The Coalition of Finnish Women’s Associations NYTKIS

Helsinki 10th June 2013

SUBJECT: Consideration of the sixth periodic report of Finland on the International Covenant on Civil and Political Rights in Finland – Comments from the Coalition of Finnish Women’s Association NYTKIS

TO: UN Human Rights Committee

The Coalition of Finnish Women’s Associations NYTKIS thanks for the opportunity to provide the Human Rights Committee with comments concerning the implementation of the Covenant on Civil and Political Rights in Finland. Our comments are focused on gender issues, as per mandate and expertise of our Coalition. The Coalition of NYTKIS has 11 member organisations: The Association for Women’s Studies in Finland, Christian Democratic Women in Finland, The Feminist Association Unioni, Finnish Social Democratic Women, The Green Women’s Association, Left Women, The National Council of Women of Finland, The Women of True Finns, The Women’s League of the Coalition Party, The Women’s Organisation of the Centre Party and The Women’s Organisation of the Swedish People’s Party. NYTKIS therefore represents close to half a million Finnish women. Please find our comments below, following the outline of the list of issues.

Non-discrimination, equality between men and women

Arts 2, 3 & 26

The NYTKIS member NGOs are content with the government’s decision not to consolidate the Gender Equality Act and the Non-Discrimination Act. This would have led in practice to fewer resources in equality work and a lower level of protection from discriminative practices. We consider gender an all-
encompassing ground for discrimination that has to be dealt with by separate legislation. Nevertheless, we support cooperation between the Ombudsman for Equality and the Ombudsman for Minorities in order to enhance protection from multiple discrimination.

Currently, both the Gender Equality Act and the Non-Discrimination Act are being reviewed. Suggestions for changes include, among others, inclusion of protection from discrimination for trans and intersex people into the Gender Equality Act. This will most likely be debated in the Parliament in the autumn of this year. We are not able to comment the changes proposed to equal pay matters, as the draft for this has not yet been provided to NGOs for their review. We consider this to be an issue of utmost importance, as specification on the responsibility to carry out mapping/survey for equal pay/grade of jobs is one of the most concrete measures that can be taken. There should be more clarity in terms of access to information on salaries/pay. Attention should be paid that there is an inclusion of a provision that guarantees personnel the right to participate in mappings and analysis of equal pay matters, and that they have sufficient rights to information to make true cooperation possible. At the moment the law is too vague on these matters, and the description of how statistics are gathered on differences in pay is provided for in general terms; it needs to be more specific.

Multiple discrimination and intersectional discrimination are not explicitly handled in neither the Gender Equality Act nor the Non-Discrimination Act. These should be added to both laws, into the actual law text, not only to the explanatory documentation. In the revision of the Non-Discrimination Act it must be seen that the Ombudsman in charge of monitoring will have sufficient resources and jurisdiction. Specific attention must also be paid to ensure that the revisions do not lead to weakening of the protection against any type of discrimination.

Human Trafficking
Art. 8

Finland is both a destination and a transit country for human trafficking. In 2006, the Finnish law on human trafficking was revised by criminalising the purchase of sex from a victim of human trafficking or procurement. There are deficiencies in the human trafficking legislation concerning the choice of title of offence, the interpretation and application of the law, and identification of victims. In Finland, only a few dozen victims of human trafficking have been identified, obscuring the extent of the phenomenon. The Finnish parliament has obligated the government to give sufficient funding and resources to police in order to combat human trafficking. As of yet, this has not happened.
According to the Finnish National Rapporteur on Trafficking in Human Beings, sexual abuse and exploitation in human trafficking are poorly identified by the Finnish authorities in comparison to international standards. As the Rapporteur remarks, women in prostitution are often controlled by physical and sexual violence, threats, burning passports etc. Even these cases, however, are more likely to be investigated and tried as procurement than human trafficking, because the criteria of human trafficking are set very high in the Finnish case law.

However, the identification of victims of sexual exploitation is imperative. In pre-trial investigation and judicial process, the status of victims of procurement is that of a witness, whereas the victims of human trafficking have the status of an injured party. The victims of human trafficking are legally entitled to assistance and protection, but if the case is assessed as procurement, the victim loses their status as complainant, as well as their right to residence permit and access to the assistance system for trafficking victims. In addition, instead of focusing on the harsh living conditions of women in prostitution, the authorities emphasise victim’s consent, which results in a situation in which the crime will be assessed as procurement. Consent, however, does not justify violence and abuse, and abuse of position of vulnerability should negate consent. The general opinion seems to approve of acts of violence against women as a natural and inevitable part of prostitution. One might question if violence experienced by women and girls in prostitution is taken seriously by the authorities.

Unlike the victims of sexual abuse, the victims of work-related exploitation are considered injured parties regardless of the title of offence – work-related human trafficking or extortion-like work. The Finnish National Rapporteur on Trafficking in Human Beings states that the current policy is discriminatory. Thus, it is essential to examine the situation from a gender perspective: victims of work-related exploitation are mostly men, whereas victims of sexual exploitation are usually women. In addition, sexual harassment and abuse may be included in work-related human trafficking as well. The difficulty in identification of prostitution-related human trafficking can be seen as gender-related discrimination, for it endorses the continuum of violence against women.

- A special investigation unit for human trafficking must be established
- Human trafficking legislation must be clarified
- If human trafficking is suspected, deportation of victims should be refrained from, and victims should have access to assistance and protection

Women Prisoners
Art. 10

There is a need to intervene in the treatment and living conditions of female prisoners in Finland. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment has repeatedly criticised Finland due to the existence of prison cells without toilets. The prisoners have to urinate and defecate in buckets, and this has been the case with women with small children as well. The new government programme recommends renovations of these cells until 2015, but as of yet, no resources have been indicated in the state budget. These below-standard cells are a gendered problem, as they are being used particularly in the prison of Hameenlinna, which houses female inmates.

Violence against women
Arts. 3, 7 & 26

Shelters

In Finland, the non-governmental (“third”) sector has the primary responsibility for the provision of services for victims of violence. The work is dependent on project funding and suffers from lack of continuity and incommensurable standards. The services are mainly financed by project funding provided by Finland’s Slot Machine Association. The service network is scattered and geographically uneven. Moreover, the services seldom target victims in the societal margins. The current supply of services is also unable to deal with the particular needs of victims representing different kinds of minorities.

There is no legal obligation to provide shelter services in Finland. The government does not coordinate or fund shelters, and the funding is based on municipal promissory notes. The majority of municipalities provide these promissory notes from the child welfare budget, which complicates the entry of women without children into shelters. According to the NGOs, promissory notes are usually written only for a few days, which does not enable long-term assistance or support for victims of violence. The services ought to be provided as long as they are needed, and they should be free of charge. The Council of Europe recommends that the amount of family rooms in shelters should be one for every 10,000 citizens. In Finland, this would mean 530 family rooms. However, in 2012 there were only 125 family rooms, and there is only one shelter in a secret address in Finland. In 2013, two more shelters have been closed in 2013 in relation to austerity measures by municipalities.
The NGOs demand that municipalities ought to have a legal obligation to provide sufficient services for the victims of violence. In addition, the perpetrators of violence need to be provided with professional assistance. Necessary support for municipalities maintaining shelter services must be provided by the state. The NGOs also demand clear regulations for shelters. Currently, no regulations whatsoever exist concerning the quantity, personnel, opening hours, quality standards, and geographical coverage of shelters. In addition, shelters should be made free of obstacles for easy access, and they should provide personal assistance and special attention to women with disabilities. Interpretation services must be provided face to face, and the clients ought to have the right to choose the interpreter. Immigrant women and children need to be provided cultural sensitive assistance in their own language. Moreover, special attention must be paid to elderly women and their particular needs.

Furthermore, the NGOs call for low-threshold services, such as pop-in centres, rape crisis centres and 24/7 phone services for victims of violence. Minority groups and women in vulnerable position should be taken into account when preparing these services. The decrease in face-to-face services affects especially elderly women, disabled women and immigrant women lacking sufficient language skills. Easy access for women with disabilities must be underlined when preparing phone and Internet services for victims of violence. Information sheets with sufficient content ought to be provided in different languages, sign language, plain language, and Braille.

The service system of Finland for victims of violence against women is extremely weak, and the Government must act to bring sufficient services into existence. Finland has signed the Istanbul Convention and is in the process of ratifying it. However, the ratification working group, which recently concluded its work, did not formulate a suggestion for the financing of these services, which is particularly worrisome.

Sexual violence

The Finnish NGOs demand a thorough revision of the sexual assault legislation. The current legislation does not advance sexual self-determination and physical and mental integrity in a sufficient manner. In addition, the protection of victims of rape, sexual violence and sexual harassment is inadequate. It is estimated that only 6% of rapes are reported to the police. Of the reported cases, only 16% lead to court proceedings, and only 13% to convictions. 90% of all the reported sexual abuse cases of children were targeted at female children, mostly between the ages of 12 and 14. In June 2011, the Finnish legislation on sexual assault was revised, so that sexual abuse of a defenceless person counts as rape, and another advance is that sexual abuse of a child, including intercourse, is considered an aggravated crime.
As regards the three-step categories on the severity of rape in the legislation, the category of ‘coercion into sexual intercourse’ should be repealed. Furthermore, the boundaries of sexual abuse and rape should be re-evaluated from the viewpoints of functioning law and justice in general. Moreover, sexual abuse and coercion into sexual intercourse are offences the prosecution of which rests with the plaintiff. These crimes ought to be subject to public prosecution, and the provision of the so-called “firm will” permitting the discontinuing of proceedings in cases of sexual offences must be abandoned.

According to a study, the Finnish legal system recognizes as sexual violence only overt expressions of physical violence. The main characteristics of rape include other forms of violence used in the act. Consequently, more subtle forms of abuse are not included in this framework: a complainant who is raped in an intimate relationship and who, paralysed by fear, submits to intercourse can be seen by the court as consenting, albeit against their will. We demand that definitions under Criminal Code must be revised so that sexual intercourse without consent is considered as rape.

Detention
Art. 24

Detention of asylum seeking children and pregnant women in police prisons is a highly problematic practice used in Finland. Being put in detention is often traumatising for children. According to research carried out in different countries children detained for long periods are more likely than their peers to commit suicide, attempt suicide and to have developmental problems.

Roma Women
Arts. 26 & 27

There is no exhaustive data on the discrimination or violence experienced by Roma women in Finland. Relatively little is known of Roma women’s access to social welfare and health services. Roma people’s unemployment rate is presumably very high, and many of them have not completed the nine-year basic education. The government’s National Policy on Roma from 2009 has no specific guidelines concerning Roma women and girls, although it claims to be gender-sensitive. According to the Advisory Board on Romani Affairs, the programme enhances the prevention of discrimination against Roma women and girls regardless of its functional gender neutrality.
Although studying the living conditions and promoting the equal rights of Roma people in Finland is of vital importance, a more visible gender-perspective should be included in the government’s programme. Roma women and girls are subject to multiple discrimination as women and individuals belonging to an ethnic minority. The gendered distribution of domestic work and child care, and women’s primary responsibility in running errands outside of home, is a topic of conversation particularly among young Roma women. In addition, the Roma NGOs have been reportedly concerned about domestic violence against Roma women. Their access to services for victims of violence, especially shelters, is more difficult because of certain cultural practices. The Finnish NGOs demand gender-sensitive measures in protecting Roma women’s human rights, as well as gender-specific studies on the status of Roma women in Finland.

There is a serious lack of knowledge concerning the living conditions and status of various minority groups in Finland. Hereby, we underline the need to examine the politics of national statistics and information services and data production. We think that effective anti-discrimination policies can only be based on adequate information on discrimination in society. Lack of information often leads to lack of sufficient support systems and prevention programs.