sectors is to do with gender. There is a multitude of historical, political and cultural reasons in the background.

Therefore, in the discourse on violence against women, the focus must shift from the individual to the structural level. It is clear that anyone can be a victim or perpetrator of violence. However, in violence against women, the violence is connected to the structures that cause the inferior position of women in families, relationships and the society. Whether we are discussing violence

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<sup>1</sup> Amnesty International Finnish section, Women's Organisation of the Swedish People's Party in Finland, The Federation of Mother and Child Homes and Shelters, Seta - LGBT Rights in Finland, Monika – Multicultural Women's Association in Finland, Roma Women, Christian Democratic Women in Finland, UNIFEM Finland, Finnish League for Human Rights, The Feminist Association Unioni, The National Council of Women of Finland, The Coalition of Finnish Women's Associations, Women Together Against Addictions, Women's Line, YWCA of Finland, Left Women, Forum for People with Disabilities, Finnish Federation of University Women

<sup>2</sup> According to the National victimization survey published last year, the situation of family violence, which includes violence between family members and ex-partners, has remained relatively stable between the years 1997 and 2009. The National Research Institute of Legal Policy interim research report 2009, Sirén & Aaltonen & Kääriäinen.

against women, or female-dominated sectors, it is essentially to do with the same issue: problems caused by discrimination against certain groups, and the responsibility to solve these problems lies on the government.

## **2. Government's action towards solving discrimination against women**

The NGOs agree unanimously that the government's actions in the prevention of violence against women, and in providing services to those who have suffered violence, are inadequate. The third sector has the primary responsibility for the provision of services. Work to prevent violence has relied on project funding, which has caused the work to be piecemeal and suffering from lack of continuity.

The actions of municipalities are especially important in the prevention of violence against women. The Ministry of Social Affairs and Health carried out a project between the years 2004 and 2007, which aimed at getting the municipalities to come up with their own action plans and to appoint contact persons. This project was a relative success: over half of the municipalities developed an action plan and most of them also appointed a contact person. In the evaluation undertaken in 2009, it became obvious that after the end of the project, the number of contact persons had clearly dropped. This is typical for Finnish measures, be it against violence or towards equality: different projects develop structures that can work, but they have no continuity due to lack of ongoing funding.

The NGOs support the CEDAW committee's suggestion for a campaign on stopping violence against women. A few large-scale anti-violence campaigns have been executed in Finland in the past, but a stronger message is required in this society, which would focus especially on the perpetrators of violence and on the violent models of masculinity that cause violence against women in Finland, too. On the other hand, there is a need for an attitude adjustment campaign against the increasing pornification of our surroundings. Media exerts considerable pressure on girls and young women by bombarding them with messages about role expectations and appearance. Internet with its various social media only increases this pressure.

### **2.1. Action plan to stop violence against women**

The CEDAW Committee has repeatedly pointed out to the Finnish government the lack of action plan to stop violence against women. Prime Minister Matti Vanhanen's second government added a point to the equality programme for 2007-2011 on the need of drafting such an action plan. The National Institute for Health and Welfare (THL) started drafting this action plan in the fall 2009. In the NGO hearing held in December 2009, it became apparent that there was no intention of earmarking the needed resources for the implementation of the action plan. In May 2010, the situation was unchanged: the action plan on stopping violence against women is carried out without any resources whatsoever. In comparison, the Swedish government allocated 90 million euros in resources for the action plan on stopping violence against women between 2008 and 2010.

NGOs' demand that:

- Sufficient resources must be earmarked for the action plan on stopping violence against women

## **2.2. Coordination**

The CEDAW Committee has recommended that Finland redirects the coordination of the work on stopping violence against women onto governmental level. The NGOs have demanded a "coordination unit" ever since the 1990s. In 2007, Prime Minister Vanhanen's first Minister of Social Affairs and Health, Ms. Tuula Haatainen, made a promise that such a coordination unit would be founded. Thereafter, during the second government of Matti Vanhanen, Minister of Social Affairs and Health, Ms. Liisa Hyssälä, repeated the promise. Neither promise has been redeemed yet. In the National Institute for Health and Welfare, there are two officials dealing with violence in close relationships (one of whom is on a temporary contract), but as of yet, no actual coordination unit with its own sufficient funding and personnel, has been founded. Finland needs a unit with continuous funding from the government budget to coordinate, plan and monitor measures against violence against women.

NGOs' demand that:

- The government must establish a high-level unit to coordinate measures to prevent violence against women. Sufficient personnel and funding must be allocated for the unit.

## **2.3. Resources**

As previously stated, adequate resources for the prevention of violence against women in Finland are non-existent. On the government level, there are two employees dealing with the issue and the services are mainly financed by project funding from the Finland's Slot Machine Association (RAY).

NGOs' demands:

- The government must earmark in the budget the resources for the measures to prevent violence against women.

## **3. Legislation**

### **3.1. Assault regulations**

In 2008, the Ministry of Justice set up a task force whose job it was to find out 1) how repeated violence in intimate partner relationships and domestic violence cases could be taken into account when determining sanctions and 2) what consequences would there be if mild violence was subject to public prosecution.

In July 2009, the task force gave its presentation that, unfortunately, focused only on the first question. In March 2010, based on the task force's proposal, the Parliament accepted in the budgetary framework a law amendment concerning violence in intimate partner relationships and domestic violence. Once the amendment has entered into force, it will permit public prosecution to bring charges in cases of even mild violence. This amendment, including risk mapping and pilot programme for multi-professional intervention, has been budgeted a total of 1,5 million euros.

Despite the amendment, the criminal legislation is still incomplete. The specific features of violence taking place in intimate partner relationships are not accounted for. Violence or threat of violence within relationships often occurs repeatedly over a long period of time, but judgments are always based on individual incidents. When reoccurrence is not recognised, sanctions are not proportional to actions. In physical violence, there is always an element of psychological violence, too.<sup>3</sup> Psychological violence is prescribed in the Criminal Code, but the problem is that the burden of proof lies on the victim.

The effectiveness and consequences of restraining orders should be examined. There are precedents of persons under restraining order having killed or assaulted the person whom they were restricted to approach. Any person who repeatedly threatens another with violence should be penalised and not only be given a restraining order. Moreover, the possibility of obligating perpetrators to undergo therapy or anti-violence programme should be studied in the context of the penal system.

NGOs' demand that:

- The legislation must be revised so that repeated violence, or the repeated use of the threat of violence, are taken into account in the court proceedings and judgments. The definition of aggravated assault must be reassessed. The functionality of regulations concerning self-defence should be reevaluated, too.

### **3.2. Sexual assault**

The legislation on sexual assault was revised in 1999. In the current legislation, rape is divided into three different categories: coercion into sexual intercourse, rape and aggravated rape, of which only the latter two may be subject to public prosecution. Coercion into sexual intercourse, as well as sexual abuse, are crimes that are left for the victim to report for the bringing of charges. Sexual assaults are mainly hidden crimes. According to estimates, only about 6% of rapes are reported to the police. Out of the reported cases, only 16% lead to court proceedings, and only 13% to convictions.<sup>4</sup>

For many years, NGOs have demanded revision of the sexual assault legislation. Sexual assault is a grave breach of self-determination, as it violates the boundaries of physical and mental immunity. The Finnish Criminal Code Chapter 20 (563/1998) is outdated and the full exercise of the rights of victims of sexual assault is not secured.

The National Research Institute of Legal Policy has started an inquiry into sexual violence. The inquiry hopes to produce an extensive report covering many separate issues, and it is scheduled for completion by the end of 2010. The legislative changes are aimed to enter into force in 2012.

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<sup>3</sup> According to the National victimisation survey 2006, the percentage of female victims of physical and psychological violence was 0,7%. As for males, the number was 0,2%. The surveys investigate persons over 15 years of age and their involvement in accidents, and as victims of violence and theft. The latest survey was compiled in 2009. The survey uses telephone interviews, which partly explains the smaller prevalence of family violence than for example in studies using questionnaires to research female victimisation. (on different research methods, see Heiskanen 2002: *Väkivalta, pelko, turvattomuus*. Statistics Finland, research report 236)

<sup>4</sup> Case Closed. Rape and Human Rights in the Nordic Countries. Amnesty International 2010.

However, the Ministry of Justice has stated that Criminal Code 20 5§ concerning sexual abuse requires immediate revision: the government proposal published in June 2010, will amend the law so that sexual abuse of a defenceless person counts as rape.

Definitions under Criminal Code chapter 20 must be revised so that sexual intercourse without consent is considered as rape. In the current legislation, the main characteristics of rape include other violence used in the act. In practice, the act can be defined as rape only if other form of violence, or the threat of it, is used during the act. From a human rights perspective, the legislation must convey that any sexual intercourse without consent is violence and always a crime. In practice, the consent of the victim, or the lack of it, is already being assessed in courts: according to a recent academic research, the consent or the lack of it was a key issue in over 40% of the cases in the courts of appeal.<sup>5</sup>

It is only reasonable for the victims of crime that the criteria of consent are legally prescribed. Also, the circumstances in which the consent is valid should be specified. Focusing on consent and circumstances at the time of the crime would also direct the courts towards a comprehensive assessment of the crime.

As regards the three-step categories on severity in the legislation, the category of “coercion into sexual intercourse” (Criminal Code 20 3§) should be repealed. Furthermore, the boundaries of sexual abuse and rape should be reevaluated from the viewpoints of functioning law and justice in general. When legislative revision is undertaken, the plaintiff crimes should be repealed. The so-called “firm will” permitting the discontinuing of proceedings in cases of sexual offences must be abandoned. Once the changes were completed, the revised legislation would be in line with the recent policy guidelines of the Ministry of Justice regarding domestic violence and sexual crimes against children.

In addition to the aforementioned, sexual harassment must be criminalised in the Criminal Code. Currently, sexual harassment is defined as discrimination in the law on gender equality. Sexual harassment and other inappropriate behaviour are also prohibited in labour law. Harassment is not yet prohibited by law. The doctoral thesis published in March 2010<sup>6</sup> indicated that 48,5% of university students had experienced harassment. Of the victims, 93,6% were women. The harasser was often an ex-partner, and the harassment included, among other things, coercion into sexual intercourse. Sexual harassment is another criminal offence that targets mainly young women. The female victimisation report published in 2006 indicated that 52% of women between 18 and 25 years of age had experienced sexual harassment in the past year.<sup>7</sup> The numbers were high in the older age groups, too.

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<sup>5</sup> Helena Jokila (2010): The consent against free will, and the price of too much trust. Publications of the Finnish association of lawyers, series-A N:o 298. University Doctoral Thesis, Helsinki department of law. The research material consists of all the cases, over a period of three years, tried at Finnish courts of appeal based on the Criminal Code Chapter 20:1-5. These regulations concern rape, aggravated rape, coercion into sexual intercourse, coercion into sexual acts and sexual abuse, as well as attempts of all these. In total, there were 98 systematically investigated courts of appeal cases.

<sup>6</sup> Katja Björklund, Doctoral Thesis: Stalking and violence victimization among Finnish university students, 24.3.2010

<sup>7</sup> Naisiin kohdistunut väkivalta 2005. (Violence Against Women 2005), Optula 2006

The control of women's and girl's sexuality and breach of sexual self-determination is in one way or another related to all violence against women. Sexual assault also becomes genderised at an early stage: a police academy's report published in 2009 showed that of all the reported sexual abuse cases of children, 90% were to do with a female child, most of the time between the ages of 12 and 14.<sup>8</sup>

NGOs' demand that:

- Chapter 20 of the Criminal Code must be revised so that instead of indicating the characteristics of various types of violence, the focus is on consent; the three-step rape scale must be changed so that the lowest step (coercion into sexual intercourse) is removed and all rape cases are legally prescribed as offences subject to public prosecution.
- Sexual harassment and stalking must be criminalised in the Criminal Code

### **3.3. Mediation**

The law on mediation entered into force in 2006. During the drafting process, many experts and women's organisations were opposed to the mediation law in relation to violence against women and demanded for mediation to be prohibited in that context. Their demands were not successful.

In 2008, 940 domestic violence cases were directed to mediation, of which 123 were minor assaults, 795 assaults, 19 aggravated assaults and 3 violent sexual offences.<sup>9</sup> Thus, the number of cases directed to mediation is very large. So far there is no research data as to the mediation's effect on the probability of cases proceeding to court or on the severity of penalties.

For much too long, violence in intimate partner relationships was viewed as a private matter, stemming from relationship dynamics and concerning only the two parties involved. The ideology of mediation, where the crime is understood as a conflict between the perpetrator and the victim, can lead to the victim also being faulted and to deprecation of the act. In a violent relationship, the perpetrator's control often reaches outside the home walls. In effect, there is the risk in mediation that the victim of violence is not on an equal footing to negotiate with the perpetrator. The mediation has hardly any solutions to offer to end the violence if the perpetrator lacks motivation to change behaviour. For example, the Women's line (phone service for women experiencing violence) continues to receive accounts of negative experiences from women who have participated in mediation.

The women's organisations are also concerned that mediators have inadequate training and knowledge on the genderised nature of violence in intimate partner relationships. The job of the mediator is to act fairly and neutrally. Mediators might not necessarily acknowledge the risks that the mediation can pose on the victim.

NGOs' demand that:

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<sup>8</sup> Humppi, Sanna-Mari (2009): Children's sexual abuse in criminal reports. Police academy's reports 82/2009.

<sup>9</sup> National Institute for Health and Welfare 2009: "Mediation of arguments and criminal matters 2008"

- The law on mediation must be revised so that in cases of violence in intimate partner relationships mediation is prohibited.

### **3.4. Social welfare law**

The municipalities have a general responsibility to provide social services (Social Welfare Act 13 §), hospital care and health services to residents (Primary Health Care Act 14 §). In the Social Welfare Act, Section 13 § mentions also that the municipality is responsible, in its area, for taking measures to develop and remove obstacles to social welfare.

Previous Minister of Social Affairs and Health, Ms. Hyssälä, set a task force to evaluate the revision of the Social Welfare Act. This law defines the statutory social and health services, under which category the special services for the victims of violence also belong. The task force must also take into account these special services in their work, which continues until the end of 2012. Services related to violence must be legally prescribed as special social and welfare services, and responsibility for them must lie on the municipalities.

The NGOs' demands:

- The Social Welfare Act must have a section on the responsibility of the municipalities in the prevention of violence and also in providing services to victims and perpetrators of family violence.

### **3.5. Prostitution**

A government bill drafted in 2005 for the criminalisation of the purchase of sex had the starting point of prostitution being a threat to society. In the explanatory section of the bill, criminalisation of the purchase of sex was viewed as advancing both general social equality, as well as gender equality. In addition, the criminalisation of the purchase of sex was deemed to prevent the distorted image of sexuality that prostitution and the purchase of sex were causing. The bill also stated that the purchase of sex can be viewed as an offence against sexual self-determination and integrity. In addition to this, it was noted in the bill that even in the absence of human trafficking or procurement, the decision of becoming a prostitute is very rarely the result of exercising free will. According to the bill, it is obvious that in all the cases where sex is bought, there is a possibility of physical or psychological damage experienced by the prostitute concerned.

Unfortunately, the Parliament did not accept these starting points when revising the legislation that criminalised the abuse of the victims of sex trade. The parliament's view was that the purchase of sex from a person in prostitution is acceptable, as long as the person being bought is not subject to human trafficking or procurement. In 2006, a law came into force that criminalised the purchase of sex from a subject of human trafficking or procurement.

On the government level, prostitution in Finland is not regarded as a problem. On the ministry level, prostitution is not anyone's official responsibility area and there are no planned actions to prevent prostitution.



As regards the prostitution legislation, Finland has fallen behind in the development of the Nordic countries. Sweden criminalised the purchasing of sex in 1999, Norway in 2008 and Iceland in 2009. Finland re-evaluated its own legislation in the fall of 2009. The statement of the Ministry of Justice was based on the court case statistics and statements requested from other parties. The 25-page report did not really bring any new information forward, but re-stated the same viewpoints that had been presented in the Parliament in 2005 when the law was first passed.

The CEDAW committee has repeatedly notified Finland of the insufficient actions in preventing prostitution. In the next temporary report, in 2011, Finland is expected to provide information on research on prostitution. This seems to be a reference to the research funded by the Nordic Council of Ministers that was published in 2008.

In 2010, the newly founded EXIT Away from Prostitution got a year's funding of 150 000 euros from Finland's Slot Machine Association for the project that intends to reduce sexual abuse of young persons and prevent their drifting into prostitution. This is a small step, but in the right direction in helping women in prostitution.

NGOs' demand that:

- The purchase of sex must be criminalised
- Government must take preventive action against prostitution

### **3.6. Human Trafficking**

The Finnish law on human trafficking is from 2004. In 2006, the law was revised by criminalising the purchase of sex from a victim of human trafficking or procurement. There are deficiencies in the legislation on abuse of victims of human trafficking and procurement regarding the choice of title of offence, its application, and identification of victims.

The first report by the Finnish National Rapporteur on human trafficking was published in June 2010. According to the report, Finland is both a destination and a transit country. The actual amount of victims of human trafficking is many times higher than the amount coming to the attention of the authorities<sup>10</sup>. The report acknowledges identification of victims - both in destination and transit cases - as the biggest problem in action against human trafficking. Unless the victims are identified, their legal right to assistance and protection is not fulfilled.

The identification is even more essential for victims of sexual abuse than for victims of work-related exploitation, because in pre-trial investigation and judicial process, the status of victims of procurement is that of a witness, whereas victims of human trafficking have the status of an injured party. The victims of work-related exploitation are considered as injured parties irrespective of whether their case is treated as extortion-like work discrimination or work-related human trafficking.

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<sup>10</sup> By mid-December 2009, a total of 48 victims of human trafficking had been taken into the support system, 12 of whom were minors. According to the National Rapporteur of human trafficking, reception centres have made a total of 25 negative decisions. Source: National Report on Human Trafficking 2010.

In case of procurement, there is a risk that women in prostitution are excluded from the few measures available from current system of assistance. The title of offence should bear no significance as regards the availability of measures available in the current system of assistance. The National Rapporteur on human trafficking considers the present policy as discriminating.

In Finland, during the existence of the present system of assistance, authorities and the third sector have succeeded in identifying only a few dozen victims of human trafficking. Especially, the identification of victims of human trafficking in prostitution has been poor in comparison to international standards. So far, only four cases with human trafficking as the title of offence have proceeded to court: of which three concerned sexual abuse and one work-related exploitation. It must be borne in mind that victims of human trafficking fear revenge by their perpetrators and regard authorities with suspicion. The authorities and the third sector need to provide an alternative that overcomes both fear and suspicion. There are grounds to conclude that presently the system of assistance for victims of human trafficking does not deserve confidence from the victims<sup>11</sup>.

According to the National Rapporteur of human trafficking, women in prostitution are often controlled with physical or sexual violence. In pre-trial investigations, women in prostitution have told about their procurers having threatened them or their loved ones. For instance, there are cases in which the procurer has reacted to unpaid rents by burning passports so that, until the debt has been paid, the women in prostitution cannot leave the country. Procurers have also threatened to send men after women who have expressed their will to quit prostitution. The National Rapporteur of human trafficking states that some cases, investigated and tried as procurement, could well have been tried as human trafficking.

What reasons are there for prostitution-related human trafficking offences not to be identified, investigated, or convicted? Firstly, the main objective in pre-trial investigation and trial proceeding of procurement offence is to charge and convict persons running the procurement – not to protect the rights of victims. However, according to the Council of Europe Convention on Action against Trafficking in Human Beings, for example, as well as the guidelines of UN High Commissioner of Human Rights, the criminal justice process exists not only to prevent crime, but also to secure the rights of victims of human trafficking.

Secondly, the criteria of human trafficking and procurement overlap. The third reason is to do with the interpretation of law: in the case law, the criteria of human trafficking are set very high. This leads pre-trial investigations to focus on procurement rather than human trafficking, whereby there will be no new cases that would alter the current human trafficking case law. As the title of offence is decided in pre-trial investigation, it is very likely to be assessed as a procurement offence, for the above mentioned reasons.

Because of the current narrow interpretation of human trafficking legislation, a title of procurement is more likely also in the pre-indictment stage. Although sentences for human trafficking and procurement may be parallel, it is not insignificant which crime the perpetrator is

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<sup>11</sup> National Rapporteur on Human trafficking. Report 2010. Ihmiskauppa ja siihen liittyvät ilmiöt sekä ihmiskaupan uhrien oikeuksien toteutuminen Suomessa. Publication series 7. Ombudsman for Minorities, Helsinki 2010.

sentenced for. In case of procurement, the victim loses her status as complainant, as well as her right to access the system of assistance.

The title of offence is also important in relation to residence permits. If the offence is judged as aggravated procurement instead of human trafficking, the victim is not entitled to residence permit on the basis of the judgment. Returning to the country of departure may be a serious risk to personal safety. In practice, it is difficult for foreign women in prostitution in Finland to report the procurement or human trafficking to authorities. Because co-operation in the investigation of a prostitution-related crime is a condition of residence permit, access to the system of assistance is discretionary and prostitution is a ground for deportation under the Aliens Act, the Finnish system has become unpredictable and excludes most foreign women in prostitution from receiving assistance.

For the fulfilment of the rights of victims of human trafficking, it is essential that procurement and human trafficking are investigated efficiently, and that correct titles of offence are used in cases that clearly concern human trafficking. In order to develop investigation, a special unit for the investigation of procurement and human trafficking should be founded.

Majority of adults accepted into the system of assistance are victims of work-related human trafficking or other related abuse. Though it is positive that victims of human trafficking have received assistance, it is alarming that women in prostitution in Finland, living under severe economic and physical hardship, subject to violence or threat of violence, do not meet the conditions set for victims of human trafficking in the eyes of the authorities.<sup>12</sup> But when there is wage discrimination, violation of rules on working time or other breach of labour law, then persons are more readily identified as victims of human trafficking. This bias can be viewed from a gender perspective: victims of work-related exploitation are mostly men, victims of sexual abuse mostly women<sup>13</sup>. Thus, the difficulty in identification<sup>13</sup> of prostitution-related human trafficking reflects also gender-related discrimination and violence against women<sup>14</sup>.

The government must act to protect victims of human trafficking in the legal process by providing a witness protection programme, among other things. This applies not only to the victims of human trafficking but also to all subjects of procurement. In principle, Nordic countries have the means to co-operate in witness protection so that the change of identity of a person effectively secures anonymity when person relocates in another Nordic country. However, Finland has not started developing this possibility for co-operation.

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<sup>12</sup> Especially if upon being recruited, they were aware of working in prostitution in Finland. However, regarding the conditions of consent, it is essential that a person's consent to prostitution can also be cancelled. Source: National Report on Human Trafficking 2010.

<sup>13</sup> Roth, Venla (2007): Paritusta vai ihmiskauppaa? Defensor Legis N:o 3/2007.

<sup>14</sup> Roth Venla (2010): Defining human trafficking, identifying its victims. A study on the impact and future challenges of the international, European and Finnish legal responses to prostitution-related trafficking in human beings. Faculty of Law, University of Turku 2010.

NGO demand that:

- NGOs support the recommendations made in the National Human Trafficking Report (2010): the fulfilment of the rights of victims of human trafficking is improved, among other things, by the establishment of a special investigation unit. Legislation must be clarified so that overlap between the titles of offences of human trafficking and procurement is reduced, for example by removing from the statutory definition of procurement references to coercion or forcing in the meaning of human trafficking. Key prosecutors must be appointed for crimes of procurement and human trafficking. In the so-called "Dublin cases" where human trafficking is suspected, deportation should be refrained from and victims should have access to assistance.

#### **4. Services to prevent and end violence**

As noted before, services for women suffering from violence are insufficient in Finland. The majority of these services are municipal, and standards are wide-ranging. Thus, there is a need for a Coordinating Unit. Responsibility for providing services against violence lie mainly on the third sector and the service network is very scattered. The government must take main responsibility for securing these services. Both the so-called low-threshold services and long-term assistance should be available regardless of subject's residence or gender, and regardless of whether s/he is a victim, perpetrator or witness of violence.

Services should take into account special groups and people in vulnerable situation, such as immigrants, same-gender couples, the elderly and persons with disabilities. Helping all parties of violence should be statutory, continuous and sufficiently funded.

In public discourse, violence against women is often attributed to men's use of alcohol. However, the relation between alcohol and violence is not analysed from the point of view of women's wellbeing. Maltreatment, oppression and intimate partner violence are not acknowledged as risk factors for women's addiction problems. However, international research on women's drug problems reveals that verbal downgrading, oppression, and abuse (sexual in particular) starting from early childhood increase women's own drug-related problems and the risk of developing difficult addictions. This should be taken into account in the development and funding of services.

##### **4.1. Shelters**

In the hearing of the Sixth Periodic Report of the Government of Finland, CEDAW Committee recommended Finland to secure sufficient shelter services for victims of violence. However, Finland has not taken measures to meet the recommendation. A report published by The Ministry of Social Affairs and Health in February 2010 states a fact that has been long known by women's associations: there are too few shelters, the legislation is insufficient and there is a lack of coordination and basic funding. The report includes a 10-part suggestion by which the situation would rise to meet the international recommendations, and most importantly, to protect victims of violence from more violence.

According to the recommendation of the Council of Europe, the amount of family shelter places should be one for every 10 000 citizens. In Finland, this means 530 family shelter places. Presently, there are only 125 family shelter places. Also regional coverage of the shelter network is deficient:

in some areas, the distance to the nearest shelter can be hundreds of kilometres. Furthermore, there is only one secret shelter in Finland, although they would be needed for example by victims of honour-related violence or women under threat of forced marriage.

There is no legal obligation to provide shelter services in Finland. The government does not coordinate nor fund shelters, but their funding is based mostly on municipal promissory notes. Unfortunately, majority of the municipalities take these promissory notes from child welfare budget, which complicates the entry of single women into shelters. The shelter services should be guaranteed for women with children as well as single women. According to NGOs, promissory notes are increasingly written only for a couple days, which does not enable long-term assistance nor support for victims of violence. The services should be provided as long as they are needed, and they should be free for users.

NGOs' demands:

- The amount of shelter places must be increased according to the Council of Europe recommendations
- The amount of shelter places must be increased according to CoE recommendations so that there are personnel specialised in work against violence and clients receive psycho-social care and assistance to overcome experiences of violence.
- The government must take responsibility on the coordination and funding of the shelter network
- The shelters must be totally free of charge for the clients
- The shelters must cater for all women, including single women
- More secret shelters must be founded

#### **4.2 Services for victims of sexual violence**

A large part of sexual violence or abuse takes place in intimate partnership, such as marriage, cohabitation, dating relationship or family. Also sexual violence, or abuse, of children is a serious problem, clear indications of which are found in the daily work of Finland's only Rape Crisis Centre, Tukinainen.

The principle of equality requires equal treatment of victims of rape and other sexual offences. Firstly, this means the victims of rape and other sexual offences have equal rights with victims of other offences. Unfortunately this is often not true, as special features of sexual offences are not identified by the authorities. The problem is most clearly illustrated in cases of special groups, such as children, persons with disabilities and immigrants. Securing the legal remedies of victims requires that personnel in social and health care, police, courts and other bodies receive adequate training and guidance in order to identify victims' needs.

According to NGO experience, the decision-making system has several defects. Sexual violence and abuse are understated. Probably due to old attitudes and misguided conceptions, mainstreaming has not yet actualised in the daily routines of authorities. Examples from the Rape Crisis Centre describe an unpleasant reality: intervention in sexual abuse of children is not happening early enough as investigations last too long; Care guarantee system does not function

in relation to availability of therapy for victims of sexual offences; Teenage victims are not reported to child welfare authorities even if the perpetrator is markedly older; Purchase of sexual services from a teenager does not cause any reaction from authorities, because its consequences are underestimated; In child abuse cases, the minimum provided in the scale of punishment is less than two years of imprisonment so as to allow for probationary sentencing; Under-aged or young victims of rape are offered mediation; Punishment is mitigated after offering mediation, even if the victim has not agreed to it. If the victim is unable to defend herself, the title of “rape” changes into “rape under mitigating circumstances”. A victim of sexual abuse is not informed about the right for free assistance and support.

Services for victims of sexual violence in Finland are severely deficient. Existing ways of assisting victims are not widely known: there is a lot of knowledge and expertise about helping victims, but the assistance system is deficient. Only a few municipalities can offer a complete chain of assistance services, and personnel often lack sufficient knowledge and guidelines. A Municipal survey (2005-2006) done by Amnesty Finland revealed that e.g. the so-called RAP-package, which includes essential information for assistance of rape victims (“Raiskatun akuuttiapu”), is poorly known in municipalities<sup>15</sup>. There is only one NGO producing special services for victims of sexual violence, namely Rape Crisis Centre Tukinainen, which has offices only in two municipalities. Authorities do not offer any kind of special services.

NGOs’ demand that:

- A comprehensive service network for victims of sexual violence must be created in Finland

## **5. Women that require special attention**

Violence against women is a multi-faceted phenomenon. When trying to prevent violence and creating services for those objected to violence, it is important to consider the needs of special groups. Refugee women, fugitive women and immigrant women, as well as ethnic and sexual minorities, are among the groups especially vulnerable to violence. Also violence towards women with disabilities, as well as elderly and poor women, require special attention.

Although we asked for a statement from Sami women, we did not get one. There is very little information available on their situation. Research is lacking in this area, as well as on the situation of special groups as a whole.

### **5.1. Immigrant women**

The CEDAW Committee has been especially worried about the discrimination of women with an immigrant background living in Finland, and about the lack of money directed to help victims of violence with an immigrant background. The committee has urged the Finnish government to carry out research on how minority women participate in society, as well as to take effective action to abolish the discrimination of these women and to reinforce measures to prevent anti-immigration and racism.

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<sup>15</sup> The survey was answered by a total of 130 municipalities. Information package on victims of sexual violence for health care personnel (so-called RAP-folder) was known only in 23 municipalities (22,8% of answers). A total of 28 municipalities did not answer the question at all and in 79 municipalities the package was unknown. Source: ”...mutta veturi puuttuu.”Amnestyn Suomen osaston valtakunnallinen kyselytutkimus naisiin kohdistuvan väkivallan vastaisesta työstä Suomen kunnissa vuonna 2005–2006

According to police reports, women with an immigrant background suffer domestic violence and intimate partner violence three times more often than the majority population. Because of domestic violence, 27 women on average perish yearly – and every fourth of them has an immigrant background. We can estimate there are approximately 18 000 women with an immigrant background who have suffered violence and who need assistance. The threshold for seeking aid is especially high among the immigrants, and only a small section of violence appears in the statistics.

In the last few years, there have been inputs to development measures in multi-professional co-operation. Activities for improving services and advancing the safety of ethnic minorities have been added to the Internal Security Programme. The national part of the European Fund for the Integration of Third-country Nationals has been allocated for aiding the vulnerable immigrant women.

However, the concern of the committee is still quite actual and justifiable. The actions of the Finnish government towards improving the situation of women with immigrant background, and to reduce violence and discrimination they experience, have been scarce and insufficient. Prevention of violence towards immigrant women and children, and providing assistance to these women and children, is mainly concentrated in the third sector, and the actors are working without regular resources, aided by small and temporary grants, or with an all-voluntary workforce.<sup>16</sup>

When working to prevent violence towards women and planning the services, one should pay attention to the special needs of the women and children who have emigrated from other countries. Due to their poor knowledge of the Finnish legislation and the service systems, as well as their inadequate language skills, the immigrant women are especially vulnerable. It is often difficult for the immigrant women and children to recognise violence by themselves, if violence is not a crime in their home country and women are considered subordinate to men. The immigrants who have suffered violence indeed need support as soon as they arrive. The situation of women who have met violence must be secured during the asylum procedure, and it must be recognized that violence is a ground for a special need of protection. Sending women back to the area of conflict exposes them to the risk of being murdered, raped, sexually enslaved, forcibly impregnated, forcibly married or other sorts of violence. Immigrant women and female migrant workers are also exposed to violence, because their legal situation in the destination country depends on the employers. Protecting women from violence should comprise also of education and possibilities for employment, as well as of monitoring the working conditions of employees with household duties. So-called illegal immigrants might be excluded from all services, as they often dare not seek help from public authorities due to their fear of being deported. Resorting to help from the authorities should be possible without the victim of violence being deported after the police learns of their residence. As undocumented immigrants often have no contact with the authorities, they hear nothing about shelter services for example.

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<sup>16</sup> For example, Monika – Multicultural Women's Association in Finland runs the Mona Shelter (a secret shelter for women in mortal danger) and offers guidance, and yearly they reach 4800–5000 women and children who have suffered violence, from 60 different countries. Yearly, services are given in 20-25 different languages. However, there is a threat that the service will be reduced or discontinued, as there is no information on funding for 2011.

Women who have immigrated to Finland because of marriage are in an especially vulnerable situation<sup>17</sup>. Fearing deportation, many women who have suffered violence by their husbands do not dare to tell about it to the authorities. According to Finnish legislation, a permanent residence permit is granted after four years of residence. A woman might lose her residence permit or risk obtaining a permanent residence permit if she leaves her violent husband. This aspect was not considered in the latest revision of legislation in 2005.

According to a report on the integration of immigrants compiled by the Ministry of the Interior, hundreds of Thai women live in Finland as victims of domestic violence. Many of them are marital migrants. According to the report, they have dropped out of the support networks of the society. A comparative study of the practices in the Nordic countries regarding Russian marriage migrants has also been conducted<sup>18</sup>. According to this study, the situation of Russian women who have experienced intimate partner violence is worse in Finland, especially in Northern Finland where marriage migrants from Russia most typically settle, than in Sweden or Norway. The study reveals that in the other Nordic countries, government human rights policies enable helping the women in acute situations and in the long run. Among other things, this means that when a decision on the residence permit is made, history of intimate partner violence is taken into consideration. In Sweden, for example, the principle based on the UN human rights interpretations (in cases of intimate partner violence, the migrant does not lose residence permit) was entered as part of the Aliens Act in 2005. In 2008, Norway made the same kind of amendment. In Finland, the matter was disregarded during the latest revision of the Aliens Act.

There is no permanent position for expertise on detrimental traditions in any government organisation. For example, work against girls' circumcision, work preventing honour-related violence and giving consultation in honour-related conflicts is still project-based and conducted on a fixed-term funding for different organisations. Public authorities have a great need for consultation work and education. The government must arrange funding for a specialised body of expertise and the nationwide availability of education and consultation. A permanent body of experts specialised in detrimental traditions should be established as a part of either the central government or other suitable expert organisation.

When thinking about forms of work for preventing honour-related violence, it is important that the victims have services available for them. Also, resources should be directed to the work conducted with the people threatening with violence. In addition to helping victims of honour-related violence in a crisis situation and giving services in the shelters, one must pay attention to pedagogical work within the community, and timely networking with all the participants.

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<sup>17</sup> The violence suffered by immigrant women might be domestic violence, honour-based violence, human trafficking, arranged forced marriages, girls' circumcision, discrimination and racist violence. Girls and young women are especially vulnerable.

<sup>18</sup> RWN – Russian Women as Immigrants in 'Norden': Finland, Norway, Sweden. Gender Perspectives in Everyday Life, Social Justice and Cultural Recognition and Citizenship and Participation (2004-2007). The research can be downloaded at [http://www.helsinki.fi/aleksanteri/english/projects/other\\_research.htm](http://www.helsinki.fi/aleksanteri/english/projects/other_research.htm)



## **5.2. Roma women**

Roma women in Finland are relatively well aware of their rights, as well as of the services provided by the society. Their great unemployment rate is caused by lack of education – many of them have not even completed the 9-year basic education. Roma women, their participation in the Finnish society and reasons for possible passiveness have rarely been studied.

Roma women encounter forms of multiple discrimination which often affect small ethnic minorities. In addition, Roma women belonging to sexual minorities face discrimination and violence within their own communities. Finnish League for Human Rights has been contacted several times on this matter. Many of the victims face a very difficult situation where honour-related violence may often play a role. The violence against Roma women, both from within as well as from outside the Roma community, needs research as the subject has not been studied at all.

## **5.3. Women belonging to sexual minorities and gender minorities (lesbian, gay, bisexual, trans and intersex (LGBTI) people)**

The violence and its threat that LGBTI women have to face often remain invisible in the gender equality politics and other government agency activities. The fact that the authorities or legislators lack adequate expertise in sexual orientation and in the diversity of families and family relationships can be regarded as discrimination. In Finland, there is no national authority responsible for promoting equality and addressing discrimination related to sexual orientation. Authorities should allocate sufficient resources for maintaining expertise in sexual orientation and sexual diversity, as well as for taking measures to counter violence, to research the subject and to produce statistics, among other things.

Similarly, the service sector lacks expertise in facing minorities and in recognising and intervening in the violence they are facing. This applies to both the public and voluntary sector. Special needs of persons belonging to sexual minorities are not recognised and services are not marketed explicitly for them. There are also immense regional differences in relation to availability of services and expertise of the employees in question.

Finnish government has selected human rights of the LGBTI people as one of the focal points of the Finnish human rights policy in a human rights report issued on 24 September 2009. The guidelines defined in the report should be followed in Finnish policy, as well as in the planning and implementation of actions in all branches of administration.

LGBTI people are at a high risk of becoming victims of hate crimes. Notification threshold of these crimes is high because LGBTI people do not believe that the police would take them seriously or that the society would be on their side. Many LGBTI persons also hide their identity. So far the police has not gathered statistics on suspicions of hate crimes related to sexual orientation, sexual identity or gender expression. Authorities (especially the police, but also health and safety

inspectors, etc.) lack the will and expertise to intervene in these cases, or report sexual orientation, sexual identity or gender expression as a basis for crime.

According to international studies, violence between female and male couples is as common as between same sex couples. Unfortunately this topic has been poorly studied in Finland. Violence in relationships and intimate partner violence (for example violence by parents at their LGBTI children) should definitely be studied. In some of the cases reported to NGOs the sexual violence towards LGBTI women has been motivated by the desire to “heal” or punish them. LGBTI people in prostitution may be especially vulnerable because their legal protection or trust in authorities may be weak.

It would be important to note the gender specific nature of the violence that affects children and young people<sup>19</sup>. Many teachers don't recognise gender-based bullying and violence aimed at children. According to a survey conducted a few years ago by The Finnish Family Federation, only 8% of teachers believed there were LGBTI pupils at their own school. Gender equality planning at educational institutions (starting from pre-primary education) should include a followed up action plan against violence based on sexual identity and gender. Such plans should also be included in the gender equality and anti-discrimination planning for the school personnel and in the basic and post-graduate education, as well as in the in-service training for teachers.

Handing out correct information on LGBTI people also for children and young people is essential. It is especially important to include fundamental rights and human rights education regarding all grounds for discrimination in the curriculum planning at complementary and secondary education, as well as teacher education. Discrimination and violence lead to an elevated risk of suicide of young LGBTI people who are at an even greater risk of suicide than severely depressed young people, of whom every sixth tries to commit a suicide. The fact that the phenomenon is not recognised and that there are no action plans to prevent these suicides can be regarded as structural violence.

Also, the intersex people face structural violence. The term 'intersex' means that a person has both female and male features in their body. About 20 intersex children, or children whose gender is difficult to define, are born in Finland each year. It is common that their genitals are operated soon after birth to correspond either to female or male genitals. A part of these surgeries are purely cosmetic or based on the society's prevailing gender norms and have no medical basis. Even though most of the people born intersex wish to have intersex surgery, the majority would wish to participate in the decision making. “Cosmetic” surgery on children without consulting them can be regarded as violating their sexual integrity and should be considered as mutilation.

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<sup>19</sup> Sexually different children face bullying at school more than the average. According to a British study, 50% of male to female transgender persons and almost 70% of female to male transgender persons out of the 872 studied persons had faced bullying at school. According to a US study where 295 young trans persons in grades 6 to 12 were studied, 44% had faced serious violence, 76% had suffered sexual harrasment, 87% reported verbal abuse and 92% had encountered social exclusion. No equivalent studies have been conducted in Finland.

NGO demand that:

- Research, education for different authorities and personnel as well as human rights and equality education regarding sexual orientation and gender diversity is needed for countering violence.
- The term 'hate crime' needs to be introduced to the legislation and it has to cover hate motives targeted at sexual orientation, sexual identity or gender expression.
- The police and the judiciary should be educated on hate crimes, as well as on diversity of sexual orientation and gender.
- Statutory gender equality and anti-discrimination plans have to be introduced to schools. The plans need to address gender-based harassment, violation and name-calling. Furthermore, harassment and bullying based on homophobia and transphobia need to be explicitly mentioned. These plans need to be monitored and sanctions appointed for missing plans.
- Teachers and personnel of schools and educational institutions need to get basic, post-graduate and in-service training for recognising gender-based violence and means to address it.
- A project on preventing suicides by young LGBTI people needs to be initiated.
- Reassessment is needed for practices in treating intersex children and new recommendations for the treatment and the support for families need to be given.

#### **5.4. Women with disabilities**

The violence against women with disabilities is seldom recognised. The probability of a woman with disability becoming a victim of violence is 2 to 10 times higher than that of a non-disabled woman.<sup>20</sup>

The support union for the mentally disabled women published a report, according to which almost a third of persons with mental disabilities become victims of sexual harassment. About 5% of persons with mental disabilities become victims of grave sexual abuse. This means that one in twenty persons with mental disability end up experiencing rape, or something comparable to it.

The government must pay special attention to secure assistance and necessary services for women with disability who have been victims of violence. Safe shelters should be made free of obstacles for easy access and they should provide personal assistance as needed by women with disabilities. Furthermore, information must be provided in a way suitable to disability, for example for the deaf and blind. Also, the long awaited 24/7 telephone help line would be very important in view of supporting women with disabilities. The help line should be easily accessible and free for all users.

The statistics on violence should be developed so that the general health and possible disabilities would be included in the statistics. More research information is needed on the violence against women with disabilities.

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<sup>20</sup> Vappu Viemerö (2005): Violence against disabled women.

Participation of the organisations representing women with disabilities in the national decision-making is also important from the viewpoint of preventing violence. A good rule is the UN Convention on the Rights of Persons with Disabilities Article 4, according to which in the decisions relating to persons with disabilities, “States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.”