

## Appendix I List of proposals and suggestions by GREVIO

**Urges** - immediate action needed (8)

**strongly encourages** – action needed in near future (34)

**encourages** – shortcomings needing attention later (24)

**invites** – small gaps of implementation – guidance (2)

### I. Purposes, definitions, equality and non-discrimination, general obligations

#### B. Scope of application of the convention and key definitions (Articles 2 and 3)

1. GREVIO recalls that Article 2, paragraph 1, of the Istanbul Convention affirms the notion that all forms of violence against women, including domestic violence, affect women disproportionately. GREVIO thus strongly encourages the Finnish authorities to enhance the application of a gendered perspective in the implementation of the Istanbul Convention, including its provisions in relation to domestic violence (paragraph 5).

#### C. Fundamental rights, equality and non-discrimination (Article 4)

2. Intersectional discrimination

3. GREVIO strongly encourages the Finnish authorities to take measures to ensure that the provisions of the Istanbul Convention are implemented without discrimination on any of the grounds listed in Article 4, paragraph 3. This includes improving the regional accessibility of shelters as indicated in the Action Plan for the Istanbul Convention (paragraph 14).

### II. Integrated policies and data collection A. Comprehensive and co-ordinated policies (Article 7)

4. GREVIO strongly encourages the Finnish authorities to develop, on the basis of the existing NAPs and the lessons learnt therefrom, a long-term co-ordinated plan/strategy placing the rights of victims at the centre of all measures to implement the Istanbul Convention in its entirety, giving due importance to all forms of violence against women. GREVIO encourages the Finnish authorities to ensure that the gendered nature of all forms of violence against women, including domestic violence, receives the necessary policy attention (paragraph 22). **B. Financial resources (Article 8)**

5. GREVIO strongly encourages the Finnish authorities to ensure appropriate human and financial resources for any policies, measures and legislation aimed at preventing and combating violence against women and for the institutions and entities mandated with their implementation. GREVIO also encourages Finland, as a champion in gender budgeting, to engage in the appropriate budgeting of comprehensive measures to prevent and combat violence against women and domestic violence (paragraph 28). **C. Non-governmental organisations and civil society (Article 9)**

6. GREVIO strongly encourages the Finnish authorities to further recognise, encourage and support co-operation with all non-governmental actors involved in preventing and combating violence against women in Finland to ensure their participation in the design of policies and programmes, in particular NAPs and the provision of services, counselling, advocacy and awareness raising. In order to ensure diversity and build policies around the experiences of all women in Finland, GREVIO further encourages the Finnish authorities to recognise, encourage and support, including financially, a greater variety of women's NGOs, including the support of community-based grassroots movements of migrant and other women in Finland (paragraph 31).

#### D. Co-ordinating body (Article 10)

7. GREVIO strongly encourages the Finnish authorities to assign the role of co-ordinating body to fully institutionalised entities, to equip these with clear mandates, powers and competences and to allocate the necessary human and financial resources to these entities in order to guarantee the effective independent evaluation of national policies to prevent and combat violence against women (paragraph 35). **E. Data collection and research (Article 11)**

#### 1. Administrative data collection

8. GREVIO strongly encourages the Finnish authorities to develop data categories for mandatory use by the law-enforcement agencies and the judiciary on the type of relationship between the perpetrator and the victim, in order to document the nature of their relationship more specifically. Additional elements such as the gender and age of victim and perpetrator, type of violence and geographical location must also be recorded. GREVIO also encourages the Finnish authorities to move towards a common data-collection system for all levels of the judiciary and the law-enforcement agencies (paragraph 40).

9. GREVIO encourages the Finnish authorities to ensure the collection in the health care sector and social services of data related to violence against women – disaggregated by sex, age and relationship of the perpetrator to the victim, type of violence and geographical location (paragraph 43).

10. GREVIO encourages the Finnish authorities to conduct dedicated surveys on all forms of violence against women at regular intervals and to carry out a population-based survey to assess Sámi women's exposure to sexual and domestic violence as a starting point for further policy measures (paragraph 47).

11. GREVIO encourages the Finnish authorities to : (paragraph 51)

- a. address, through research, all forms of violence against women, such as sexual violence, stalking, forced sterilisation, forced marriage or other traditional practices harmful to women and not previously covered;
- b. support research into violence which affects specific groups of victims, such as migrant women and women from ethnic minorities;
- c. support research in order to study the effects on children of witnessing domestic violence;
- d. continue investing in the evaluation of existing policies and practices, including protective measures for victims, to assess their efficiency and level of implementation, as well as the level of victim satisfaction with the services provided, in close co-operation with specialist support services.

## I III. Prevention

### A. Awareness raising (Article 13)

12. GREVIO strongly encourages the Finnish authorities to promote or conduct, on a regular basis and at all levels, awareness-raising campaigns or programmes on the different manifestations of violence against women, including in co-operation with national human rights institutions, equality bodies, civil society and non-governmental organisations, especially women's organisations. GREVIO also strongly encourages the Finnish authorities to take measures to promote programmes and activities for the empowerment of women and girls, including women and girls from specific groups and communities (paragraph 57).  
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### B. Education (Article 14)

13. GREVIO encourages the Finnish authorities to review their central policy documents and materials, including school materials, in order to ensure that all forms of violence against women and girls are addressed in an age-appropriate way. GREVIO also encourages Finland to ensure that staff in educational institutions are aware of how to identify and address the different forms of violence covered by the convention. Finally, it encourages Finnish authorities to promote inclusion of these issues in the curricula of all relevant professions (paragraph 64).

### **C. Training of professionals (Article 15)**

14. GREVIO urges the Finnish authorities to introduce systematic and mandatory initial and in-service training on all forms of violence covered by the Istanbul Convention for all law-enforcement officers and prosecutors. GREVIO strongly encourages training for all professionals working with women or children who are victims of violence to ensure knowledge of the particular characteristics and needs of different vulnerable groups and to base this training on clear protocols and guidelines that set the standards that staff are expected to follow in their respective fields (paragraph 72).

15. GREVIO also encourages the Finnish authorities to develop and widely disseminate guidelines for the handling of different forms of violence covered by the Istanbul Convention, taking into account the characteristics of each form, their interconnectedness, the risk factors for re-victimisation and how violence can affect the ability and willingness of persons with different backgrounds to disclose the violence to the police or other public authorities (paragraph 73).

### **D. Preventive intervention and treatment programmes (Article 16)**

#### 1. Programmes for perpetrators of domestic violence

16. GREVIO notes the need to ensure more standardised approaches and strongly encourages the Finnish authorities to adopt and implement uniform standards which place at their centre the safety of, support for and human rights of victims by co-operating closely with specialist support services for victims as required by Article 16, paragraph 3, of the Istanbul Convention. GREVIO further strongly encourages the Finnish authorities to use all available means to ensure that such programmes are widely attended, including by incorporating them into the criminal justice system, including the probation service, as a tool to reduce recidivism. The authorities are encouraged to initiate scientific outcome studies (evaluation) of the programmes to assess, among other aspects, the risk of re-offending, in order to ensure higher levels of safety and protection for victims (paragraph 79).

### **E. Participation of the private sector and the media (Article 17)**

17. With a view to the important role of the media and the private sector in shaping and changing attitudes to the status and role of women in society and the level of acceptance of violence against women, GREVIO encourages the Finnish authorities to set incentives, or otherwise promote, the development and monitoring of self-regulatory standards in relation to the non-stereotypical and non-sexist portrayal of women in the media, including in the context of reporting on violence they have suffered (paragraph 88).

## **I IV. Protection and support**

### **A. General obligations (Article 18)**

18. GREVIO strongly encourages the Finnish authorities to take adequate measures to set up institutionalised structures for co-ordination and co-operation among the different governmental and non-governmental agencies and service providers to ensure adequate forms of multi-agency co-operation based on a gendered understanding of violence against women and domestic violence and focusing on the human rights and safety of victims, as well as on their empowerment and economic independence. This should include guidelines and co-operation procedures/protocols for authorities dealing with violence against women and domestic violence, including specific forms such as forced marriage and “honour-related violence”, as well as a system for sharing expertise and experience in handling such cases. GREVIO strongly encourages the inclusion of specialist women’s support services run by NGOs, and representing victims in multi-agency work, in any formal and informal co-operation structures (paragraph 93).

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

### **1. Social services**

19. GREVIO **strongly encourages** the Finnish authorities to ensure, among local, municipal and regional authorities and social services, the setting-up of programmes to ensure the recovery of victims from violence and to ensure their economic independence, in the area of financial assistance, education, training and assistance in finding employment. Specific attention should be given to the provision of affordable, permanent housing to all women victims of violence and their children, in particular to victims who cannot stay in their home and as a follow-up measure after a stay at a women's shelter. Higher degrees of awareness of the different forms of violence against women, and cultural sensitivity towards the specific situation of women from national minorities such as the Sámi as well as other distinct groups of women in Finland, are also needed. The aim of such heightened awareness must be the provision of adequate support tailored to the individual specificities, rights and needs of all victims, and to overcome language barriers (paragraph 104).

20. GREVIO **strongly encourages** the Finnish authorities to establish and implement quality standards and protocols on all forms of violence against women in all health institutions and to increase the capacity of health care professionals to identify women victims of all forms of violence in order to provide adequate treatment and assistance to them, as well as their referral to appropriate specialist women's support services as part of a co-ordinated response (paragraph 106)

## **C. Specialist support services (Article 22)**

21. GREVIO **strongly encourages** the Finnish authorities to take measures to ensure the provision of specialist women's support services with a gendered approach, providing comprehensive, immediate, short- and long-term support to all women victims of violence and their children in all parts of Finland. Police and other institutions need to refer to such specialist women's services directly and must avoid repeat referrals. Especially after police intervention a proactive approach is needed to ensure that victims are reached and can exercise their rights to protection and support (paragraph 111).

## **D. Shelters (Article 23)**

22. GREVIO **strongly encourages** the Finnish authorities to pursue and step up their efforts in expanding the number of shelter places and the geographic distribution of shelters in Finland to reach the minimum standard of one family place per 10 000 head of population as set out in the Explanatory Report to the Istanbul Convention, to resource shelters adequately, to provide long-term funding and to provide women-only shelters for women victims of violence and their children. Moreover, **GREVIO encourages** the Finnish authorities to assess the availability, in practice, of shelters for women with disabilities, women from the different Roma communities and women with substance-abuse issues (paragraph 117).

## **F. Telephone helplines (Article 24)**

23. **GREVIO encourages** the Finnish authorities to ensure the services of the Nollalinja national telephone helpline in a wider variety of languages, in particular Sámi, in order to reduce the language barriers that some women in Finland currently experience when seeking help. **GREVIO also encourages** the Finnish authorities to actively advertise the Nollalinja helpline as a service for all forms of violence which women in Finland may experience, in particular forced marriage, FGM and "honour-related" forms of violence (paragraph 120).

## **G. Support services for victims of sexual violence (Article 25)**

24. **GREVIO strongly encourages** the Finnish authorities to pursue their efforts in setting up sexual violence referral centres across the country and to ensure the availability of additional services to offer support to women and girls who seek help days, weeks, months or even years after the event. GREVIO also **strongly encourages** the Finnish authorities to ensure the setting-up of low-threshold services providing comprehensive and practical support, including legal support to access victims' rights and

protective measures as well as long-term psychosocial support for all victims of rape and sexual violence (paragraph 126).

## **H. Protection and support for child witnesses (Article 26)**

25. GREVIO strongly encourages the Finnish authorities to ensure the availability of age-appropriate psychosocial counselling for child witnesses of all forms of violence covered by the Istanbul Convention, in particular for children who witness domestic violence and post-separation stalking by one parent against the other (paragraph 131).

## **I V. Substantive law**

### **A. Civil law**

#### **2. Compensation (Article 30)**

26. GREVIO invites the Finnish authorities to collect data on the number of cases of violence against women in which perpetrators have been ordered to pay compensation to the victim (paragraph 142).

#### **3. Custody and visitation rights (Article 31)**

27. GREVIO urges the Finnish authorities to take the necessary measures, including legislative amendments, to ensure that courts are under the obligation:

- to consider all issues related to violence against women when determining custody and visitation rights;
- to ensure the recognition of witnessing violence against a close person as jeopardising the best interest of the child, and
- to restrict custody and visitation rights where this is warranted to guarantee the safety and best interest of the child (paragraph 150).

#### **4. Civil consequences of forced marriages (Article 32)**

28. GREVIO encourages the Finnish authorities to incorporate in the relevant legislative act(s) the possibility of voiding, annulling or dissolving marriages concluded under force paragraph 152).

### **B. Criminal law**

#### **1. Psychological violence**

29. GREVIO strongly encourages the Finnish authorities to investigate, prosecute and punish effectively acts of psychological violence by making full use of the available provisions in the Finnish Criminal Code. To effectively criminalise all acts that seriously impair the psychological integrity of a person as required by Article 33, GREVIO strongly encourages the authorities to consider introducing a new provision that would better fit the Istanbul Convention's framework (paragraph 159).

#### **2. Stalking (Article 34)**

30. GREVIO strongly encourages Finland to revise or reform the existing guidance to ensure that the offence of stalking as enshrined in the Finnish Criminal Code does not require that the acts are made against the victim's will and to ensure that continual stalking represents an aggravated form of stalking. In order to ensure the effective implementation of the stalking offence, GREVIO encourages the Finnish authorities to conduct specialised training on the gendered and serious nature of stalking and to ensure the application of preventive operational measures to avoid re-offending (paragraph 164).

#### **3. Sexual violence and rape (Article 36)**

31. GREVIO strongly encourages Finland to speedily reform all sexual offences contained in Chapter 20 of the Finnish Criminal Code to fully incorporate the notion of freely given consent as required by Article 36 of

the Convention and to ensure appropriate sanctions for all sexual acts without the consent of the victim, including where the circumstances of the case preclude valid consent (paragraph 169).

#### **4. Forced marriage (Article 37)**

32. GREVIO **strongly encourages** the Finnish authorities to consider introducing a specific criminal offence of forced marriage to cover the special nature of these offences and to make it operational for law-enforcement authorities and courts. Moreover, GREVIO **encourages** Finland to criminalise the intentional conduct of luring an adult or a child to the territory of another state with the purpose of forcing this person into a marriage, as required by Article 37, paragraph 2, of the Istanbul Convention (paragraph 175).

#### **5. Female genital mutilation (Article 38)**

33. GREVIO **encourages** the Finnish authorities to criminalise the intentional conduct of inciting, coercing or procuring a girl to undergo FGM as required by Article 38 c of the Istanbul Convention (paragraph 178).

#### **6. Sexual harassment (Article 40)**

34. GREVIO **encourages** the Finnish authorities to ensure that sexual harassment experienced in all areas of life is subject to a legal sanction (paragraph 182).

#### **7. Sanctions and measures (Article 45)**

35. GREVIO **strongly encourages** the Finnish authorities to ensure – through legislative measures and the effective training of members of the judiciary and prosecution services – that sentences and measures imposed for all forms of violence against women are effective, proportionate and dissuasive (paragraph 185).

#### **8. Aggravating circumstances (Article 46)**

36. GREVIO **strongly encourages** the Finnish authorities to take appropriate measures to ensure that the presence of children is considered as an aggravated circumstance by the judiciary, together with all other aggravating circumstances listed in Article 46 of the Istanbul Convention (paragraph 188).<sup>107</sup>

<sup>107</sup> See also the emerging case law of the European Court of Human Rights, which states that under the Istanbul Convention, “more severe sentences are required when the offence is committed against or in the presence of a child” (*D.M.D. v. Romania*, Judgment, 3 October 2017, p. 9, paragraph 27).

#### **9. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)**

37. GREVIO **urges** the Finnish authorities to introduce clear protocols and guidelines on mediation in domestic violence cases with a view to ensuring that:

- all law-enforcement and prosecution staff are aware that mediation is prohibited in cases of repeated violence;
- all offers of mediation are accepted entirely voluntarily;
- an offer of mediation does not result in the discontinuation of criminal investigation and prosecution in violence against women cases.

In addition, GREVIO **urges** the Finnish authorities to reconsider the power vested in the police to propose mediation as a criminal justice measure in domestic violence cases, because having this power might jeopardise the effectiveness of criminal investigations (paragraph 193).

## I **VI. Investigation, prosecution, procedural law and protective measures**

### **A. Immediate response, prevention and protection (Article 50)**

#### **1. Reporting to and investigations by law-enforcement agencies**

38. GREVIO **urges** the Finnish authorities to equip all relevant law-enforcement authorities with the resources, knowledge and powers to respond promptly and appropriately to all forms of violence covered by the Istanbul Convention, in particular by raising the number of female police officers and equipping police with the mandate to refer victims of violence against women and domestic violence to specialist women's support services in order to ensure the provision of adequate support (paragraph 203).

#### **2. The role of the prosecution services and conviction rates**

39. GREVIO **strongly encourages** the Finnish authorities to swiftly identify and address any/all factors which contribute to attrition in cases of rape, domestic violence and any other forms of violence against women, in order to increase the number of convictions (paragraph 210).

### **C. Risk assessment and risk management (Article 51)**

40. GREVIO **encourages** the Finnish authorities to ensure that, in cases of violence against women and domestic violence, systematic and gender-sensitive risk assessment and safety management become standard procedure for all agencies involved, especially criminal justice agencies, and that effective multi-agency work is carried out in all regions, based on the human rights and safety of the individual victim, all the while ensuring that the rights and needs of children are represented by specialist women's support services (paragraph 214).

### **D. Emergency barring and protection orders (Articles 52 and 53)**

41. GREVIO **strongly encourages** the Finnish authorities to step up efforts to increase the use of emergency barring and protection orders by promoting their usefulness and ensuring their vigilant enforcement. In this regard, GREVIO **urges** the Finnish authorities to assess the level of implementation of the Act on Restraining Orders with a view to identifying and remedying any obstacles in the letter of the law or in its practical implementation. Moreover, GREVIO **strongly encourages** the Finnish law-enforcement authorities to actively refer victims to specialist women's support services to ensure support in exercising their right to protective measures. Lastly, GREVIO **strongly encourages** the Finnish authorities to end the practice of allowing for exceptions in prohibitions on contact (paragraph 225).

### **E. Victim support in legal proceedings (Article 55, paragraph 2)**

42. Considering the stress and trauma that victims experience in court, particularly by aggressive defence cross-examination, victim-support lawyers and victim-support persons play an important role in facilitating victims' access to protection measures, in reducing stress and in ensuring victims' access to rights and justice. GREVIO **strongly encourages** the Finnish authorities to ensure the practical facilitation of women's access to victim-support lawyers and victim-support persons by specialist women's support services offering comprehensive support and thus avoiding secondary traumatising through repeat referrals in cases of domestic violence and rape (paragraph 230).

### **F. Legal aid (Article 57)**

43. GREVIO **strongly encourages** the Finnish authorities to monitor the impact of the amendments to free legal aid made to the Aliens Act in 2016 with a view to ensuring women's continued access to justice through high-quality legal representation and to remove any administrative or procedural barriers to obtaining legal aid (paragraph 234).

## I VII. Migration and asylum

### A. Migration (Article 59)

44. GREVIO encourages the Finnish Migration Service to recognise the particular hardship which the revocation of a residence permit may result in for foreign women in Finland abused by their sponsoring spouse or partner, in particular where this may lead to them being separated from their children (paragraph 240).

45. GREVIO urges the Finnish authorities to ensure that fear of deportation from Finland, with or without their children, may not prevent migrant women from leaving abusive spouses or partners. This should be done by informing newly arrived migrant women of their rights, including the possibility of obtaining an independent residence permit after leaving an abusive relationship. It should also involve awareness raising and capacity building of immigration officials to increase their level of understanding of the trauma and victimisation of women who are separated from their children because their act of leaving the abusive relationship has resulted in their deportation from Finland (paragraph 241).

46. Lastly, GREVIO urges the Finnish authorities, in particular the Finnish Migration Service, to take all measures to remove excessively high evidential barriers, such as the requirement of a criminal conviction of the abuser, for applications for extended residence permits on the basis of Section 54, sub-section 7, of the Aliens Act (paragraph 242).

### B. Gender-based asylum claims (Article 60)

#### 1. Reception and accommodation

47. GREVIO invites the Finnish authorities to pursue their efforts to ensure that all women and girls are offered adequate and safe accommodation, preferably in reception facilities with separate facilities for single women, including bathroom facilities (paragraph 246).

#### 2. Gender as ground of asylum

48. With the purpose of furthering gender-sensitive asylum procedures, GREVIO encourages the Finnish Immigration Service (MIGRI) (paragraph 253):

- to incorporate specific gender-sensitive questions into the standard procedure for interviews in order to systematically assess whether a female applicant has been exposed to or is at risk of gender-based persecution;
- to take active measures to ensure that women asylum seekers are interviewed separately from, and without the presence of, any relatives;
- to ensure the availability of interpretation services of adequate quality in the asylum determination processes; and
- to ensure the adequate quality of legal representation for women asylum seekers throughout the asylum application process, starting from the first interview.

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