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# Finland – Istanbul Convention

## Observations on the 1st Thematic Report - Finnish NHRI

This document contains observations and additions by the Finnish Human Rights Centre (HRC[[1]](#footnote-1), NHRI) to the first thematic report by the Government of Finland, submitted in October 2023.

Should you have any further questions or need for additional information, do not hesitate to contact us at [leena.leikas@humanrightscentre.fi](mailto:leena.leikas@humanrightscentre.fileena).

Sisällys

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# Part I: Changes in comprehensive and co-ordinated policies, funding and data collection in the area of violence against women and domestic violence

## Article 8: Funding

1. Since January 2023 social and health care services as well as rescue services fall under the responsibility of wellbeing services counties, instead of municipalities.
2. For the year 2023, the government reserved about 22.5 billion euros for wellbeing services counties, and the proposal for 2024 is about 24.6 billion euros.
3. As it is, the wellbeing services counties find themselves in serious financial difficulties and they are forced to cover their accumulated deficit of 1.2 billion euros in 2023 by the end of 2026. This will lead to cuts on all levels of services, including personnel.
4. As a result of the state budget proposal, as an example, many service points, service types and the availability of services and personnel are being cut considerably all throughout the country.
5. SERI support centres, who assist victims of sexual violence, function with the wellbeing services counties' funding. It is unlikely that the SERI services will remain outside the necessary savings. The need for support is growing annually and as it is, the services are not sufficient. The centres operate within hospitals and while hospitals are facing demands to save money and since the SERI funding is not earmarked for that specific purpose, it will be rather easy to diminish the funding.
6. A solution for securing funding for operations could be direct funding from state funds, in the same way the shelters are funded. However, there is no guarantees the cuts in the public funding will not reach this type of funding equally.
7. Currently all the services for prevention, assistance and services, listed by the Government in its report, are potentially facing cuts and access to rights in accordance with Istanbul Convention is in danger.
8. See also below the cuts regarding the NGOs providing services and assistance.

# Part III: Emerging trends on violence against women and domestic violence

## Paragraph b): emerging trends in domestic case law related to violence against women

### Investigation of sexual crimes and intimate partner violence

1. In [November 2022 Deputy Chancellor of Justice](https://oikeuskansleri.fi/-/apulaisoikeuskansleri-mikko-puumalainen-poliisilla-merkittavia-laiminlyonteja-lahisuhdevakivallan-ja-seksuaalirikosten-rikostutkinnoissa) found, after having examined on his own initiative 77 pending or completed preliminary investigations of sexual crimes and intimate partner violence in the police, that numerous preliminary investigations of domestic violence and sexual crimes by the police departments of Eastern Uusimaa and Ostrobothnia had been unnecessarily delayed.
2. The right to prosecution had expired in several cases, the active investigation had been delayed or no investigative measures had been taken at all. The examination led to sanctions or other actions in 14 cases. This examination covered all 11 police departments, out of which few had severe problems in these cases.
3. Many of the problems were allegedly caused by the lack of resources. However, the Deputy Chancellor of Justice found that in many cases, the resources were poorly organised and used, no monitoring of the progress had taken place or no monitoring system existed to begin with.
4. The Deputy Chancellor of Justice emphasized that the preliminary investigation of sexual crimes and crimes involving intimate partner violence must be completed without delay in terms of the credibility of the criminal justice system, to implement criminal responsibility effectively and to respect the rights of victims. This is not always the case. This also creates inequality between victims residing in different geographical locations.
5. it is clear that if the cases of domestic violence are not recognised by the police and noted down in the registers as such, the prosecution will not happen and the perpetrators will not be punished. Equally, if the reoccurring cases are not recognised, the cases will often end up in mediation as singular cases and never see the prosecution or punishment. The police therefore is in critical position to ensure the rights of the victims.
6. As part of the problems in investigating cases of domestic violence is the insufficient ability to recognise domestic violence, the Human Rights Centre reiterates its earlier recommendation that Government should increase for all age groups and professional fields human-rights-based training on how to recognise domestic violence and violence against women and how to help the victims. This is especially important when children or women with disabilities or older women are concerned and with regard police officers, prosecutors and judges.

### Accessibility of shelters

1. In 2022-2023 the Deputy Parliamentary Ombudsman examined a complaint on the insufficient accessibility in shelters for victims of violence. The complaint concerned wheelchair accessibility and monitoring of the requirements for accessibility in connection of funding, among other issues.
2. The Ombudsman requested from the Finnish Institute for Health and Welfare (THL) detailed information on the guidance, development and evaluation of the shelters on the national level, requirements for the accessibility and the fulfilment of the requirements and rights of the persons with disabilities in general, actions taken to improve the implementation of the rights and information on the type of guidance or actions undertaken when problems in accessibility or equality are identified.
3. In the [decision of July 2023](https://www.oikeusasiamies.fi/r/fi/ratkaisut/-/eoar/5820/2022) the Ombudsman found that immediate improvement of the general accessibility situation of shelters and shelter services is necessary to ensure equal treatment of persons with disabilities and to safeguard the rights provided for in the law. On the basis of the Equality Act the provider of shelter services must make the appropriate and reasonable adjustments necessary in the individual cases, so that disabled persons can use the shelter services on an equal basis with others. In 2023 all shelters were scheduled to have accessible premises. Nevertheless, the Ombudsman requested the Ministry for Social Affairs and Health to give its view on the accessibility situation of shelters and the measures taken to ensure the accessibility and accessibility of shelter services by the end of January 2024.

## Paragraph c): Emerging trends in the allocation of funding and budgeting by your state authorities

### General overall funding

1. The full extent of violence against women is not recognised nor visible in Governmental decision-making. In the financial calculations of the wellbeing service counties, work against violence is not specified nor funded as such. This despite the fact that according to [a study by the National Institute of Health and Welfare](https://valtioneuvosto.fi/-/10616/lahisuhdevakivalta-aiheuttaa-tutkimuksen-mukaan-merkittavasti-kustannuksia-terveys-sosiaali-ja-oikeuspalveluissa) the additional costs of physical domestic violence against women alone in health care is 150 million euros per year (THL 2022). In addition, victims use social services and legal services more often than the average population. This fact remains outside the budgetary planning.

### Funding of the NGOs

1. The current practice of providing public funding for non-governmental organisations on a project-by-project or annual basis is not sustainable. NGOs are responsible for a significant part of services, especially low-threshold services, for victims of violence, for training and preventive actions, among others.
2. This funding model provides little time for organisations for improving the quality of their services to meet the needs of the victims, and it also creates uncertainty as funding can be cut off at any time, potentially resulting in the cessation of services. This is a concerning issue that requires attention.
3. Currently, due to planned and already executed Governmental cuts in funding and changes in general funding structures funding for the NGOs is at risk. This will mean uncertain times for the services provided and at least harder access to services and assistance for the victims of violence.

## Paragraph e): Emerging trends related to access to asylum and international protection for women victims of violence against women

### Revoking of residence permits

1. On 21 November 2023, the [Supreme Administrative Court](https://www.kho.fi/fi/index/paatokset/vuosikirjapaatokset/1700221544419.html) (KHO) overturned the decision to revoke the residence permit of a foreigner who no longer lived with her children together with her spouse who had received asylum originally (case of family reunification).
2. The Finnish Immigration Service (MIGRI) cancelled the residence permits of family members when the family no longer lived at the same address.
3. The holder of the residence permit had stated that the reason for the end of the family bond was the violence directed at her by his spouse. The asylum seeker had been imprisoned in Finland in the early 2020s. When he was released from prison in May 2020, the rest of the family no longer lived at the same address as him. The rest of the family had, among other things, lived in a shelter, and they had been included in the assistance system for victims of human trafficking.
4. The Supreme Administrative Court assessed that the conditions for granting a permit in § 54 subsection 7 of the Aliens Act (*a residence permit can be granted to a foreigner after the end of the family bond, if the person's situation is particularly difficult due to the violence directed at him by his spouse and denying the permit would be unreasonable*) were thus functionally connected to the consideration of revoking the permit, that the provision had to be taken into account when cancelling a permit on the authority's initiative.
5. Under the circumstances of the case, the Supreme Administrative Court considered that the Immigration Office had not had to cancel the residence permit at the time of decision-making. The decisions of the Immigration Office and the Administrative Court were overturned. This, however, did not mean that the permits in the future would be automatically renewed, this remains at the discretion of the authorities.

## Reference to earlier observations

1. The few points presented in this document are in addition to the written statement, submitted by the Human Rights Centre to the GREVIO in March 2023 during the regular monitoring round. Many of the topics there are still very relevant during thematic monitoring round.

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Director Expert

1. The Human Rights Centre represents the Finnish National Human Rights Institution (NHRI) in international NHRI cooperation and other international and European cooperation in human rights.

   The NHRI comprises the Human Rights Centre, its pluralistic 39-member Human Rights Delegation, and the Office of the Parliamentary Ombudsman. The institution complies with the UN Paris Principles and the Global Alliance of NHRIs (GANHRI) accredited it with A-status in 2014 and 2019. [↑](#footnote-ref-1)