

FINLAND

Follow-up - State Reporting, including reports on missions

(i) Action by States parties

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Information provided in follow-up to the concluding observations of the Committee

Response by Finland to the recommendations contained in the concluding observations of the Committee following the examination of the fifth and sixth periodic reports of Finland on 9 July 2008.

Introduction

1. The fifth and sixth periodic reports of the Government of Finland were considered by the Committee on the Elimination of Discrimination against Women at its forty-first session. The said report covers the period from October 2003 to September 2007.
2. In its concluding observations concerning Finland, the Committee requested Finland to provide, within two years, detailed written information on the implementation of the recommendations contained in paragraph 174 of the concluding observations.
3. Paragraph 174 of the concluding observations reads as follows:

“The Committee calls upon the State party to intensify its efforts to prevent and address all forms of violence against women and girls, including domestic violence, in accordance with the Committee’s general recommendation No. 19 and the State party’s reaffirmed commitment during the Universal Periodic Review of the Human Rights Council (A/HRC/WG.6/1/FIN/4, para. 50). It also calls upon the State party to put in place expeditiously a comprehensive strategy or action plan and a campaign to prevent and eliminate all forms of violence against women and girls, and an effective institutional mechanism at the cabinet level to coordinate, monitor and assess the effectiveness of measures taken. The Committee recommends that the State party carry out studies and monitor closely the new law on the mediation procedure in order to ensure that such procedure is implemented in a way that respects and promotes women’s human rights and does not lead to perpetrators escaping prosecution. The Committee urges the State party to ensure that a sufficient number of shelters, staffed by expert personnel and provided with adequate financial resources, are available to women victims of violence. It recommends that shelters adhere to a strict policy of confidentiality to protect the victim’s identity and the locality of shelters. The Committee urges the State party to take steps towards enacting a legislation criminalizing sexual harassment.”

In response to the recommendations given in paragraph 174, the Government of Finland provides the following information on their implementation.

Measures to prevent and eliminate all forms of violence against women and girls, including domestic violence

4. The Government has recognised the seriousness of the problem of violence against women in Finland already in the Report on the Human Rights Policy of the Government of Finland, submitted to Parliament in 2004, and expressed its intention to use all available means to reduce such violence. In the Government Programme in 2003, intimate-partner violence and violence against women were addressed from two perspectives: as a question of equality between men and women and as a phenomenon weakening the security of citizens. To increase the security of citizens and to reduce violence, cooperation between different sectors of administration for the elaboration of a national programme was introduced already then. In that connection, the means to intervene in domestic violence were also intensified and the capacities of victim help lines and the availability of other emergency services in the whole country were increased.

5. The Ministry of Social Affairs and Health prepared a national programme of action on the prevention of intimate partner and domestic violence for the years 2004-2007, with a view to reducing violence against women and domestic violence as well as to improving the services needed by victims, perpetrators and family members.

6. In 2008, the Ministry of Social Affairs and Health and the Association of Finnish Local and Regional Authorities published recommendations (Recognise, Protect and Act) for office holders of local authorities and staff of social welfare and health authorities concerning strategic planning and guidance for the prevention of intimate partner and domestic violence. The purpose of the recommendations was to support the setting of objectives at the local level for the prevention of violence. The monitoring of the implementation of the recommendations has shown that stronger central instructions are needed, and that the local authorities have not created permanent structures or services for the prevention of intimate partner and domestic violence. Therefore, the Government is now assessing the possibility to include the necessary provisions in legislation in connection with the reform of social welfare legislation.

7. Increasing attention has already been paid to violence against women, particularly domestic violence, in legislation in general, including the entry into force of the provisions of law on the inside-the-family restraining order on 1 January 2005.

8. The national programme to reduce violence (adopted by the Government for the years 2006-2008) underlines, in particular, the need to reduce the number of violent deaths of women. However, the objective of the programme to cut the cases of homicide against women by fifty per cent within a few years' time was not achieved.

9. In the monitoring report (2009) on the national programme to reduce violence, two types of development were observed. Over a longer period of time, the number of victims of street violence, domestic violence and other inter-personal violence has fallen. As of the year 2000, the number of victims of street violence and violence in bars has further fallen, whereas the domestic violence and other inter-personal violence have remained at the same level. From the 1980s until the year 2000, work-related violence against women increased, after which it has reduced to some extent.

10. Violence against women and intimate-partner and domestic violence have also been followed with the help of victimisation surveys. The first survey on the victimisation of women to violence was carried out in 1997 and the survey was repeated in 2005. The victimisation survey showed that no significant changes have taken place in the extent to which women face violence. According to the survey of 2005, 43.5 % of 18 to 74 years old Finnish women had faced physical or sexual violence or threats of such violence by men at least once after they had reached the age of 15 years.

11. The awareness of violence against women, its wide-spread nature and the need to prevent violence has resulted in measures by authorities and non-governmental organisations. Cooperation and coordination of measures between different sectors of administration have been developed both at the national and local levels. In this connection, the special needs of certain groups such as disabled women and women belonging to minorities or immigrant groups with regard to awareness-raising and prevention of violence are taken into account.

12. The prevention of violence against women has been set as an objective in the Government Programme and in several programmes of action to prevent and reduce violence.

13. The research and working methods in the prevention and reduction of intimate-partner and domestic violence have been developed in the administrative sector of the Ministry of Social Affairs and Health, under the auspices of the National Institute for Health and Welfare established on 1 January 2009.

14. The programme of action on the prevention of intimate partner and domestic violence was completed by the Ministry of Social Affairs and Health in 2007. The purpose of the programme was to improve the services for victims, perpetrators and children and young persons who have been subjected to violence, within the framework of the scheme of basic services.

15. An experiment with a new type of risk assessment method concerning domestic violence is being prepared by the Ministry of Social Affairs and Health in cooperation with the Ministry of the Interior and the Ministry of Justice. The pilot project will include three police districts: Oulu, Pääjät-Häme and Helsinki (Itäkeskus). The method used is the Multi Agency Risk Assessment Conference (MARAC) method which has been developed in Cardiff (Wales), according to which risk assessment takes place in regular meetings of local inter-professional groups, involving the police, shelter homes, child welfare authorities and housing authorities. In the assessment, attention is paid to the risk of the perpetrator to repeatedly resort to violence, although the primary concern is the safety of the victim. The method is used to assess the seriousness of the risk in a situation where a person has been threatened with violence. The purpose of the method is to help authorities in choosing correct methods with correct timing, e.g. in situations of domestic violence where the violence or threats thereof have lasted a long time. Results of the experiment are expected by the end of 2010, and the results of assessment should be available in 2011.

16. A steering group lead by the Ministry of the Interior in 2008-2009, involving different sectors of administration, assessed the situation and integration of women who had arrived in Finland particularly from Thailand and ended up working in so-called Thai massage shops. The

steering group identified measures to improve the integration and employment of immigrant women in a vulnerable position. The measures were included in an action plan the implementation of which has been monitored by means of various projects.

17. At the end of 2009, the steering group adopted a number of recommendations concerning the development of work methods and the production of information the immigrants' own language, in cooperation among authorities and non-governmental organisations, whereby the threshold of immigrant women to seek help is low. In addition, in January 2010, the Ministry of the Interior published a new brochure called "Equality in Finland". The brochure provides basic information for immigrants on family life, education of children, support available for families and young persons with problems, training and work. The brochure also addresses legislation relating to domestic violence and services available for victims of violence. The brochure has been published in seven languages.

18. Amendments to the Act on the Reception of Asylum-Seekers and Integration of Immigrants are currently being prepared, and the Government has planned to submit the bill to Parliament in the autumn of 2010. In this connection, the measures to support the integration of immigrant women and the possibilities to improve the situation of this vulnerable group in society have been addressed.

19. In addition, new tools have been sought to intervene in intimate-partner violence also by means of criminal law. The Ministry of Justice is preparing a proposal to amend the Criminal Code by making it possible for the public prosecutor to proceed with prosecution without the victim's consent even in cases of petty assault. The proposal is based on a committee report published in 2009 (Committee report No. 2009:11). The new provisions would improve the possibilities of authorities to intervene in cases of intimate-partner violence and domestic violence. As a result of the reform, criminal investigations would have to be carried out even if the victim does not have claims against the perpetrator, and even petty assaults committed within families would lead to criminal investigations and thereby possibly to punishment. The reform is considered to improve the status of the victim as it may help to prevent recidivism. The Government bill was submitted to Parliament on 11 June 2010.

20. On 7 April 2010, the Ministry of Justice set up a working group to prepare the implementation of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse and the necessary legislative amendments. The working group gave its report on 4 May 2010, and the relevant authorities and bodies have been requested to give their comments on the report by the end of June 2010.

21. On 9 June 2010, a reporting officer designated by the Ministry of Justice submitted a proposal to amend provisions of the Criminal Code concerning rape. Under the proposed new provisions, a person could be convicted of rape in the case of sexual intercourse with a person who is not able to defend him/herself e.g. due to unconsciousness or intoxication even if the perpetrator has not caused that state. Under the existing legislation, conviction is only possible if the perpetrator has contributed to that the victim is not able to defend him/herself.

22. The use of sexually neutral language in the policy of prevention of violence against

women is a complex issue. In certain contexts, it may be appropriate to enact specific provisions extending the rights of women, but in certain others the use of neutral language is to be recommended. For example, in connection with the ratification of the Convention on the Elimination of All Forms of Discrimination against Women, it was found appropriate to amend the provisions of law concerning the effect of marriage on the spouse's name and concerning the conditions of Finnish nationality, whereas in respect of criminal and procedural law, it is considered justified to maintain the provisions sexually neutral.

23. Reducing violence and recidivism and expedient criminal justice are specific objectives set by the Ministry of Justice. The aim is to reduce, in particular, violence against women and children. An action plan will be prepared concerning the objectives and measures with regard to victims on the basis of reports and surveys and international obligations. In the efforts to strengthen the status of victims, attention will be paid to the needs of the victims in criminal proceedings and support measures as well as to the prevention of re-victimisation.

24. The Ministry of Justice has allocated funds to various local projects of crime prevention, the purpose of which has at least partly been to reduce violence against women or domestic violence. The share of such projects of all crime prevention projects financed by the State has been 44 % in 2007-2010.

25. The implementation of the national action plan against trafficking in human beings is monitored by a steering group coordinated by the Ministry of the Interior. In addition, awareness-raising and training concerning trafficking is organised in different parts of the country. A major event was organised in Helsinki on 4 May 2010, and apart from interventions by the representatives of a number of relevant authorities and organisations, a website (www.ihmiskauppa.fi) focusing on the problems of trafficking was published in that connection.

26. In accordance with the national action plan against trafficking, training will be continued and intensified in the relevant sectors of administration. In particular, the training of crime prevention authorities concerning trafficking as a phenomenon will be increased. The assessment of cases from the victim's point of view and the identification of victims will be primary concerns in the training.

27. The National Bureau of Investigation has produced film materials in cooperation with the Department of Homeland Security (Immigration and Customs Enforcement) of the United States. The materials have been reproduced on the websites of the Ministry of the Interior and the Police, on the channels of the Finnish Broadcasting Corporation, during flights and on the website of the national airlines Finnair.

28. In 2009, the National Bureau of Investigation and the Police College produced a video clip attached to a three-tier training package. The video clip and the training materials have been designed so that they are suitable for both the police staff and citizens. In addition, a special version of the training package is available for professionals working with issues relating to trafficking. The National Bureau of Investigation has also participated in the planning of brochures providing information for victims of trafficking.

29. The National Police Board has updated the police instructions concerning restraining orders, the purpose of which is to intensify police work in cases where it is necessary to consider renewal of the order or where the existing order has been violated. The updated instructions will enter into force on 1 July 2010.

30. The police intervene in cases brought to its attention easily, and reported offences are increasingly registered so that they show in statistics. According to a report concerning domestic violence in Finland, published on the website of the National Research Institute of Legal Policy (Report No. 12/2009), assaults and petty assaults within families brought to the attention of the police have increased in the past twelve years. This does not mean, however, that violence against women has increased as no corresponding increase has been observed in national victimisation surveys and surveys concerning female victims.

31. The police have developed their internal training and methods to address and prevent violence against women as well as to increase their capacity to act on home calls and in criminal investigations. Some police districts have designated the investigation of cases concerning domestic violence and violence against women to a police officer specialised in these issues.

32. The National Police Board and the Police College organise continuing training in cooperation with other relevant bodies, in order to improve the capacities of the police to identify the particular elements of intimate-partner and domestic violence, and with a view to ensuring the appropriate complementarity of the measures taken by the police and other relevant authorities. The police also participate in training offered by other authorities and bodies. Such training has included, for example, the awareness-raising training organised by Tukinainen rape crisis centre for legal professionals in April 2010. Continuing training provides the necessary information for professionals working closely with victims of intimate-partner and domestic violence and sexual offences, to face victims with traumatic experiences and to understand the behaviour of victims. Training is attended by both police officers undergoing their basic training and investigators of crime as well as by prosecutors, judges and legal counsels.

33. In June 2010, the Police College organised a human rights seminar for the police, in which violence in the name of family honour was one of the topics addressed. The police have planned to prepare training materials on such violence also for the purposes of basic and continuing training, and at the national level, continuing training will also be provided for the police concerning the special elements and identification of honour-related violence.

34. In 2008, Finland organised a national campaign within the framework of the Council of Europe Campaign to Combat Violence against Women, including Domestic Violence, with a view to raising awareness of violence against women as a human rights violation and affecting attitudes. In addition, measures to address violence against women are being planned within the framework of the Daphne III programme of the European Union (2007-2010).

35. In 2009, the Police College published a study concerning hate crime brought to the attention of the police in 2008. In earlier years, the study focused on offences committed with a racist motive, but in 2009 offences committed against disabled persons and sexual minorities, among others, were also included in the study. The following study concerning hate crime

brought to the attention of the police in 2009 will be published in October 2010.

36. According to forensic statistics, the numbers of men and women killed by their spouses have remained more or less the same since the year 2000. Among the EU Member States, Finland occupies the 11th place of the states in which homicide against women is most common.

37. In the years 1980-2008, the yearly number of female homicide victims has varied between 29 and 61 and the number of male victims between 70 and 120. In 2008, the number of female victims was 40 and the number of male victims was 79. The number cases of homicide committed by a spouse or close family member (child or parent) was 25 and that of other cases of homicide was 94. On the basis of the Finnish Homicide Monitoring System (FHMS), it may be concluded that in approximately half of the cases of homicide committed by close family members or relatives, the victim is a woman and the perpetrator is her spouse. In respect of the other cases of homicide within family, the most usual victim is the perpetrator's child. In 2008, the number of women killed by the existing or former spouse or life partner was 25 and that of women killed by other family members or relatives was 4. The number of other female homicide victims was thus 14. The crime statistics are almost hundred per cent reliable only in respect of homicide, as practically all cases of homicide are reported to the police.

38. In 2008, there were 915 cases of rape brought to the attention of the police. The corresponding figure was 660 in 2009.

39. The national victimisation surveys of 1997 and 2005 show that serious physical violence in intimate relationships has reduced from 1.8 % (1997) to 0.8% (2005).

40. According to judicial statistics, in 71 % of assaults and petty assaults committed within families in 2007, brought to the attention of the police, the victim was a woman over 15 years of age. In respect of aggravated assaults and attempted homicides, the corresponding figure was 50 %.

41. In the latest report on the human rights policy of the Government of Finland (Publication No. 7/2009 of the Ministry for Foreign Affairs), submitted to Parliament in 2009, a general overview of the national human rights situation was included for the first time. The purpose of the inclusion of national human rights policy and international activities in the same report is to underline the indivisible and interactive nature of human rights. It is observed in the report that the implementation of international obligations and national human rights policy are increasingly interrelated.

42. The report of 2009 also provides a comprehensive overview of violence against women and related problems and challenges. It is observed in the report that violence against women remains a serious human rights problem in Finland. The average number of women dying yearly as a result of domestic violence is 21 (based on figures in 2002-2006). Parliament also paid attention to violence against women and its prevention when discussing the Government's report (Report of the Foreign Affairs Committee No. UaV 1/2010 vp -VNS 7/2009, Opinion of the Employment and Equality Committee No. TyVL 25/2009 vp-VNS-7/2009).

43. On 31 May 2010, the Ministry for Foreign Affairs organised a seminar for experts in order to discuss the implementation of the recommendations contained in paragraph 174 of the concluding observations as well as the negotiations on the Draft Council of Europe Convention on preventing and combating violence against women and domestic violence. Another seminar has been planned for the end of 2010.

Comprehensive strategy or action plan and a campaign to prevent and eliminate all forms of violence against women and girls

44. In December 2006, the Government adopted a resolution on a national programme to reduce violence, for the years 2007-2008. One of the priorities set in the programme was to reduce violent criminal acts against women, and concrete measures were taken on the basis of the programme.

45. The Government's equality programme for the years 2008-2011 includes a section on violence against women. As a concrete measure, the equality programme proposes a multi-agency programme to reduce violence against women.

46. On 8 May 2008, the Government adopted a resolution on a new Internal Security Programme for the years 2008-2011. The programme, which has been prepared in cooperation among the relevant sectors of administration, sets out objectives and identifies the main areas of concern and concrete measures to reduce violence. The priorities of the Internal Security Programme have been extended from those set out in the previous programme, and include now the reduction of intimate-partner and domestic violence and the reduction of violence against children as objectives. In respect of measures that are of relevance also in respect of violence against women, it is proposed, in particular, that victim support services be reinforced by making shelters and crime victim helplines national and including in the system support for witnesses in criminal cases at each district court and court of appeal; a 24-hour free-of-charge national helpline for crime victims be set up with a number beginning with 116; and resources and coordination for the prevention of domestic violence and family violence be strengthened.

47. After the completion of the programme of action in 2007, the Ministry of Social Affairs and Health has set up an inter-ministerial working group for the period from 1 April 2008 to 31 December 2011, for the purposes of reducing intimate-partner and domestic violence. The purpose of the working group is to coordinate the monitoring and assessment of the implementation of the measures proposed in various programmes, to follow international developments and to monitor the implementation of international conventions and recommendations in Finland.

48. In an action plan prepared at the Ministry of Social Affairs and Health include the protection of vulnerable groups, the prevention of recidivism and the prevention of sexual violence. The primary objective of the action plan is to develop the working methods of the professionals and authorities dealing with violence so as to ensure that violence is identified and that the victims receive assistance. The action plan takes into account Finland's international commitments and especially the recommendations of the Committee on the Elimination of All Forms of Discrimination against Women on how to increase the efficiency of the prevention of

violence against women. Further, the definition of priorities takes into account developments in violence against women as well as types of violence that have been previously excluded from action plans. The main areas of action identified include the strengthening of the prevention of violence; the improvement of help and support services for victims of violence; the prevention of recidivism; the improvement of the status of and support for persons who have experienced sexual violence; and the improvement of assistance and support for persons in a vulnerable position.

49. The action plan is based on the work of thematic workshops of researchers, officials, professionals who daily meet victims of violence, and representatives of NGOs. A multi-agency working group of civil servants on the prevention of domestic violence, appointed by the Ministry of Social Affairs and Health, acts as the steering group for the action plan. Its task is to coordinate the proposals for measures and to instigate debate in the relevant ministries. The draft action plan includes nearly 70 proposals for measures that concern different administrative sectors. The objective has been to regard Roma as one of the target groups when measures are planned and implemented. A goal for 2010–2011 is to publish a guidebook for health care staff that gives advice on how to meet Roma clients and on how to take the Roma culture into account when providing services. The guidebook is also intended to give advice on how to identify phenomena relating to domestic violence against Roma women and on how to intervene in such phenomena.

Institutional mechanism at the cabinet level to coordinate, monitor and assess the effectiveness of measures taken

50. A group of ministers, assisted by the aforementioned inter-ministerial working group, has been assigned with the responsibility for coordinating the measures taken for the prevention of intimate-partner and domestic violence. The objective of the working group is to enhance preventive work by coordinating measures between the relevant sectors of administration, to cooperation between those sectors of administration and to increase the capacities of national experts. The working group is responsible for providing information for and submitting proposals to the ministers in respect of the situation of intimate-partner and domestic violence and the measures needed.

51. The National Institute for Health and Welfare has been preparing a multi-agency programme to reduce violence against women in cooperation with the relevant ministries (Ministry of the Interior, Ministry of Justice, Ministry of Social Affairs and Health, Ministry for Foreign Affairs). The programme was adopted by the group of ministers responsible for internal security in June 2010. The programme applies a comprehensive approach to security, identifying adequate and comprehensive measures to prevent violence, to protect victims and to punish perpetrators, setting out as priorities the protection of vulnerable groups, the intervention in violent behaviour and the prevention of sexual violence. The programme identifies the measures, the authorities responsible for the programme and the financing of the programme, and its implementation will be subject to assessment. The programme covers the years 2010-2015.

52. The inter-ministerial working group is responsible, in particular, for a) monitoring and assessing the measures proposed in the various programmes concerning intimate-partner and domestic violence, b) highlighting those measures to prevent intimate-partner and domestic violence that would possibly remain outside the programmes, c) monitoring the international and national developments in intimate-partner and domestic violence, d) monitoring the national implementation of international conventions and recommendations concerning prevention of intimate-partner and domestic violence, and e) informing the group of ministers of the situation concerning intimate-partner and domestic violence and of the measures needed.

53. The effectiveness of measures taken is monitored and assessed both within the framework of the implementation of the Internal Security Programme and through the work of the inter-ministerial working group coordinating measures to prevent intimate-partner and domestic violence, and reports are submitted to the relevant groups of ministers.

Monitoring of the new law on the mediation [conciliation] procedure

54. In accordance with the Act on Conciliation in Criminal and Certain Civil Cases (1015/2005), an advisory board on conciliation in criminal cases, appointed for a period of three years at a time by the Government for the purposes of national supervision, monitoring and development of conciliation services, acts under the auspices of the Ministry of Social Affairs and Health. The advisory board assesses conciliation practices. The Ministry of Justice is also represented in the advisory board.

55. The National Institute for Health and Welfare has carried out a study on the implementation of the aforementioned Act, the results of which were published on 10 March 2010. The study was made one and half years after the entry into force of the Act, and police officers and prosecutors from different parts of the country as well as directors of the conciliation office were interviewed for it. According to the data collected annually by the National Institute for Health and Welfare on conciliation in criminal cases, conciliation was applied in a total of 1025 domestic violence cases in 2009. The number of cases has increased by 7.9 per cent from the year before.

56. In addition, persons using the services were interviewed for the study in different parts of the country, concerning their experiences. It was found out that most police officers and prosecutors considered that it should be made possible for a larger number of authorities to guide the persons concerned to conciliation. On the basis of the feedback received from the persons using the services, it was concluded that intimate-partner and domestic violence constituted a challenge for the authorities involved. However, the Government considers that the conciliation procedure in Finland is applied carefully and professionally.

57. In 2008-2010 Finland has organised extensive and thorough further and advanced training on conciliation in domestic violence cases. 260 voluntary conciliators and conciliation counsellors took part in the training. Out of the 260 participants, 199 voluntary conciliators and conciliation counsellors prepared an extensive written paper for the purpose of obtaining a diploma, and the paper of 180 participants was approved and a training diploma was issued to them. The training was initially launched on request by the Prosecutor General, and it creates

better prerequisites for safe conciliation in domestic violence cases that takes into account all parties involved.

58. Conciliation procedure is enforced if it is at this stage detected, for example, that one the parties has pressured the other party or belittled or altogether denied the offence, no conciliation procedure is enforced. Conciliation in domestic violence cases always includes special meetings between the victim and the perpetrator; if any pressure, belittling of offence, evasion of responsibility, or denial of offence is detected, the procedure is suspended. When the conciliation meeting proper is arranged, a preliminary agreement can be reached where the parties involved agree to seek professional help. After a determined period of time, for example six months, another conciliation meeting is arranged for the final agreement, which will be followed up. This procedure allows good opportunities to secure the empowerment of the victim and that the perpetrator becomes responsible for his actions.

59. The parties involved in conciliation due to domestic violence considered it positive that the procedure is voluntary, impartial and confidential and that it enables the parties to have an impact on the final outcome. This was especially the view of the victims. In comparison with other types of criminal cases (such as theft or assault), on the other hand, the conciliation in domestic violence cases had the highest proportion of parties for whom the conciliation procedure did not offer any relief or parties whose understanding of the opposing party did not improve. Also in these cases, the majority of the parties involved had a positive view on the conciliation procedure. The results reinforce the view that conciliation is applicable in some of the domestic violence cases as long as the conciliation is carried out very meticulously and professionally.

Sufficient number of shelters for women victims of violence

60. Most shelter homes in Finland are maintained by non-governmental organisations and they operate on the organisations' initiative. According to a European Union standard, the shelter homes should be able to offer one place for each 10 000 inhabitants, which means that there should be refuge available for 500 persons in shelter homes in Finland. According to a survey made, there are 21 shelter homes in Finland, offering 123 family places.

61. The geographical distribution of shelter homes is not even, and there is lack of places in shelter homes particularly in the eastern and northern parts of the country as well as in Pohjois-Pohjanmaa. At present, there are no shelter homes with services in the Sámi language, nor emergency help lines within the Sámi areas. There is one general helpline for victims of crime and their family members serving in the Sámi language, i.e. the victim helpline maintained by SamiSoster in northern Lapland. In 2007, the helpline was contacted by 11 persons.

62. In the development of shelters, also the needs of other special groups, such as immigrant women and disabled women, are taken into account. The annual share of immigrants of all the people using shelters has increased in the Helsinki region from 9 % (at the beginning of the 1990s) to approximately 30 %.

63. The Ministry of Social Affairs and Health has published a report on the shelter situation in

Finland in February 2010. The objective is that shelters operate throughout the country and that they have permanent financing. Moreover, national quality criteria for shelters have been considered. The ongoing reform of the Social Welfare Act should also take shelters into account.

64. In the Report on the Human Rights Policy of the Government of Finland (2009), an objective was set out to extend the geographical coverage of shelter homes by the year 2015.

Policy of confidentiality in shelter homes

65. It is only possible to use shelter homes anonymously in respect of the “open services”, discussions and counselling through telephone help lines. If the customer wishes to stay overnight in the shelter home, the personal details are usually needed by the provider of the shelter for the purposes of charging the local authorities. There is only one shelter home available for immigrant women where it is possible to use the services anonymously on a 24-hour basis in case the customer is subject to particular threat. In many cases, the reason for using the services is cultural (e.g. honour-based violence or a fear of arranged marriage).

66. As mentioned in the foregoing, the shelter homes are mainly maintained by private organisations and they have no need to inform others of the whereabouts of their customers. Private organisations are not bound by the same rules as public authorities, but in case they offer social welfare and health services, they must comply with the same obligation of confidentiality as public-sector service providers. The problem with anonymous use of services is that shelter homes are most often financed either on the basis of an agreement with the local authorities on payment undertaking or public contract. As the services are financed by the local authorities, they need to ensure that the service user is a resident of the municipality concerned. Notwithstanding the secrecy provisions, in accordance with the Finnish system, the person or authority undertaking the pay the costs has the right to verify the identity of the customer.

67. Shelter homes in Finland are part of social welfare services, and consequently their obligations concerning the provision of information on their customers are based on the Act on the status and rights of social welfare clients (812/2000). The Act provides for the access of customers to information, secrecy of documents, and disclosure of information subject to the secrecy obligation. Under the Child Welfare Act (417/2007), any authority or body offering social welfare services is under an obligation to inform the local social welfare authorities of a child’s need for child welfare measures. The Child Custody and Right of Access Act (361/1983) provides for the right of a child to meet with the parent with whom he or she does not reside. In addition, the Act on the Openness of Government Activities (621/1999) is an Act of general application to the activities of public authorities.

68. On 1 March 2010, an amendment (Act No. 661/2009) to ... entered into force, providing for the right to obtain a new ID code. Under the new provisions, the ID code may be changed in case it is necessary for the protection of the person concerned in a situation where his or her health or safety is subject to an imminent and permanent threat. The assessment of the threat is made by the police.

Legislation criminalizing sexual harassment

69. There is no clear international obligation to criminalise sexual harassment.

70. The main problem with regard to criminalizing sexual harassment is that there is no clear definition of sexual harassment and there is no unanimity on its elements. The legality principle in criminal law requires that any criminalized act is defined in precise terms in the provision of law applied to it. It may be difficult to define harassment precisely enough, as the prohibited types of statements, gestures and violations of physical integrity would need to be defined.

71. One definition of sexual harassment is that it means sexually coloured behaviour that is felt uncomfortable and negative by the person subjected to it. The object of harassment usually feels the behaviour unpleasant or even offending.

72. It must be remembered, however, that behaviour cannot be characterised from the victim's point of view only, in case it is assessed in terms of criminal law. In the criminal law assessment, there are several elements relating to the perpetrator to be taken into account, such as intention as well as objective and subjective facts concerning the victim and the circumstances of the case.

73. Although the definition of sexual harassment is unclear, the aforementioned type of behaviour may in some cases fulfil the elements of a sexual offence within the meaning of the existing provisions of Chapter 20 of the Criminal Code (39/1889). It is also possible that calling by names, for example, fulfils the elements of defamation or slander, or a minor violation of physical integrity may fulfil the elements of petty assault.

74. In the light of criteria outlined in reports and opinions of the Law Committee of Parliament, a pressing need in society must be presented for proposed new criminal provisions. A further criterion is that there are no effective means to address the situation, other than the criminalisation of the behaviour. The Ministry of Justice has an overall responsibility for monitoring the effectiveness of criminal law. In case need for new criminal provisions is found to exist, in the light of information available and their analytical assessment, measures are taken by the Ministry.

75. In respect of sexual harassment, it is also worth mentioning that the Equality Act was amended in the summer of 2009 (Act No. 369/2009), by including definitions of sexual harassment and sex-related harassment. Those definitions are explicitly covered by the prohibition of discrimination.

ANNEX I:

Statistics from the Ministry of Social and Health Affairs

Statistics on violence against women in 2008–2009

Table 1 below describes the statistics on crimes against life and health in intimate partner relationships that have been reported to the police in 2008. The 2009 data is not yet available.

Table 2 shows the homicides against women in intimate partner relationships. (Intimate partner relationships include marriages, cohabitation, dating and ex-partners).

Crimes against life and health in intimate partner relationships reported to the police in 2008

	Women	Men	Total	Share of Women %
Attempted manslaughter, murder or killing	11	10	21	52
Assault	1620	196	1816	89
Aggravated assault	85	62	147	58
Petty assault	768	143	911	84
Other crimes against life and health	19	7	26	73
Rape, aggravated rape, coercion into sexual intercourse	34	-	34	100
Other sex offences	5	-	5	100

*(Source: Statistics Finland)
Gender of victim*

Cases of homicide against women in 2003-2008 (Source: Homicide Database, National Research Institute of Legal Policy)

Relationship of victim and perpetrator	2003	2004	2005	2006	2007	2008
Spouse, partner	22	25	20	21	26	25
Total	31	32	35	36	48	44

Cases of rape and coercion into sexual intercourse reported to the police was on the rise until 2008 (n = 909). In 2009 the number of reported cases decreased a little (n = 667). However, no thorough analysis on the reasons behind the decline or on the future trends has been conducted. (Source: Riki Database of the Police)

ANNEX II

Ministry of the Interior

Statistics on violence against women, indicating the development of the number of female victims, and domestic violence in 2008 and 2009

The total number of assaults against women (including assaults and aggravated assaults as well as attempts thereof) was 14 667 in 2008 and 14 273 in 2009. The number covers all cases of assaults which have been committed by either men or women, including both family members and outsiders, as well as any places of commission of the offence.

The total number of home calls of the police which fall within the category of domestic violence, was 18 963 in 2008 and 19 782 in 2009. In 2008, there were 4 081 offences of domestic violence reported to the police that were registered and investigated as offences of assaults or aggravated assaults or attempts thereof. The corresponding figure was 3 686 in 2009. However, it is not possible to analyse the number of female victims on the basis of those police statistics, but the victim of domestic violence may have been either a man or a woman.

ANNEX III

National Research Institute of Legal Policy

Overview of statistics on domestic violence and violence against women, classified by type of violence and source of information.

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