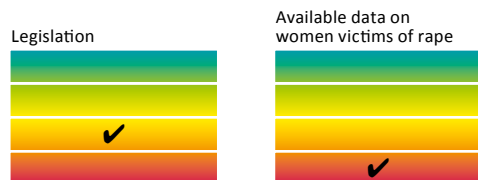


## NATIONAL ANALYSIS

# Finland



Expert  
Pirjo Pehkonen

### Legislation

In Finland, the law presents some elements of the Istanbul Convention but is lacking others. Finnish law includes points 1a and 1b from the Council of Europe definition but is lacking points 1c and 2.

The **main faults** in our present legislation are the following:

1) Rape crimes are still defined by the **use of violence or threat of it**. The word consent is not mentioned in the law at all.

Rape categorization: there are three categories of rape which are determined according to the severity of the physical violence used by the perpetrator. Categories are rape, aggravated rape and **coercion into sexual intercourse**. The last one is also known as “lesser degree rape” in everyday use of language.

2) The category of “lesser degree rape” is very problematic. The main problem is the definition (violence, threat of violence). If the violence or threats used were slight and if there were mitigating circumstances when the act is assessed as a whole, the crime committed is coercion into sexual intercourse. Secondly, the elements in this category are unclear and may result in very different rulings. It seems that no-one knows what kinds of acts are actually meant by this definition. There are no examples in the preparation papers of this law. This uncertainty may also lead to situations where more severe acts are ruled as “lesser degree rapes”.

3) Coercion into sexual intercourse (“lesser degree rape”) is a **complainant offence**. The police do not start a preliminary investigation unless a victim demands punishment for the perpetrator. A victim of rape can also exercise her “free will” and ask the prosecutor not to prosecute. Therefore victims are exposed to threats and offer to participate in mediation.

4) In Finnish law it is also possible to **mediate** sexual and intimate partner violence. Victims are often not even aware that they may refuse when the police ask if they are willing to participate in mediation.

(Sources: Finnish Penal Code, Rape Crisis Centre Tukinainen and Case Closed, Rape and Human Rights in the Nordic Countries, report by Amnesty International, 2010)

### Available data on women victims of rape

The Finnish government does not produce data on rape on a regular basis. The Statistic Finland research institute produces statistics on “family violence” and that includes rapes perpetrated by cohabiting people or close relatives. Specific information on women victims of rape can be found only from separate studies. The latest one is by Kainulainen, Heini (2004) *Raiskattu? Tutkimus raiskausten käsittelymisestä rikosprosessissa. (Raped? A study on how rape crimes are treated in juridical procedure)*. It is not available in English, but a summary is available here: [www.optula.om.fi/en/Etusivu/Julkaisut/Kriminologisentutkimusyksikonjulkaisut/1215523702525](http://www.optula.om.fi/en/Etusivu/Julkaisut/Kriminologisentutkimusyksikonjulkaisut/1215523702525)



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By way of illustration, statistics in 1997 show that 468 rapes or attempted rapes were reported to the police, whereas only 47 rape charges were made during that same year. This means that merely 10% of the rapes reported to the police led to a prosecution.

According to the material assembled for the period 1998–1999, some 1,000 cases of rape or attempted rape were reported to the police.

#### Useful Contact

Rape Crisis Centre Tukinainen Free helpline,  
Tel. 0800-97899  
[www.tukinainen.fi](http://www.tukinainen.fi)

