

GEMMA

Local Protocol for encountering and supporting undocumented or non-  
registered women after violent experience<sup>1</sup>

Helsinki, Finland



Authored by

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## **Preface**

During the years of Gemma project (2016-2017), Europe has been experiencing a historical movement of people as the crisis in Middle-East has escalated and forced people to flee their home countries and seek for asylum in Europe. At the same time the political atmosphere and financial circumstances have changed. All over Europe, Finland included, the far-right nationalism has raised influencing the immigration policies and deteriorating the human rights situation of all immigrants, especially of those who live in Finland without a residence permit.

In this document we use term “undocumented” which refers to those immigrants, who are, for various reasons, residing in Finland without legal permit. The term “nonregistered migrants” refers to EU citizens, who are residing in Finland, but have not registered in their stay in the Finnish administration. Both undocumented and nonregistered migrants have no home municipality, which excludes them from most social- and healthcare services.

In Gemma project, Helsinki Deaconess Institute has mapped the appearance of violence against women among undocumented and nonregistered communities and the services available for them. We have also followed the accurate legislation in regards of the undocumented and nonregistered women and the services they are entitled to. Networking with other service providers, training professionals and informing different actors about the rights of undocumented and nonregistered migrants have been significant part of local project work in Helsinki. Finally, through Gemma workshops we have established grounds for women’s groups and community workshops. Helsinki Deaconess Insititute’s Hirundo day center, which is a drop-in center for nonregistered migrants and coordinating the Gemma project in Helsinki, is likely to commit the women's and community workshops into continuous and regular part of their activities in order to sustain preventative and internal support within the community and to promote a life free from violence.

## CONTENTS

<b>1 Institutional and contextual framework of VIOLENCE AGAINST WOMEN in Finland .....</b>	<b>4</b>
<b>1.1. Legal framework and rights of undocumented and nonregistered victims of VAW .....</b>	<b>5</b>
<b>1.2. Socio-Cultural Factors Influencing VAW .....</b>	<b>7</b>
<b>2 Networking and multisectoral response in supporting victims of violence who belong to ethnic minorities .....</b>	<b>10</b>
<b>2.1 Intervention: Staff competence and multicultural principles .....</b>	<b>11</b>
2.1.1 Recognition of violence .....	11
2.1.2 Intervention .....	13
2.1.3 Use of translators .....	14
<b>2.2 What kind of support the woman needs after experience of violence .....</b>	<b>14</b>
2.2.1 Service network .....	15
<b>2.3 Help path .....</b>	<b>17</b>
<b>3. Nonviolent empowerment of a woman and the entire community .....</b>	<b>18</b>
3.1.1 Community workshops .....	18
3.1.2 Women's groups .....	19
<b>REFERENCES .....</b>	<b>21</b>

## **1 INSTITUTIONAL AND CONTEXTUAL FRAMEWORK OF VIOLENCE AGAINST WOMEN IN FINLAND**

According to estimation every third woman in Finland is affected by violence against women (VAW) at some point of their life. However, an inquiry done by Amnesty International Finnish Section indicates that violence against women has not been answered at municipal or state level in accordance with international standards. Nor has this human rights issue been addressed sufficiently in the health, social services and regional government reform. This designates the overall situation in Finland in regards of violence against women.

Finland has received several notifications from international bodies monitoring the observance of human rights conventions in regards violence against women. Finland joined the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) in 2015 and thereby Finland is obliged to allocate more resources to untie violence against women. However, one challenge in Finland is to have geographically wide enough network of shelters and other low threshold services to provide crisis support and security in all areas.

In regards of undocumented and nonregistered women, the Istanbul Convention is significant agreement, as it devotes one whole chapter to women migrants and asylum-seekers facing gender-based violence, prohibiting discrimination on the grounds of migrant or refugee status. It also requires that measures be taken to prevent such violence and support victims while taking into account the needs of vulnerable persons.

However, for women who are not entitled to residence based social services, the security offered for example by the shelters is not long enough. Also, the immigration laws complicate the cooperation between the third sector crisis support services and municipal service providers, because the legislation, which is continuously being modified, is impairing

the legal status of the asylum seekers and nonregistered migrants. Among the undocumented and nonregistered women victims of VAW there is no housing services after the crisis stage available and the women often have to return to face the conditions that expose them to violence. Such conditions are for example insecure legal status, deportation, homelessness and honor or community related violence and human trafficking. Likewise, the confidentiality, or “the fire wall”, between services and authorities is being impaired by political decisions, which imposes the nonresident victims of violence to a situation where the advantages provided by the services are exceeded by the thread of being deported.

There is no accurate research on violence against women among the immigrant women in Finland, but according to an investigation done in 2005 it is estimated that women with an immigrant background experience close relationship violence much more often than the mainstream women in Finland.

As the services and awareness about VAW are expanding in Finland, more attention should be paid to the multicultural and intersectional approaches and the women in most vulnerable position should be included more actively in the services.

### **1.1. Legal framework and rights of undocumented and nonregistered victims of VAW**

In Finland many violent acts are offences subject to public prosecution, which means that the police can investigate them and a public prosecutor can bring charges, even if the victim does not demand punishment. The Finnish legislation against VAW has been reformed, for example, through the criminalization of persecution (2016) and the implementation of Victims Directive (2012/29 / EU). The main content in the Victims Directive is to ensure the victim’s rights and access to support. In practice the Victim’s Directive requires the authority to notify the victim during the

preliminary investigation about her rights for support, counseling, interpretation, compensation and protection. Even though the term violence against women is not mentioned in the Finnish legislation, domestic violence and close relationship violence are referred to, for example, in the criminal code, child welfare act and social welfare act as well as in the law concerning restraining order. Finland has joined the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1986. The CEDAW Convention obliges the participator states to act to achieve equality between men and women among legislation, public authorities, third sector actors, businesses and private persons. Finland has also joined the Istanbul Convention in 2015.

Even though the legal status of undocumented and nonregistered migrants is being impaired by the policy makers, the Finnish constitution ensures everyone in Finland with the right to life, personal liberty, integrity and security. Finnish constitution §19 states that "those who cannot obtain the means necessary for a life of dignity have the right to receive indispensable subsistence and care", meaning that the government must secure the most essential social- and healthcare. However, currently in Helsinki people without legal residency are only entitled to emergency care with the actual cost of the services. This might impeach the woman victim of violence from seeking help. However, pregnant women get the same services as the municipal citizens, which allows them the maternity clinic services, where asking about violence is done routinely.

A significant concern that has risen through Gemma project and previous work with nonregistered EU migrants is the street violence experienced by both men and women of these communities. As many of the EU migrants spend most of their time outdoors, in public spaces, they are exposed to aggressive discrimination, racism and violence in the streets of Helsinki. According to some of the accounts of experienced violence, the perpetrator has been a security guard or even police. In order to report these crimes, we have included the contact information of non-discrimination ombudsman office and the parliamentary ombudsman in this protocol, as those are the facets that should be informed of authorities' discriminative practices and structural violence.

## 1.2. Socio-Cultural Factors Influencing VAW

The women in the immigrant and migrant communities who have no legal permit to reside in Finland face not only multiple discrimination but also lack of protection in regards of VAW and in general. There are many reasons for their vulnerable position.

First, the undocumented and nonregistered women migrants often belong to communities with cultural values that maintain gender inequalities and shape the relationships and power relations among the community members. Women's strengths and know-how is often thought to be within the domestic chores and everything outside the family is husband's area of responsibilities. This excludes the women from the society on a community level and prevents them from interacting with civil society and authorities. The beliefs and experiences of women in their country of origin on their rights, the legitimacy of violence and access to assistance affect the woman's ability to seek help in case of violence but also prevent them from knowing that they are being violated. Indeed, it has also been noticed in Gemma project that many women have not been fully aware of their rights nor the service system available for them. Also, it seems that the lack of other skills such as language skill and illiteracy prevent women to seek support and help in a foreign environment.

Another cultural aspect of women with immigrant background is a fear of bringing shame and dishonor on family or community. In regards of violence intervention this is a significant challenge among those women who cannot get long enough security when looking for way out of violent environment. Many women who encounter honor-related violence fear for the family's or community's response to the attempt of seeking help. Considering the justification for this kind of fear, the after-crisis services, such as supported housing, should be secured and offered for all victims of honor-related violence regardless of the residence status of the victim. Also, the possibility of applying for residency in cases of honor-/community-related violence should be revised in order to provide true security for the victim. Istanbul Convention also obligates the member states to ease the residence permit process in case a woman has encountered violence and has residence permit based on family ties or if



she is in danger to be deported to a country where she might encounter torture, inhumane or degrading treatment or punishment.

In Finland the services for undocumented and nonregistered immigrants are mostly implemented by the third sector actors. This is partly due to the government's political agenda, but also because the prominent multicultural expertise that the nongovernmental actors possess. Often the nongovernmental actors are also considered more trustworthy among nonregistered and undocumented immigrants because of their insecure legal status and consequent conflicts with authorities. Low level of cooperation and trust towards authorities prevents nonresident immigrants from reporting the offenses they have experienced to the police. This mistrust towards authorities, especially within the eastern European Roma migrants, stems from their experiences with the police: they have not been taken seriously when reporting offenses, they have encountered racism and/or discrimination, even offenses from the authorities and they have not received justice nor been compensated when they have reported offenses done against them.

Thus, it seems evident that living as a woman without a residence permit forms one of the biggest vulnerability factors in Finnish society.

Undocumented and nonregistered women need the exact same services than other citizens, but in addition the services should be arranged with cultural sensitivity, readiness to use interpreter and understanding of the complexity of different forms of violence. In general, the services for victims of VAW should be established by applying an intersectional approach. Intersectional approach examines person's crossing differences: it considers how factors such as gender, ethnic background, nationality, social class, age, religion, and ability to function affect simultaneously in person's life.

The women from the EU migrant communities face multiple discrimination in Finland. They are struggling with poverty and homelessness with no practical access to the labor market, while the stay in Finland often happens for economic reasons and many have economic responsibilities towards the family in the country of origin. When the basic necessities are difficult to fulfill, it is understandable that other social issues, such as violence is not the main concern and thus addressing violence against women is not very

## GEMMA- Gender based Empowerment of Migrants through a multiagency Approach

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common among the EU migrant women. However, through Gemma project the awareness of women's rights and discussion on violence against women has been raised and started among these communities.

## **2 NETWORKING AND MULTISECTORAL RESPONSE IN SUPPORTING VICTIMS OF VIOLENCE WHO BELONG TO ETHNIC MINORITIES**

As it is mentioned in the previous chapter, the services for VAW victims are mostly provided by the third sector actors. However, the Istanbul Convention that obligates Finland to pay more attention to the phenomena of violence against women. The convention includes more precise obligations than before. In this regard, the Finnish government is obliged to allocate more resources to the work against VAW and for instance those actors in the third sector who are providing safe houses and crisis support have received lately more funding. Considering the prevalence of violence against women, resources are still not sufficient to meet the need for support regardless of the increased funding.

After joining the Istanbul Convention, a support center for victims of sexual violence (SERI) has been opened in the municipal medical care. At the SERI Support Center, the client receives a comprehensive service from one place. The service includes forensic sampling, overall assessment of the situation, psychosocial support to recover from traumatic experience and continuation of the treatment plan.

Yet, Finland has repeatedly received recommendations from the international community concerning violence against women. Amnesty International's Finnish department has conducted several studies over the past ten years about violence against women and even though there have been improvements in the Finnish context of work against VAW, the work is still in the beginning. In many conversations throughout the Gemma project the need for more training about VAW has arisen and thus it is advisable to have at least one staff member in all services in the fields of social- and healthcare, security and education who has been trained about VAW. Furthermore, there should be more compulsory education about violence against women in the study programs of above mentioned fields.

Throughout the Gemma project we have been mapping the service network for VAW victims. Our focus group in the project has been immigrant

women with no legal residence and this legal status of the women restricts them from some of the services as described before. However, most of the services we have encountered function from the universal approach, meaning they serve everyone, yet the third sector providers cannot really help the victim with their legal status which complicates the long-term support and prevents breaking the cycle of violence. Next is presented the service network of Helsinki area, staff competence goals, local good practices and the helping path.

## **2.1 Intervention: Staff competence and multicultural principles**

Respecting the culture does not remove the responsibility for interference with violence and on the other hand, nonviolence does not take away any of the cultural capital. However, "challenging" the culture with nonviolent approach might raise a defensive reaction from the community or from the victim; challenging the familiar and safe yet potentially harmful models might bring insecurity and powerlessness as well as fear of diminishing one's own agency.

### **2.1.1 Recognition of violence**

Intervening in violent situations and structures demands recognition of violence. This recognition can be challenging as often the victim is not fully aware of being violated or is not able for different reasons (discussed in chapter 1) to seek for support. From this point of view, it is extremely important to establish services with certain conditions in which recognizing violence becomes possible. Such conditions can be:

- anonymity
- low threshold services (drop-in centers, open offices)
- outreach work
- women's space (or women only clubs, events etc.)
- avoidance of cultural and religious symbols in the services
- confidentiality
- services in different languages/ ability to use translators

- for some groups it is important that the worker is not from the same culture as the victim, whereas other groups find it easier to interact with a worker from same cultural background –recognizing this and having staff from various backgrounds
- recognition by listening (Pro-tukipiste): the victim of violence may give an indication of her situation while discussing other matters and on the other hand, the victim may also give accentuated misconduct information, for example, regarding her relationship or family

In addition, it is important that the staff understands different types of power hierarchies within different cultures and communities and that the staff are alert and prepared to recognize certain signs that are typical for the victims of violence, such as:

- physical characteristics: bruises, fractures and viscera injuries, often the physical signs are not on visible parts of the body
- characteristics of sexual violence: bleeding, repetitive infections in the genital area, unwanted pregnancies
- psychological characteristics: anxiety, confusion, depression, self-destructiveness, helplessness
- social characteristics: loneliness, solitude, restricted social life, hurry to go home, insufficient knowledge of personal information (address, income etc.)

Different forms of violence have different forms of manifestation and therefore the worker should observe and make notes of untypical behavior of a woman and make an inquiry about the observation from professionals of violence work. Anyone (professionals, victims etc.) can anonymously make an inquiry from national helplines that will be presented later. The inquiry should always be made in accordance with the confidentiality provisions, without disclosing victim's personal information without her consent.

### **2.1.2 Intervention**

When encountering a situation of suspected violence, the worker should try to approach the subject indirectly and lead the conversation to the question about violence. When building the conversation little by little, the worker also builds trust in between the woman and the worker. Worker should be prepared to hear about the violent experience. Furthermore, the worker should be prepared for the situation by pondering in advance the path of help and the possibility of acute crisis support.

It is useful to have material and knowledge about women's rights and VAW displayed in the service space for various reasons. Familiarizing with the information about VAW might help the woman become aware of possible mistreatment and the woman can take up the matter with a worker. Also, only a gesture of being interested in these materials can show the worker that the woman has special interest towards the topic and thus can spark an interaction towards the conversation about possible experiences of violence. It is noteworthy that not all women can read alphabets or be literate, so the material provided should be simple, easy to approach yet informative. These materials should especially be at hand when organizing women's events but they should also be available for the whole community as a preventative tool.

In all cases of intervening the violent structures or situations, it is necessary to say out loud certain issues with the woman victim. These issues can also be repeated and such are:

- Violence cannot be reasoned by culture
- The woman herself is the expert and active operator of her own life

These two issues are important especially from the culturally sensitive approach, but many different experts from the field of GBV have noted that these matters are important to be discussed with all women who have encountered violence in order to support empowerment.

### **2.1.3 Use of translators**

The use of professional translators is essential in the GBV services. Most of the violence service providers we have encountered throughout the Gemma project have highlighted the importance of a translator. We included professional translators in many of the Gemma phases and their contributions have also been valued from our network partners. Few of the most important remarks from the translator's point of view in the process of supporting the victim of violence are:

- Even when there is a translator in the conversation, the speech is targeted at the client
- The translator should in most cases be prepared before the meeting with the client
- The translator, too, needs to build confidence with the client and therefore the translator should be taken into account as an empathetic attendant in the situation
- The client should be able to choose the translator or use certain translator every time. This is because, especially in the Finnish context, the community who speaks certain language might be very small or close and using a translator from such community can put the client in danger within that community
- Confidentiality and impartiality should be ensured and it should be also mentioned to the client in the beginning of each interpretation
- The sex of the translator might affect the woman's ability to talk about certain issues

### **2.2 What kind of support the woman needs after experience of violence**

The support available for all women victims of violence regardless of their legal status:

- police report
- the right for legal help:
  - in the crime reporting, investigation and court system
  - in the residence permit process

- restraining order
- divorce, custody of the children
- right to file a complaint about discriminative treatment
- the victim has the right for equality and self-determination in all cases
- support conversations for psychosocial support provided by different organizations and shelters

In the support plan it should be taken into consideration whether the woman is able to attend the services independently or with a support person and/or a translator. The woman should never be left alone to go to different services and the availability of the services should always be checked by a worker.

### 2.2.1 Service network

The next services are available for anyone and can be reached anonymously. It is noteworthy that these services are also available for workers who might encounter women after a violent experience and they are also encouraged to be used for other professionals as they carry expertise in GBV and other violence as well as specific cultural expertise.

- Low threshold services and drop in centers:
  - Hirundo: Turunlinnanpolku 2, 00900, Helsinki, p. 050 313 5606
  - Global Clinic: p. 0447440014, globalclinic.finland@gmail.com
  - Pro Tukipiste: Urho Kekkosen katu 4-6 B, 5. krs, 00100
  - Mona Shelter: Secret address, 24h p. 045 639 6274
- Online websites with a helpline chat:
  - <https://pro-tukipiste.fi/>
  - <https://www.turvakoti.net>
  - <https://www.naistenlinja.fi/palvelut/chat/>



o <https://www.riku.fi/fi/etusivu/>

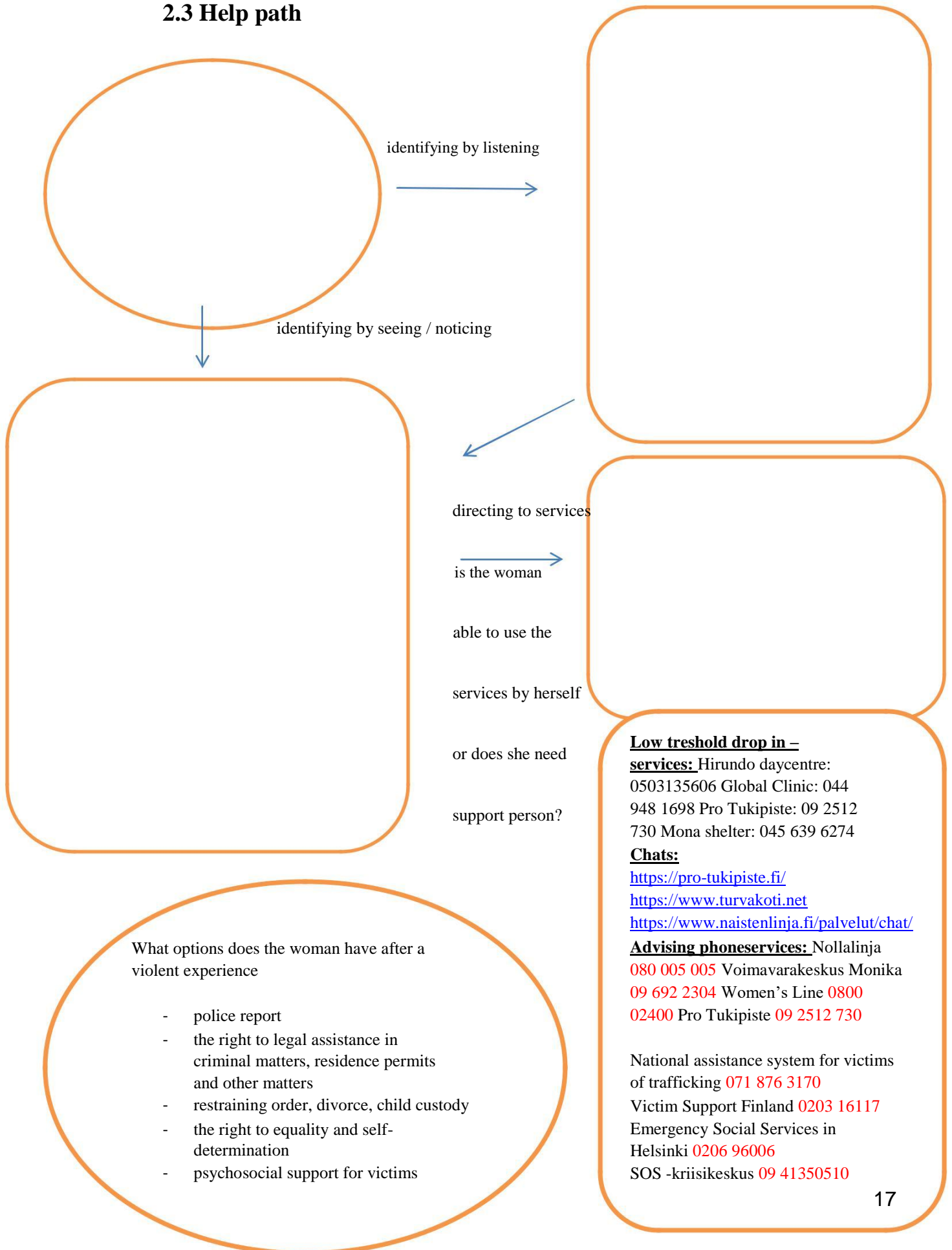
- National helplines:

- o Nollalinja (every day 24/7) 080 005 005
- o Resource center Monika (mon-fri 8-16) 09 692 2304
- o Women's Line 0800 02400
  - diversity on-call for women belonging to special-and minority groups and professionals (wed 9-13 and every 1<sup>st</sup> sat of the month 8-11)
  - in English on Fridays 16-20,
  - in Finnish from Mondays to Fridays 16-20 Saturdays and Sundays 12-16
  - in Swedish on Wednesdays 16-20
- o Pro Tukipiste 09 2512 730
- o Refugee Advice Center 075 7575100
- o Victim Support Finland mon-tue 13-21, wed-fri 17-21) 116 006
- o National assistance system for victims of trafficking 071 876 3170
- o Emergency Social Services in Helsinki (every day 24/7) 0206 96006
- o Finnish association for mental health national crisisline (mon-fri 09-07, weekends and holidays 15-07) 010 195 202

- Non-discrimination authorities:

- o Non-discrimination Ombudsman Mon-Fri 10-12 p.0295 666 817
- o Parliamentary Ombudsman: Arkadiankatu 3, FI-00100 Helsinki, fax: +358 (0)9 432 2268, e-mail: ombudsman@parliament.fi

## 2.3 Help path



### **3. Nonviolent empowerment of a woman and the entire community**

A woman who has gained a positive service experience acts as a messenger in her own community, sharing valuable information on women's rights, nonviolence and the support system. Women who foster nonviolent values and have themselves survived violent experience are more likely to raise their children respecting the same principles. The support of a peer support group enables the women to address the maltreatment they have experienced as well as to understand that they don't need to allow such treatment again. With adequate external encouragement and support the peer support groups and communities can even be formed independently by the women themselves. Women's workshops and groups empower the women by providing them the experience of personal agency and enhancing their chances of communicating with each other. When it comes to undocumented and nonregistered women it is crucial to inform them on their rights and encourage them to share the information with the rest of the women in their communities.

#### **3.1.1 Community workshops**

In order to strengthen undocumented and nonregistered women migrants' knowledge of their rights and nonviolence, it is advisable to establish a routine of women's groups and community workshops. Community workshops can promote the empowerment of communities and individuals and non-violent life by presenting information about human rights, local crime reporting process and experience expertise training.

Training for employees can also be further shared with community members. Indeed, the idea of community workshops is to provoke discussion and together approach topics that are considered taboos in the community. The discussions held in the Gemma workshops offered an opportunity for the community members to reconcile non-violent values with the traditional values of the community and often the discussions brought new and interesting aspects that enabled the workers to know the

community better. Thus, the community workshops offered both workers and community members a channel for such interaction, which would be difficult to achieve otherwise in a hectic daycentre environment. However, as many of the workshop topics are taboos within the community so they should be approached with cultural sensitiveness. It should not be taken for granted that the community members can use their time for the workshops instead of earning their daily living, so it is convenient to offer an element that encourages participation, such as food or hygiene products.

### **3.1.2 Women's groups**

Among the grassroots social services, the women should be offered a chance for own space and time in order to empower them to perform as active agents of the community and their own lives. Women-only-groups can be established, for example, during the opening hours of a day-center by providing an opportunity to do feminine activities. While doing something relaxing with peers, women might start opening up about personal issues and also to solve challenging situations, such as violence against women. The staff's role in these events is to provide support and guidance, in case it is needed, but it is important to allow the women to take responsibility and to let them find solutions together with their peers. Therefore, the staff members can take the role of participant and ponder together with the group whether there are some individuals among the women who could facilitate the group and its activities. With the support of facilitators emerging from community members it is easier for the women to eventually start gathering and supporting each other more independently from the service environment and to turn the support into regular habit.

Uniting and empowering the women and other community members will not only establish internal support system but also help the communities to grow more cooperative and peaceful.

## **ACKNOWLEDGEMENT**

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GLOBAL CLINIC

HELSINKI PARISH UNION

REFUGEE ADVICE CENTER

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