

Finnish Law on VAW

Johanna Niemi 8.5.2015



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University of Turku

NO

- Law on VAW
- No definition of VAW
- No definition of family or close persons
- Only in minor assault kind of definition
- Ratification of the Istanbul Convention: Parliament has accepted 2015, waiting for formalities



VAW and gender neutral legal reform

- Invisibility: Violent crime 1995
 - Construction of battery
 - Prosecution rules
- Special policy: Restraining and barring order 1999, 2005
- Mainstreaming:
 - Criminal procedure act 1997: Victim advocate and support person; prosecution rules 2011

Special policies 1997-2005

- Protection order 1999
- Right to inform victim when perpetrator is released 2002
- Hearing of victim in the absence of the accused 2003
- Repeal of victim's firm will 2004
- Barring order 2005
- Reporting of child abuse to police 2008
- Prosecution of minor battery 2011
- Aggravated child sexual abuse 2011

Assault (Battery) 1995

- Criminal Code, Chapter 21 Section 5
- <https://www.finlex.fi/en/laki/kaannokset/1889/>
- No definition of VAW
- Battery: comprehends psychological violence
- Sentence fines or max of two years in prison

Aggravated assault, reform 1995

- grievous bodily injury or serious illness or life threatening state → in mortal danger,
- a firearm, edged weapon or comparable object → other comparable lethal instrument or
- In a manner showing particular cruelty → particularly brutal or cruel manner
- *Or* the offence is aggravated when assessed as a whole →
- *And* the offence is aggravated also when assessed as a whole
- imprisonment for at least one year and at most ten years.

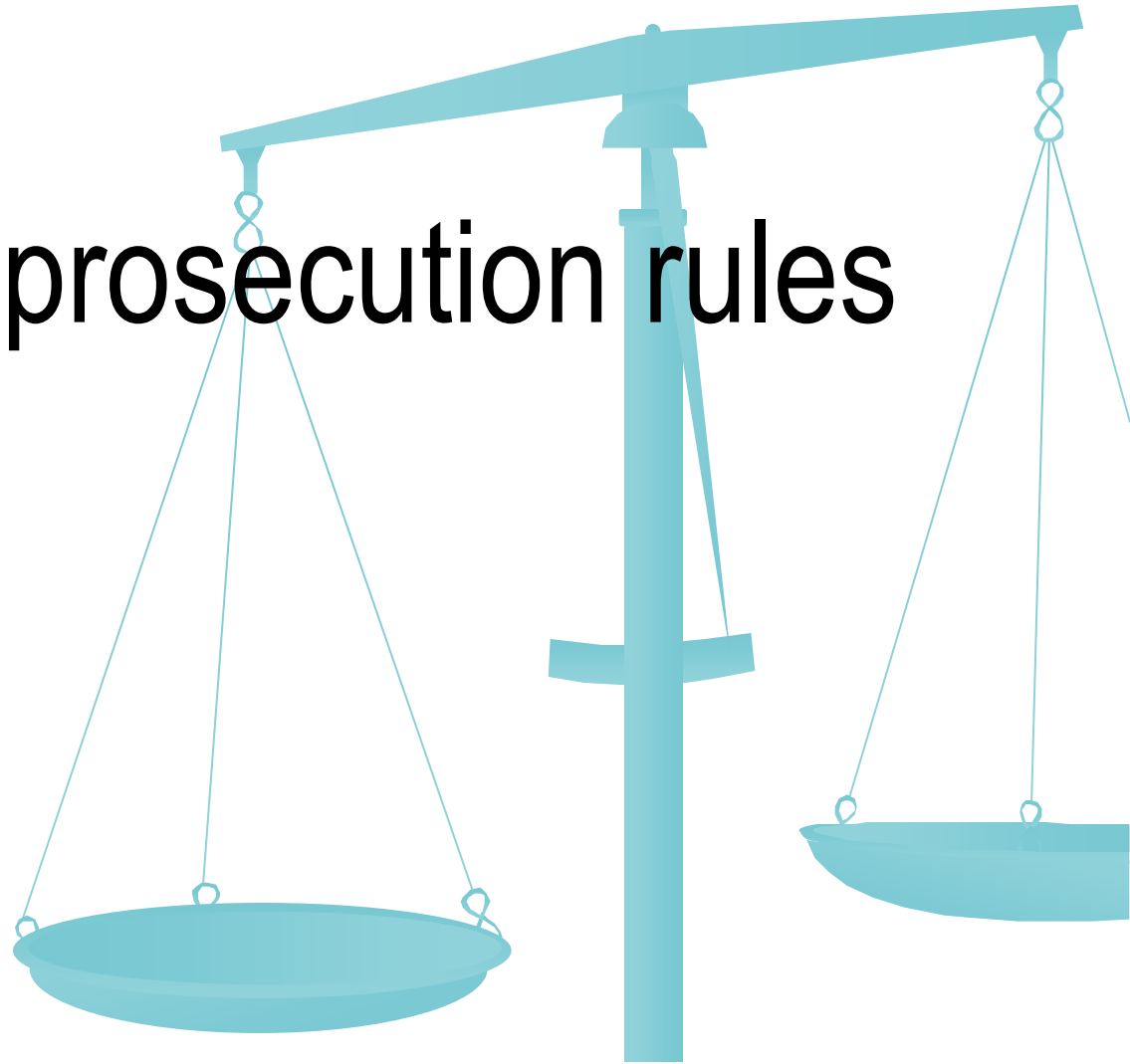
Petty assault

- Pre 1995: if no injury → petty assault
- Post 1995: minor significance
 - of violence,
 - Of violation of physical integrity,
 - Of injury or
 - other relevant circumstances,
- Fines

Why this is gendered?



Reform of prosecution rules



Assault under public prosecution

- Spatial understanding of violence: similar treatment of home and public place
- Government 1995: public prosecution
- Parliament: victim's firm will → the prosecutor may drop
- Repealed 2004

Prosecution rules 2: minor assault

- Prosecution and investigation only on victim complaint
- Except (since 2011):
 - Victim under 18
 - Spouse, sibling, child, cohabit, such personal relationship or otherwise close person
 - Victim in employment and suspect is client etc.

Obs, laws in English

<http://www.finlex.fi/en/laki/kaannokset/1889/en18890039.pdf>

Poliisi tutkii Tampereella muumipatsaan pahoinpitelyä

► Pronssinen Muumipeikko valettava uudelleen vammojen takia

Irina Vähäsarja
HELSINGIN SANOMAT

► Tampereen poliisi tutkii pääsääntöisesti sattunutta vahingontekoa, jonka kohteeksi joutui Hämeenpuistossa pääkirjasto Metsan edustalla seisova Muumipeikko-patsas.

Puolimetrisen pronssipatsas löytyi pääsääntöisesti maasta kirjaston ovenpielestä, jonne se oli paiskattu jalustaltaan parin metrin päältä. Teon seurauksena hahmon nenään tuli syviä ruhjeita.

"Se on sananmukaisesti saanut kuonoonsa", kuvailee vs. museolehtori **Elina Bonelius** Tampereen taidemuseoon kuuluvasta Muumilaakso-mu-

seosta, joka sijaitsee pääkirjaston tiloissa.

Museo teki torstaina asiasta rikosilmoituksen.

Usko syyllisen löytymiseen on vahva, sillä pahoinpitely tallentui valvontakameran nauhalle. Nauha on luovutettu poliisille.

Päähänpisto koitunee tekijälle kalliiksi. Patsaan vammat ovat niin vakavat, että sen tilalle on valettava uusi yksilö, mikä puolestaan maksaa useita tuhansia euroja.

Yllättävän hyökkäyksen motiivia on pohdittu museossa mutta tuloksetta. Elokuussa 2005 paljastettu patsas on saanut tähän asti olla rauhassa.

"Vaikaa arvata, miksi kenellekään tulisi mieleen purkaa kiukkuansa pikkuisen muumipatsaaseen. Mikä lie viiranut päästäisynä ihmisiä", Bonelius ihmettelee.

Uniikin patsaan on valanut kuvanveistäjä **Matti Kalkamo** professori **Tuulikki Pietilän** tekemän mallin mukaan. Jalustana on miljoonia vuosia vanha



Muumipeikon pronssiseen kuonoon jäi hyökkäyksen seurauksena pylväisiä naarmuja.

kivettyynyt madagaskarilainen puu.

Patsaan paljastamisella juhlistettiin sitä, että **Tove Janssonin** ensimmäisen muumikirjan julkaisemisesta oli kulu-
nut 60 vuotta.

Boneliuksen mukaan Muu-

mipeikko on ollut museokävijöiden suosikki, ja monet haluavat kuvata itsensä sen kanssa.

"Se on ollut museon muumitavaroista oikeastaan ainut, johon on saanut koskea. Silittelä sitä saa vieläkin."

Prosecution

- Now: Complaint
 - Petty assault (not family)
 - Threat (menace)
 - Coercion
- Weapon, very important general interest
- Before 1995: complaint if in a private place
- Public prosecution:
 - Public place,
 - Civil servant,
 - prisoner,
 - weapon,
 - Life threatening object

Protection orders

Law 1999; semi-criminal



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Protection order / Crim.Proc.

- Threat of violence or harassment
- Victim gathers evidence
- Police has no recourse to detention etc.
- Breach of order: max 1 yr
- Victim reports
- Suspected crime
- Police investigates
- Detention & other coercive measures
- Penalty for assault max 2 y


Emergency Barring Order 2005

- Exclusion from home – legal safeguards
- How is it monitored?
- Should not replace criminal process

Barring order

- Threat, earlier crimes or other behaviour
 - Nature of crime and repeated crime
 - Threat of crime against life, body or freedom
 - Likelihood of repetition
 - Not unreasonable
- Generally:
 - Crime that carries at least 1 year of prison
 - Risk of repetition
 - Risk of hampering with investigation
 - → arrest and imprisonment

Victim services

- Legal aid
 - Right to Support person
 - But do the victims know about it?
 - Support services voluntary with limited resources
 - Shelters
 - Victim compensation scheme
- 

Reporting of violence

- Police or social services ?
- Violence against children
 - duty to report to social service staff working with kids (Child Protection Law)
 - Anyone can report
 - In 2008 social services to police
- Confidentiality at trial: changes in 2015

Mediation movement

An mediation in domestic violence



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Law on mediation of crimes, Finland 2003

- *Organized by the municipalities*
- *Carried out by lay persons, trained for mediation*
- *§ 3: It is not allowed to mediate a crime against a minor if the victim has a special need of protection, when the nature of the crime or the age of the victim is taken into account.*

Law on mediation, Finland 2003

- In theory, mediation is not connected to criminal procedure
- However prosecutor can drop charges according to Code of Crim. Proc.
- Cases sent to mediation after consultation with the parties
- DV only on the initiative by the police or the prosecutor

Standards for mediation

- One shot crime, one shot intervention
- Focus on process of meeting, apology and conciliation
- Free and safe atmosphere where both parties can tell their stories and feelings
- Reparation of the damage preferred to economic compensation

Standards for DV mediation

- Repeated violence should not be mediated
- Meeting with both parties alone first
- Series of meetings may be needed
- The party should have access to legal advice
- There should be a follow-up of consolidation agreement
-and the fulfilment of it.

Content of the consolidation in DV

- Apology
- Promise to refrain from violence
- No economic compensation

Sex crimes



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Sexual crimes

- Rape (CC 20:1) based on
 - coercion, not non-consent
 - Intercourse
- Rape includes intercourse abusing incapacity to defend oneself or give consent due to alcohol, drugs, sleep, fear or other reason

Three grades of rape

- Aggravated CC 20:2 (2 – 10 years)
 - Serious illness, injury or mortal danger
 - Several perpetrators
 - Brutal, cruel, intimidating manner
 - Weapon
- Less serious CC 20:1.3 (4 months – 4 years)
 - Includes other than violent coercion
 - Covers violent threat (violence not used)

Sexual deed and harrassment

- Coersion to sexual deed CC 20:4
 - Other than Equality Act or Employment Protection Act intercourse
 - Violence, threat, abuse of incapacity
 - Max 3 years
- Sexual harrassment
 - Violation of sexual integrity
 - Max 6 months (practically fines)
 - Obs. Also Equality Act and Employment Protection Act

Prostitution



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Purchase of sex

- Is a crime in Finland:
- In a public place
- From a minor
- From a victim of trafficking or pandering