

FINLAND

Recommendations to improve data collection on intimate partner violence by the police and justice sectors



The recommendations were developed after an in-depth analysis of data collection from the police and justice sectors. The relevance and feasibility of the recommendations were discussed with national professionals whose work is closely related to the topic at meetings on 18 May 2017 in Tallinn, Estonia and 4 September 2017 in Helsinki, Finland. The suggestions were revised upon participants' feedback. The recommendations aim to improve administrative data collection on intimate partner violence to better inform policies and to help the Member States meet the monitoring requirements outlined in both Directive 2012/29/EU (the Victims' Rights Directive) and the Istanbul Convention.

1. Legislative and policy recommendations

Adopt a statistical definition of intimate partner violence

Finnish criminal law has no common official definition or understanding of what constitutes intimate partner violence. Instead, several different definitions are used at national level, depending on the context. This represents one of the most significant cross-cutting issues for the collection of administrative data on intimate partner violence. At present, internal guidelines for police records require reports to be tagged as domestic violence cases where such elements are present. This statistical modifier is used independently of crime classification and may even be used for reports of non-violent crimes where an element of violence is present. According to these internal guidelines, domestic violence covers physical violence or the threat of such violence, independent of the location, when the perpetrator and the victim have an emotionally close relationship. Domestic violence is to be understood in a broad sense, both in terms of the parties concerned and the acts perpetrated. The guidelines do not specify the relationships to be considered as falling within the remit of domestic violence and it is therefore likely that large variations may stem from the recording person's interpretation of what constitutes an emotionally close relationship.

It is recommended to develop a common official definition of intimate partner violence, including the types of relationship covered by the concept, for the purposes of data collection and statistics. The definition adopted should be sufficiently comprehensive to fulfil the objectives of data collection, as well as being practically applicable by the officials responsible for recording the data. While legislative action is not necessary to achieve a common definition, aligning criminal law with the statistical definition might encourage more consistent recording of those incidents that fall within the definition.

Take measures to implement the statistical definition efficiently

Changes made to systems must be embraced and implemented by those on the front lines of data collection if they are to achieve their aims. In addition to the adoption of an official definition, it is equally important to ensure that police and justice sector professionals are adequately trained to apply such a definition correctly and consistently.

It is recommended that data collection on intimate partner violence and violence against women be appropriately emphasised during police and justice training, perhaps in the form of a specific module on intimate partner violence.

2. Data collection infrastructure and cooperation between different authorities

Take steps towards full integration of data collection across the police and justice services

In order to provide a reliable picture of intimate partner violence from reports made to the police right through to prosecution and criminal court judgments, data collection should aim for integration across the police and justice services. Some measures to ensure integration are already in place. For example, the police and justice sectors rely on coding based on the same 6-digit criminal code (Criminal Code Chapter number—Section—Subsection, etc.) which allows for attempted and accomplished criminal acts to be distinguished at every stage, as well as showing a clear distinction between these acts in basic and aggravated forms.

In the long term, it is recommended that the police and justice sectors (including the prosecution service as part of the justice sector) coordinate for better traceability of cases from complaint through to court decision, by using an identification system for each case and victim/offender. This could be done, for example, by using the same file number for the same case at both stages of the criminal justice system. The ongoing implementation of the new general data system for officials provides an important opportunity to introduce long-term improvements.

3. Technical recommendations

3.1. Recommendations on data collection systems

Take steps to ensure the recording of victim information related to intimate partner violence offences in the police sector

As part of its role in recording reported crimes, the police systematically collects varied data on both the perpetrator and the victim, where such individuals have been identified in relation to the case. This data includes the age and the sex of the victim and the perpetrator, as well as other information such as social security numbers. Concern has been expressed that in homicide cases, data is available solely in respect of the plaintiff (usually the victim's next of kin) rather than the victim.

It is recommended that victim data be collected by the police as a matter of course, even where the victim and the plaintiff are different people, in order to ensure consistency of collection. The collected data should specify the person's role in the case to avoid confusion between plaintiffs and victims.

Take steps to ensure the recording of victim information related to intimate partner violence offences in the justice sector

In the justice sector, collection of victim data is not compulsory, and the test search on rape cases carried out by one stakeholder showed that this data is normally not entered into the system. As a result, it is not currently possible to produce court or prosecution statistics on intimate partner violence.

It is recommended that the collection of victim data be made compulsory (and subject to a common definition) for both the justice and police sectors.

Take steps to ensure accurate recording of the victim–perpetrator relationship

Neither the police nor the justice sector currently collects information on the victim–perpetrator relationship in a systematic manner. In the statistics published by Statistics Finland, data on intimate partner violence can be produced through register data on the residence and family status of the victim and perpetrator. This method has some flaws, however, as the registers are based on the situation at the end of the calendar year and therefore exclude cohabitation at other times during the year. In addition, register data will not show intimate partners who do not officially live together, and may include false positives concerning people who share the same residence but are not in an intimate relationship, for example roommates.

It is recommended that changes be made to the data recording systems of both the police and justice sectors in order to ensure systematic recording of the victim–perpetrator relationship. The recording of this information should be compulsory. Rather than including the information in the general text of the case description, it should be recorded in a manner that allows for easy extraction, together with other defined variables such as age and sex. The variables and manner of recording should be consistent across the sector, as well as between the police and justice sectors.

Special focus for economic violence offences

Consultation with stakeholders suggested that while economic violence has received insufficient attention to date, it is nonetheless impractical to expect relationship data to be recorded for all economic violence cases. A practical solution is to adopt a clear definition for economic violence, covering the offences for which relationship data should be collected, and this aspect should receive sufficient emphasis in police training. The table in Section 3.2 below lists a number of offences that could fall under the category of economic violence.

It is recommended that the most commonly occurring offences, such as theft and criminal damage, be covered by the definition and data collection efforts. Sufficient attention should also be paid to the types of violence most likely to affect women and those in an intimate relationship, for example identity theft or other types of digital crime.

Take steps to calculate the cost of intimate partner violence

Finland has no official method for calculating the cost of intimate partner violence, with the most recent studies dating back to 2000 and 2002. There have been some studies on the total cost of crime but these did not distinguish the effects of intimate partner violence. The gaps in data collection addressed in these recommendations also have the effect of limiting the models which can be used to calculate the public cost of the issue.

The European Institute for Gender Equality (EIGE) has developed methods to calculate these costs. One such method is the purpose-built economic model for which some data may be available from the police sector to calculate the cost of intimate partner violence (IPV). The types of indicator data available to populate this model include total annual police expenditure, total number of crimes/incidents dealt with by the police, and total number of IPV crimes/incidents dealt with by the police. Addressing the other recommendations, however, is still necessary to improve data accuracy and availability for this model, for example by ensuring more consistent flagging of IPV incidents.

In the justice sector, data remains insufficient to make calculations using the purpose-built economic model. Only the total annual justice expenditure and total number of crimes dealt with by criminal justice services are available, while information on the total number of IPV crimes/incidents dealt with by the justice sector is missing.

It is recommended to undertake a national-level calculation on the cost of intimate partner violence on the basis of the purpose-built economic model. Calculating the cost of the phenomenon is vital in order to better understand its quantitative effect on society. The cost estimation should cover the police and justice sectors.

3.2. Recommendations on the indicators proposed by EIGE

Indicator 1 — Annual number of women (aged 18 and over), victims of intimate partner violence (1) committed by men (aged 18 and over), as recorded by police

Indicator 2 — Annual number of reported offences related to intimate partner violence against women committed by men (aged 18 and over)

Indicator 3 — Annual number of men (aged 18 and over) perpetrators of intimate partner violence against women (and percentage of male population that are perpetrators)

Finland can populate indicators 1-3 using data collected by the police. However, this data only covers offences for which the police must specify whether the plaintiff and the victim are one and the same, and where the social security numbers of both the victim and the perpetrator are collected. This excludes most of the offences falling under economic violence and some offences falling under psychological violence, such as harassing communications (Chapter 24(1a) § of the Criminal Code) and defamation (Chapter 24(9) and (10) §§ of the Criminal Code). The data includes former cohabiting couples who have lived together in the year preceding the statistical reference year but not in the statistical reference year (current and ex-partners).

(1) Any act of physical, sexual, psychological or economic violence that occurs between former or current spouse or partner, whether or not the perpetrator shares or has shared the same residence with the victim (EIGE, *Terminology and indicators for data collection: Rape, femicide and intimate partner violence*, Publications Office of the European Union, Luxembourg, 2017).

General category for indicator	Existing offence — statistical classification
Physical intimate partner violence	<p>Currently, Finnish data includes: Attempted manslaughter, attempted murder, attempted killing, assault (including both aggravated and petty variants, as well as attempts at all three levels), menace.</p> <p>Other types of physical violence such as negligent bodily and injury could be added.</p>
Sexual intimate partner violence	<p>Currently, Finnish data includes: Rape, attempted rape, aggravated rape, attempted aggravated rape, coercion into sexual intercourse (removed from the Criminal Code in 2014), attempted coercion into sexual intercourse (removed from the Criminal Code in 2014), sexual abuse, attempted sexual abuse, coercion into a sexual act, attempted coercion into a sexual act, abuse of a victim of prostitution, attempted abuse of a victim of prostitution.</p> <p>It is recommended that sexual harassment be added to this list.</p>
Psychological intimate partner violence	<p>Currently, Finnish data includes: Menace, persecution (or stalking), coercion.</p> <p>However, some important offences that would arguably fall within the category of psychological intimate partner violence, such as harassing communications, defamation and dissemination of information violating personal privacy, could also be added.</p>
Economic intimate partner violence	<p>Finland is not able to populate this indicator. A list of offences possibly corresponding to economic violence includes: Theft/aggravated theft/petty theft, unauthorised use of movable property/aggravated unauthorised use/petty unauthorised use, stealing of a motor vehicle for temporary use/aggravated stealing of a motor vehicle for temporary use/petty stealing of a motor vehicle for temporary use, extortionate work discrimination, trafficking in human beings/aggravated trafficking in human beings, criminal damage/aggravated criminal damage/petty criminal damage, damage to data/aggravated damage to data/petty damage to data.</p>

Indicator 4 — Annual number of women (aged 18 and over) victims of physical intimate partner violence ⁽²⁾ committed by men (aged 18 and over), as recorded by police

Finland can populate this indicator using data collected by the police. However, this data only covers offences for which the police must specify whether or not the plaintiff and the victim are one and the same, and where the social security numbers of both the victim and the perpetrator are collected. This includes at least: attempted manslaughter, attempted murder, attempted killing, assault (including petty assault and aggravated assault, and attempts at all three levels) and menace.

Other types of physical violence, such as negligent bodily injury, imperilment, neglect of rescue and various types of dangerous behaviour, may not have similarly available data, in which case they would not be covered by the indicator.

⁽²⁾ Any act which causes physical harm to the partner or former partner as a result of unlawful physical force. Physical violence can take the form of, among others, serious and minor assault, deprivation of liberty and manslaughter (EIGE, 2017).

Indicator 5 — Annual number of women (aged 18 and over) victims of psychological intimate partner violence ⁽³⁾ committed by men (aged 18 and over), as recorded by police

Finland can populate this indicator using data collected by the police. However, this data only covers offences for which the police must specify whether or not the plaintiff and the victim are one and the same, and where the social security numbers of both the victim and the perpetrator are collected. This includes, at a minimum, menace, persecution (or stalking) and coercion.

However, some important offences that would arguably fall within the category of psychological intimate partner violence, such as harassing communications, defamation and dissemination of information violating personal privacy, may not be covered.

Indicator 6 — Annual number of women (aged 18 and over) victims of sexual intimate partner violence ⁽⁴⁾ committed by men (aged 18 and over), as recorded by police

Finland can populate this indicator using data collected by the police. However, this data only covers offences for which the police must specify whether or not the plaintiff and victim are one and the same, and where the social security numbers of both the victim and the perpetrator are collected. Statistics on the number of incidents reported as domestic violence/intimate partner violence are publicly available ⁽⁵⁾. In addition, sexual harassment is also covered by the police obligation to specify whether or not the plaintiff and the victim are one and the same.

Indicator 7 — Annual number of women (aged 18 and over) victims of economic intimate partner violence ⁽⁶⁾ committed by men (aged 18 and over), as recorded by police

Finland is not able to populate this indicator, as most offences considered to fall within this category do not require a distinction to be made between plaintiffs and victims. In addition, data on the victim–perpetrator relationship is not usually collected by the police.

For indicators 1-7

It is recommended to ensure the systematic collection of victim data and the differentiation of victims from plaintiffs, as well as systematic collection of relationship data for intimate partner violence, with clearly defined relationship categories. The definitions and classifications used should be the same for both the police and justice sectors.

With regard to economic violence (indicator 7), it is noted that even if relationship data cannot be collected for all types of economic crime, the most important economic offences and those most likely to occur in an intimate relationship should be subject to data collection, as a minimum. The definitions and classifications used should be the same for both the police and justice sectors.

Indicator 8 — Annual number of women (aged 18 and over) victims reporting rape ⁽⁷⁾ committed by men (aged 18 and over), as recorded by police

Finland is able to populate this indicator.

Indicator 9 — Women victims of intimate femicide ⁽⁸⁾ (aged 18 and over) committed by a male intimate partner (aged 18 and over), as a share of the women victims of homicide (aged 18 and over)

Finland is able to populate this indicator on the basis of data in the Homicide Monitoring Database maintained by the Institute of Criminology and Legal Policy of the University of Helsinki.

⁽³⁾ Any act or behaviour which causes psychological harm to the partner or former partner. Psychological violence can take the form of, among others, coercion, defamation, verbal insult or harassment (EIGE, 2017).

⁽⁴⁾ Any sexual act performed on the victim without consent. Sexual violence can take the form of rape or sexual assault (EIGE, 2017).

⁽⁵⁾ These offences are: rape, attempted rape, aggravated rape, attempted aggravated rape, coercion into sexual intercourse (removed from the Criminal Code in 2014), attempted coercion into sexual intercourse (removed from the Criminal Code in 2014), sexual abuse, attempted sexual abuse, coercion into a sexual act, attempted coercion into a sexual act, abuse of a victim of prostitution, and attempted abuse of a victim of prostitution.

⁽⁶⁾ Any act or behaviour which causes economic harm to the partner. Economic violence can take the form of, among others, property damage, restricting access to financial resources, education or the labour market, or not complying with economic responsibilities, such as alimony (EIGE, 2017).

⁽⁷⁾ Sexual penetration, whether vaginal, anal or oral, through the use of object or body parts, without consent, using force, coercion or by taking advantage of the vulnerability of the victim (EIGE, 2017).

⁽⁸⁾ The killing of a woman by an intimate partner and death of a woman as a result of a practice that is harmful to women. Intimate partner is understood as former or current spouse or partner, whether or not the perpetrator shares or has shared the same residence with the victim (EIGE, 2017).

Indicator 10 — Annual number of protection orders applied for and granted in cases of intimate partner violence against women by type of court

Finland is able to provide information on protection orders within a family. This is a specific type of protection order which requires the subject to leave the premises that they inhabit together with the person(s) on whose behalf the protection order is issued. The order is not dependent on any definition of family, but rather covers persons living in the same household. These figures do not cover protection orders applied and granted in cases of IPV where the victim and perpetrator do not share the same household (e.g. former or non-cohabiting spouses or partners). In addition, while data on general protection orders is publicly available, it is not linked or cross-referenced with victim–perpetrator relationship information.

Indicator 11 — Annual number of men (aged 18 and over) prosecuted for intimate partner violence against women**Indicator 12 — Annual number of men (aged 18 and over) sentenced for intimate partner violence against women****Indicator 13 — Annual number of men (aged 18 and over) sentenced for intimate partner violence against women and held in prison or with a sanction involving a form of deprivation of liberty**

Finland cannot populate indicators 11-13, as the justice sector does not systematically collect data on either the victim or the victim–perpetrator relationship.

For indicators 10-13

It is recommended to ensure the systematic collection of victim data and the differentiation of victims from plaintiffs, as well as systematic collection of relationship data for intimate partner violence, with clearly defined relationship categories. The definitions and classifications used should be the same for both the police and justice sectors.



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