

FINLAND

CEDAW A/44/38 (1989)

213. The Committee considered the initial report of Finland (CEDAW/C/5/Add.56) at its 141st, 142nd, 145th and 146th meetings, on 27 February and 1 March 1989 (CEDAW/C/SR.141, 142 and 145).

214. The representative of the Government of Finland informed the Committee that a supplement to the report had been prepared to cover the latest events but that it was available in English only. The report and supplement reflected the current status of women in Finland and described the Finnish initiatives for the implementation of the Convention. She reported that the period between the time of signing the Convention and the time of ratifying it had been six years. After signing the Convention in 1980, the Council for Equality had studied it with a view to assessing the legislative changes that would be required prior to ratification and those to be introduced after ratification. Prior to ratification, several acts had been amended or introduced. Those included the Child Custody and Right of Access Act, the Guardianship Act (amended in 1983), the Nationality Act (amended in 1984), the Surnames Act (introduced in 1985) and the Equality Act (introduced in 1986). She said that the Council for Equality had carried out a detailed study on discrimination in general and on employment in particular to bring legislation into line with the articles of the Convention. That had led to the submission of two bills to parliament, one concerning legislation on equality between women and men and the other concerning the acceptance of certain provisions of the Convention. Finland had then ratified the Convention without reservations.

215. The Equality Act promoted equality and forbade discrimination on the basis of sex, with a view to improving the status of women especially in the area of employment. The Act forbade discrimination particularly in job advertisements, in working life and in all information on educational options. A victim of discrimination could seek compensation and, according to the Act, the authorities would intervene whenever the implementation of equality was obstructed. The Act provided for equal opportunities for women and men in education and professional advancement and both could be nominated to positions in the Government and on municipal committees. She explained that there was no gender distinction in Finland. The Equality Ombudsman, the Equality Board, which consisted of five members with judicial powers, and the Parliamentary Council for Equality all worked under the aegis of the Ministry of Social Affairs and Health to promote equality, provide co-ordination and monitor compliance with the Equality Act.

216. The representative gave examples of equality promotion in Finland and the problems encountered in implementing the measures that had been adopted after the ratification of the Convention. In the area of education, she said that women had a thorough general education and, in the 1980s, represented 60 per cent of the high-school graduates. In vocational training, women tended to choose fields that represented only a narrow sector of the spectrum of professions; it seemed that the choice of career was still influenced by the strict division of labour between the sexes. A government commission had proposed that a determined effort should be made at all levels

of the educational system to promote equality in order to change that division. In the area of employment, studies clearly showed differences in remuneration between women and men and differences in their working conditions. It was found that the total working experience of women was only two years less than that of men; and that women changed professions and jobs less often than men. Studies had shown that the average earnings of women who worked full time amounted to only 78 per cent of those of men and the qualifications required for men's jobs attracted better remuneration than those of women. The share of part-time labour had not increased but more women than men worked irregular hours, such as shift work and part-time work. A study had shown that differences in remuneration between women and men increased considerably between the ages of 20 and 40 years and the position of women in the labour market was clearly weakened by the interruptions in their working careers and by family duties.

217. In Finland, the division of tasks in the home remained traditional although women had represented half the labour force for a considerable time. Women worked full time and could go to work when their children were small. An equal society was considered, essentially, to mean equal responsibility and equal rights to leisure and enjoyment in all spheres of life. Various measures had been taken in order to ease the work-load of women, to encourage men to contribute to the care of children and to share in household work and for women to be able to reconcile family duties with working life. Some of the measures introduced to achieve equality in all spheres included municipal day-care services, an extended parental leave for which an allowance was paid, and shorter working hours for parents of very young children. For example, the Contracts of Employment Act had been amended in 1988 to allow employees to take partial leave of absence to care for children under four years of age who lived with them permanently. Partial child-care-leave consisted of a reduction of working hours by mutual agreement between the employers and the employee. The problem remained, however, that women had a heavy work-load and men were unwilling or not able to make use of the social advantages that could be shared between mother and father. Women had become increasingly independent economically; they had higher expectations and demanded equality within the family. About 40 per cent of the fathers of newborn children availed themselves of the right to parental leave, but the majority took from 6 to 12 days of leave after the birth of the child and only seldom took a longer parental leave or child-care leave after the stipulated period for parental leave had expired.

218. It was reported that the provision in the legislation on working hours that had prohibited night work by women in industry had been abolished at the beginning of 1989, and that previous provisions had been replaced by legislation stipulating the maximum number of shifts that could be worked successively and providing for the removal of disadvantages suffered by women and men working on night shifts. A revision in the pension scheme, due in 1990, would recognize widowers as beneficiaries and more attention would be paid to the position of families with children and to the participation of both spouses in caring for the family.

219. Finnish women had been granted suffrage and had become eligible to vote in general elections, in 1906, at the same time as men. Currently, women represented over 30 per cent of the membership of the Parliament but only 27 per cent of that of municipal councils. In Finland, no quota system for women had ever been applied to political bodies at any level and, as Finnish elections had been personal elections for decades, it had not been possible to use "long lists". The continuous increase in the participation of women in politics was attributed directly to women's active and extensive

participation in society. An amendment of the Equality Act in 1987 provided that both women and men must be elected to all, and not some, municipal bodies. The objective was to attain between 40 and 60 per cent representation of both sexes. The stipulation was implemented for the first time on a larger scale at the beginning of 1987 and the equality authorities had distributed instructions to all municipalities on how equality in the distribution of women and men could be achieved. No data, however, was available on the extent to which the proportion of women in those bodies might have increased.

220. The representative reported on women's participation in trade unions and non-governmental organizations. Women's political and social organizations in Finland had contributed significantly to several reforms concerning social and family policies. The long and active participation of women was reflected in their considerable role in the trade union movement and, currently, women accounted for 48 per cent of the labour force and 50 per cent of all trade union members; the proportion of women in the executive bodies of the trade unions, however, did not reflect that level of participation. The division of the labour market according to sex was reflected in the trade unions where women represented 80 per cent of the members of central organizations for white-collar workers and 45 per cent of those for blue-collar workers. The representative informed the Committee that the trade unions of white-collar workers were organized mainly by women and their number in the executive bodies of other trade unions had risen in the 1980s. The fact that differences in remuneration had remained considerable had encouraged women to participate actively.

221. The representative drew the attention of the Committee to the national minorities in Finland. The report portrayed the position of women from the viewpoint of the dominant culture but there were also small numbers of Lapps, gypsies, foreigners and refugees in Finland. Refugee and alien women had founded an organization in 1988 and had participated in an inter-Nordic project on the status of migrant women. A special guidebook to aid such women was being prepared on the Finnish social security system, legislation and municipal services.

222. The representative said that the Council for Equality, founded in 1972, was a body in which various authorities and organizations co-operated and that it co-ordinated research on equality issues. The Council had the right to make proposals for the implementation of measures and programmes for the promotion of equality and one of its main tasks was to follow international developments in the field of equality. The Council reflected the political composition of parliament and was elected by the Government for a maximum term of three years; the secretariat was permanent. In the 1980s, the main tasks of the Council were to study the country's obligations under the Convention and to accelerate the adoption of required measures. Its first official proposal was for a law on the prohibition of discrimination on the basis of sex in all aspects of working life, which had led to the passing of the Equality Act. The Council had published about 100 reports, studies, translations and publications dealing with women's studies and a quarterly journal of all equality authorities had been published since the beginning of 1988.

223. Under the Equality Act, all authorities, employers and those engaged in the field of education were obliged to promote equality actively. The equality authorities had given advice and instructions on the implementation of the obligations in practice; however, the problem remained that employers were not sufficiently bound by the Act to promote equality. The provisions of the

Act were based on the general obligation not to place women and men in different positions on the basis of sex. Indirect discrimination was also forbidden. The practice of according bonuses on the basis of military service in the admittance tests for universities had been found to contradict the Act as had that of not according to women on maternity leave study grants similar to those that persons who worked received. The ban on discrimination had been more clearly specified in the area of employment and, in particular, for the selection of applicants for jobs; most cases of discrimination referred to the Ombudsman had occurred in the public sector. The Equality Act provided for equal pay for work of equal value and 500 cases of non-compliance with that provision had been investigated in the previous two years. Co-operation with labour organizations and employers' organizations was essential as salaries and wages in Finland were settled mostly by collective agreements. It was also considered important to develop assessment criteria for work and tasks of equal value.

224. The representative referred to a special committee that implemented the Equality Act in public personnel administration, which consisted of representatives of the employers and the trade unions. A number of municipalities had established equality committees to monitor the implementation of equality in various municipal sectors and to make proposals, including an equality plan.

225. The representative concluded her presentation with the observation that much still remained to be done in various sectors of Finnish society and there was a constant need to view the adequacy of the Equality Act in the light of legal practice and the resources provided for its implementation. Launching and maintaining co-operation between various authorities, trade unions and employer organizations was considered a vital task as was that of changing people's attitudes. It was recognized that results could be achieved with legislation and official measures but that they would be inadequate without an active public opinion. The Finnish equality authorities had disseminated information on the work of the Committee and the Convention, the text of which was available in the national languages of Finnish and Swedish; the national reports to the Committee and its records had been made available to students and researchers.

226. The Committee commended the Government of Finland for its commitment and for submitting the initial report so promptly. The report had followed the guidelines and was of a high standard, being concise yet containing all the necessary information. The Committee appreciated the Government's recognition of the fact that much still needed to be done to improve the status of women in Finland. The action of the Government to present comments on the report in the supplement was commended and the Committee asked which interest groups had been contacted.

227. The Committee posed a number of questions of a general nature. It was asked whether the Council for Equality was legally autonomous, whether it had exclusive responsibility with regard to ensuring compliance with the equality laws and if it met regularly or on an ad hoc basis. It was asked whether its members were all women, whether they were jurists, whether they represented all political parties, and how they were elected and by whom. Details of the responsibilities of the Equality Ombudsman were requested and it was asked whether he was a civil servant or an expert. Data were requested on the representation of women at the ministerial and director-general levels and the reason for their low representation in the local authorities. With respect to the law on infringements against equality, it was asked who decided that an infringement had occurred and against whom action was taken. Details of the machinery set up to monitor the implementation of

the equality laws and the budget for the equality bodies were requested and it was asked whether the budget had been increased to reflect the increased responsibilities of those bodies. Clarification was requested of the status of women's associations, the issues that had brought their members together and it was asked whether the associations were decreasing since the Government had assumed the responsibility of ensuring equality.

228. The Committee asked how the Government measured the reaction of employers, employees and the general public to the Equality Act and when opposition was raised, how the Government overcame it. Information was requested on whether the Equality Board has prevented any employers, once it had been proved that they had practised discrimination, from continuing with those practices. A more detailed definition of "indirect discrimination" was requested and how it was proved before the Court. The Committee was interested to know whether a woman could refer directly to the Convention if she had grievances or whether there were other remedies for discrimination. Although there had been an emphasis on statistics in the report, those statistics had not shown clearly whether women's contribution to the economy by their work in the home had been included; information was requested on any studies or statistics that had been compiled.

229. Information was requested on municipal bodies as regards their budgets, composition, tasks and on whether they were temporary or permanent. More details of the exceptional cases stipulated under the Equality Act were requested and, in particular, it was asked whether the provisions of associations to exclude one sex or the other were still in force and what the reactions of women's organizations to such provisions were. The report of Finland had referred to a comprehensive reform of the Penal Code and the Committee asked for more details of that reform. In particular, more information was requested on the reconsideration of the provisions regarding rape within marriage and on the discussion and public debate connected with that issue. It was asked if a third person could report a rape. The Committee asked if abortion was permissible under the law in cases of rape, both inside and outside marriage, and what the political and public views on that subject were. It was asked if there were provisions for prisoners of either sex to keep their children with them in custody. The Committee asked whether the sexual abuse of children within the family was considered a criminal offence, whether the number of such cases had increased or decreased since 1984, what protection was afforded to the victims and what had been done to study and discourage incest. It was asked whether the Government considered the existing penalties severe enough to deter incest and whether young female victims were given counseling or punishment or both.

230. More details of any affirmative action policies developed by the Equality Council, the Ombudsman or any other authority were requested and it was asked whether the setting up of equality councils in large companies was envisaged. It was asked to what extent and in what areas temporary special measures had been applied in Finland and if they had been in force long enough for results to be evaluated. It was asked whether such measures were also directed at men and if there were any measures to encourage women to enter non-traditional fields of employment. The Committee asked for details of public attitudes towards temporary special measures and about the public demand for implementing measures in the public sector and asked if there had been any discussion on establishing numerical goals as opposed to fixed quotas in that sector.

231. The Committee requested examples of discriminatory advertisements and asked what the

reaction had been to the report to which the representative had referred. It was asked whether the Government of Finland considered that sex stereotypes could be removed by education alone and whether there were any laws directed towards the abolition of sexist language. It was asked what the reaction of society was to fathers who took child-care leave. The Committee noted the existence of women's studies courses at the university level and inquired whether the professorships were full-time, permanent professorial posts, and whether the courses were confined to one discipline or were interdisciplinary. Details of the curricula of the courses were requested and of whether the units followed could be included in other courses. The Committee asked for details of the budget allocated to women's studies courses. It was asked if the maternity packs (layette) referred to in the report varied in accordance with the income of the mother. More information was requested on the organization and sponsorship of the family counseling courses. As Finnish men were also interested in the care and upbringing of children, the Committee found the high number of cases of incest surprising. Details of the amount of governmental support given to emergency accommodation for victims of violence were requested and it was asked how effective any special laws against domestic violence if they existed, had been.

232. As the report had stated that procurement for prostitution was an offence under the Penal Code, clarification was requested of the definition of procurement.

233. Information was requested on the amount of government funding provided for political activities, how the proportions were calculated and to what use the funds spent on supporting the political activities of women were put. Specific questions were asked on the number of women in parliament and the areas in which women tended to be involved. Despite the laws, women remained under-represented at the decision-making level and more details of the actual numbers and strategies established by the Government to improve the situation were requested. The Committee asked for data on the percentages of men and women who had participated in the last election as candidates and voters and whether there was a special fund to promote the participation of women in politics. More details of the training programmes to encourage women to enter new areas in international life and the results of those programmes were requested.

234. The Committee requested more details of the allocation of places at the intermediate level of education and of the results of the programs in education, teacher training and sports. It was asked whether the recommendations of the various committees on education had been enacted and whether an analysis of textbooks had been conducted to determine whether they needed to be changed. Comments were invited on the effects of removing the quota on admission into teaching-training institutions; it was asked whether new guidelines had already been established and whether any difficulties were envisaged. It was asked whether women and men were admitted with the same marks and the reasons for the different system of points for entry. The Committee asked why the age of women graduates was higher if opportunities in education were equal and the drop-out rates the same for both sexes. Clarification of the reasons for the low number of women in science and technology was requested and whether they were related to traditional attitudes or the informal education received in the family. The increase in women university students over the last 20 years was not reflected in the number of women holding professorial or tutorial posts and the Committee asked what could be done to increase that number and which careers women university graduates preferred.

235. The Committee asked if the provisions for an indefinite period of unemployment did not encourage mothers to assume sole responsibility for children. It was asked why the benefit figures had been quoted in United States dollars. Data were requested on the number and proportion of women unemployed in Finland and what action was being taken to retrain older women. More information was requested on the effects of new technology. Data were requested on the rates of youth unemployment and the numbers of young people that had stopped looking for employment. The Committee asked for data on the numbers of part-time workers of both sexes and their ages. It was asked if part-time workers had the same rights and status as full-time workers. Despite legislation, wage differentials were still considerable and it was asked if women accepted that situation and what measures were being taken to tackle the problem. The Committee asked whether the Government considered the equality bonus scheme, referred to in the supplement, to be a way of removing unequal scales of pay and who distributed that bonus. The Committee asked if employers paid compensation when prosecuted for the violation of wage differential laws and what the Government was doing to combat sex segregation in the labour market. It was asked if any protective provisions remained in laws related to manual work that reflected women as being weaker and whether there were any other areas of work to which women did not have access.

236. The network of child-care facilities was commended and it was asked whether facilities other than those run by municipalities existed. The Committee asked how many fathers took parental leave, whether fewer of them took it because of the greater loss in wages and whether the parental-leave period was accounted for under the social security system. It was asked what proportion of parents chose to receive the home-care allowance in preference to using municipal day-care facilities and for what reasons, and what public attitudes to the facilities were. Details of the amount of the home-care allowance and the number of persons who were fully covered by collective agreements were requested. The Committee requested clarification of the term “comparable work” in the report for employees returning from parental leave and asked if the terms of parental leave did not discriminate against adoptive parents.

237. Information was requested on female-dominated work and it was asked whether any systematic evaluation had been conducted. The committee requested a definition of the term “female farmers” in the report. It was asked if any studies on sexual harassment had been conducted. The Committee asked if the church was exempt from the Equality Act and how women entered the higher echelons of the church.

238. The Committee asked whether family planning in Finland was conducted only at health centres and whether sex education was conducted in schools. It was asked if there was any law allowing abortion, what the conditions and circumstances surrounding abortion were and what was the reason for the observed decrease in abortions. Figures for the number of illegal abortions were requested. The Committee inquired about public opinion on abortion and asked if there had been any debate on the subject, about the methods that were used and whether abortions were performed only in hospitals or in day clinics as well. It was asked whether the reasons why abortions were required were related to the failure or inadequacy of contraceptives or to the cases of rape. More data were requested on infertility and it was asked if the research conducted was the same for both sexes. It was asked if any legislation and measures existed to avoid the abuse of women in artificial insemination; and what the attitude of the Government was. An elaboration of the proposals of the National Board of Medicine Working Group was requested and it was asked whether they covered

the legal position of children conceived by artificial insemination. The Committee asked if health insurance covered operations to reverse previous sterilization operations, if that proved possible. The Committee asked how many AIDS patients had been identified in Finland and what campaign had been mounted to disseminate information and whose responsibility it was. Information was requested on the incidence of infant mortality in different regions.

239. The report of Finland had proposed that men and women should receive the same training in agriculture and the Committee was interested in the consequences of that proposal. It was asked if the status of rural women compared favourably with that of urban women. The Committee referred to reports that, in some cases, Finnish farmers had used agencies to find wives and asked whether there were any data on the incidence of such cases and whether there were counseling services or legal protection for such women, and what their roles on the farms were. It was asked whether a disaggregation of data on mistreated women was available for rural and urban areas and if any increase in their numbers had been observed. It was stated that the Farmers' Accident Insurance Act had been extended to include cooking when it was provided for the farm directly and the Committee asked for a clearer definition of that task and information on who undertook relief work on farms during maternity leave.

240. More information was requested on the League for Unmarried Mothers as regards its organization, function, and membership. The Committee asked what the average age of unmarried mothers was and what help they received from the Government. It was asked if there was any difference between divorce and the dissolution of a conjugal relationship. The Committee asked if the amended Marriage Act had had a positive impact in reducing the number of cases of violence in the family and whether women could apply to the court for divorce in such cases. The Committee requested data on the number of children adopted from outside Finland and the proportion of those adopted within Finland, on the countries from which the children came and on how successful the relationship was between the foster parents and the foreign children. Clarification was sought of the distribution of financial assets and property upon the breakdown of marriage and the rights of persons who were cohabiting with respect to property, maintenance and inheritance and it was asked whether the children of such unions had succession rights.

241. The representative replied to the questions on general subjects posed by the Committee. The authorities for the supervision and observation of the Equality Act were the Equality Board and the Equality Ombudsman. The Ombudsman was a civil servant, appointed for a five-year term, and his functions were to examine cases to which the Equality Act could be applied and to disseminate information on equality legislation. The Ombudsman had no power to enforce the laws but was rather an investigator and adviser who could refer matters to the Equality Board and up to then he had done so on one occasion. The Equality Board could bring an action against anyone who had acted contrary to the equality laws. The Board was composed of lawyers, including both women and men, who were appointed by the Government for a three-year term. Currently, four women and one man were members of the Board. The competence of the Equality Board and the Equality Ombudsman covered private activities and public administration. The Equality Board had made six statements in cases where it seemed that discriminatory action had been taken. The courts were not bound by the Board's statements and had rejected two of the cases. The Equality Board and the Equality Ombudsman operated under the aegis of the Ministry of Social Affairs and Health and there was no other division or unit to handle equality matters. The Office of the Equality

Ombudsman was independent.

242. A distinction was made between the Equality Ombudsman and the Parliamentary Ombudsman, who supervised the observance of the law by public authorities in general. The competence of the Equality Ombudsman was based only on the Equality Act but it could also extend to cases in the private sector. The Parliamentary Ombudsman could not intervene in issues between individuals and private associations or organizations.

243. The Council for Equality was composed of 13 members and their personal alternates. The members were both men and women and reflected the political composition of parliament. The Council was a policy-making body with the right to make proposals, introduce new items for discussion and co-ordinate equality issues. The representative informed the Committee that the Council's opinion on women entering the military service was negative as it considered that military service was not a fundamental human right. Furthermore, she said that civilian jobs within the defence administration and the entire spectrum of administrative posts should be widened and equality promoted in that way. The long-term projects of the Council for Equality included strategies to increase the influence and participation of women in policy-making regarding the labour market, the impact of new technology and equal pay, and in the co-ordination and promotion of women's studies. The projects also included the promotion of women in development and bringing social pressure to bear on the need for men to change their roles. About 100 persons were involved in the work of the Council, which met once a month in plenary, as well as in ad hoc working groups. The permanent secretariat consisted of a general secretary and four research officers. The budget of the Council of 280,000 markka in 1989 was borne by the Office of the Equality ombudsman.

244. The representative clarified one of the four exceptions to the provisions of the Equality Act by explaining that, in Finland, the principle was that no one had the intrinsic right to be a member of an association, but rather that associations had the right to decide who would be accepted as a member. According to the Finnish legal system, it was not possible for an individual to refer directly to the Convention in court and the necessary amendments had been made to the legislation before Finland had ratified the Convention.

245. The representative reported that a complete reform of the Penal Code in Finland was being prepared, one part of which would include new sanctions against discrimination in working life. It was assumed that the principle of rape within matrimony would be critically re-evaluated in the reform. In cases where rape was punishable under the Penal Code, the decision to bring the case to court was made by the victim herself but that provision, too, would probably be re-evaluated. The decision to have an abortion was for the woman concerned to take and cases of rape in matrimony were not punishable under the Penal Code.

246. In the supplement to the report, reference had been made to the fact that comments had been collected from almost 80 interest groups. Those groups included all the political parties and their women's organizations, student organizations, women lawyers and groups of ethnic minorities. Their statements had been taken into account in preparing the supplement to, and the introduction of, the report.

247. The representative reported that 350 cases of incest had been reported between 1983 and 1984 and that the subject had only recently become a matter of public discussion. According to the Penal Code, incest was considered a serious crime with sanctions of 2-10 years' imprisonment. There was an ombudsman in Finland dealing with children's matters who could be contacted about cases of incest, and the social welfare authorities assisted the victims of incest and worked in co-operation with the police. According to the law, a child under two years of age could live in a penal institution with its mother, if that was to the advantage of the child and if the mother herself requested it. There were no corresponding provisions for young children of male prisoners to live in penal institutions with their fathers.

248. The principles of article 4 of the Convention on temporary special measures were included in the Equality Act in which they were termed equality plans. In discussions on the Equality Act, questions had been raised as to whether the temporary special measures were not contrary to the Constitution and its provisions to ensure the equality of citizens. The Ministry of Labour arranged vocational training courses for adults, mainly in the industrial sector, and was undertaking a project to improve the position of women in male-dominated areas. The Ministry of Trade and Industry held special courses for businesswomen in small or medium-sized businesses. Elderly women had poorer vocational training than men, whereas younger women had, by all standards, better educational and vocational training than men.

249. The representative informed the Committee that child-guidance clinics had been available since 1925 and over 80 per cent of the population had used them. The clinics were run by local health authorities and they arranged special maternity and paternity training courses whose main purpose was to emphasize that the responsibilities for child care were equal for men and women. Men were also encouraged to support women during pregnancy and nearly 80 per cent of first-time fathers attended the delivery. Victims of family violence were mostly women and children but also elderly people. The shelters for the victims were run by various social organizations and supported financially by the Government and the municipalities. The maternity packs were given to all women, regardless of their income or property. Each pack consisted of clothes and equipment for the child, as well as contraceptives, and it was valued at double the amount of alternative financial assistance. The pack was available to Finnish mothers who were resident in the country or abroad and to foreigners who were permanently resident in Finland.

250. The Finnish language did not contain sexist terms but 200 professional titles included the word for "man" and those would be amended to become neutral in gender. Recent studies by Finnish female linguists had also revealed sexist features in Finnish and the new edition of the dictionary that was being prepared would take them into account. With regard to discriminatory advertising, the Government recognized that the concept was important but had experienced difficulties in finding the most effective means of making advertising non-discriminatory. Legislation on advertising had its merits, especially with regard to sanctions and the competence of the authorities, but experience with the prohibition on advertising tobacco and alcohol had motivated the Government to put the onus on the advertising sector itself.

251. The representative said that statistics were not available on cases of prostitution and that prostitution was not defined as a crime in the Penal Code. Studies on prostitution were being financed by the Academy of Finland and were concentrating on the circumstances under which the

phenomenon occurred and the clientele. Procuration and maintaining premises for the purpose of prostitution attracted penalties against persons other than the prostitute.

252. In response to questions posed on the political influence of women and women's organizations, the representative said that at every municipal and parliamentary election, the proportion of women candidates had increased and so had the proportion of women elected. In the last parliamentary election, in 1987, the proportion of women voters was higher than that of male voters; the proportion of women candidates was 36 per cent, of which 31 per cent were elected to Parliament. The lower proportion of women in municipal councils was explained by the fact that voting patterns in rural areas were more traditional than in urban areas. In some municipalities, voluntary equality commissions had been appointed by the municipal board of directors to investigate the status of women within the municipality, particularly in regard to the social services provided to families and the position of women as municipal workers. At the municipal level, political and non-political women's organizations worked together to promote equality plans in their home towns. At the national level, co-operation between the women's organizations had increased and, in 1988, all the women's organizations had formed a new co-operation committee with the objective of strengthening and promoting co-operation between women in the field of international relations and Finnish development policies. In general elections in Finland, a quota system did not exist and the only way to raise the number of women elected was by increasing the number of women candidates. Members of the governmental and municipal commissions were appointed and a target of 40 to 60 per cent representation of both sexes had been set, but there were no sanctions if the commissions did not meet that target. In recent years, the number of governmental committees with no women members had diminished. Within the political parties, women had demanded that their share in the decision-making level should correspond to the proportion of their membership in the parties.

253. In education, the hierarchy in schools reflected that of society as a whole; the headmasters and higher administrators were men. The existence of separate teachers' training colleges for men and women was based on the fact that there were separate educational facilities in schools for sports and handicrafts. Teacher training was currently part of university education and there was a provision that 40 per cent of the places should be reserved for men. The main purpose of such a quota system had been to ensure that an equal number of men and women would be in contact with the pupils but that goal had not been achieved. As stated in the report, male students entered teacher training with lower grades than women. The failure of the quota system, together with the decisions of the Council for Equality and the Equality Ombudsman that quotas were not in accordance with the equality laws, would soon lead to the abandonment of the system. Instead of quotas in all educational fields, the Council for Equality had set goals for the distribution of students according to gender and information campaigns were being used to achieve those goals. Strategies to fulfil equality requirements between the sexes in the educational system were being prepared and attention had also been given to sex stereotypes in both the text and pictures of textbooks. In the Finnish school system, the family courses contained education on sex.

254. The representative responded to questions on women in the labour market. She said that sex segregation was a constant phenomenon that had not changed much in the last 30 years. Two thirds of all public employees were women and more than half of those using new technology in their work were women. The average number of working hours a week differed between the sectors from 37 hours per week in many female-dominated areas to 40 hours a week in the male-dominated sectors.

Only 11 per cent of women workers were employed part time for 20 to 30 hours a week; but the majority of part-time workers were women. The annual leave for part-time employees was determined mainly by the provisions of the Annual Leave Act. The pension of part-time employees increased proportionately.

255. The representative said that separate wage scales for men and women were abolished when Finland ratified the Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (No. 100), which had been adopted by the International Labour Organization in 1951. Equal pay was considered a broad issue where many problems had yet to be solved, such as the re-evaluation of women's work, the development of methods to measure the comparable worth of different jobs, the abolition of the segregation of men and women and the promotion of women in employment. Wage differences could be explained in part by the structure of education, the work experience of the employee and the ability of the sector to pay wages. The labour market partners acknowledged that gender was a factor that determined pay and, in 1988, a special equality bonus had been introduced. In Finland, wages and many social reforms were settled by collective bargaining, the essential factor of which was the bargaining power of the parties. As women formed a slight majority of unionized wage earners, it was considered that, increasingly, equal pay would become a central part of the bargaining process. An employer who violated the rule of equal pay for the same work or work of equal value could be brought to court by the discriminated employee. The court would then decide whether the employee had the right to equal pay. The Equality Ombudsman could apply to the Equality Board to prohibit the employer from continuing with the discriminatory action.

256. The traditional notion that women needed special protection in employment because they were weaker than men had been removed from legislation by the Labour Protection Act of 1958 and the Occupational Health Care Act of 1979. An employer could be asked for a written report in cases of suspected discrimination without any reason for the request being given. When claiming for compensation, claimants had to prove in a court that they were more qualified than the persons who had been selected for the jobs. The term "comparable work" was included in the legislation to cover cases of employees returning from maternity, paternity or parental leave, as that leave could last for longer than one year and their former posts might not longer exist on their return. Finland was among the first countries to study how the value of unpaid work could be reflected in the national economic statistics. The preferred term was "total working hours", which included paid and unpaid working hours; time-use studies were considered the most accurate way of showing the labour input of men and women. The Central Statistical Office in Finland had begun a study on the use of time even though there was, internationally, no generally accepted method for valuating unpaid work.

257. In response to the question posed on sexual harassment, the representative said that the New Protection of Labour Act had come into force in 1988 and it was evident that the need for protection concerned the female-dominated sectors of employment in particular. Sexual harassment was considered a matter that related to both health and sexual discrimination. The Council for Equality had conducted the first study on sexual harassment two years previously and the equality authorities had recently launched an empirical project on sexual harassment in the work place. The traditional reticence of Finnish women hindered the acknowledgment of the hidden phenomenon but it was being discussed publicly.

258. The representative said that municipalities were responsible for organizing day-care services for children, as well as other social and health services. Municipal day-care services consisted of both family day care and kindergartens. The Government had established minimum standards for day-care facilities and subsidized part of the costs of them according to the financial resources of the municipality. Each municipality could decide whether it should organize the system itself or hire organizations for that purpose. She said that parents trusted the quality of the municipal day-care system, the prices of which were lower than those in the private sector, and it was reported to be very popular. Only 5 per cent of the kindergartens were private and many children, particularly those under the age of three, were cared for in the family. The new system gave parents of children under the age of three a choice between municipal day-care place or a home-care allowance. By 1 January 1990, all municipalities would be under a legal obligation to provide day-care facilities for there was still a shortfall in places. The representative was confident, however, that the demand for day care would be met.

259. The representative said that following the new Abortion Act of 1970, the number of abortions had decreased. Services were available throughout the country and illegal abortions hardly existed. Despite sex education at schools and the availability of contraceptives, there were still occasions when abortion was the only solution.

260. The representative reported that the exact number of drug abusers in Finland was not known but drug abuse was not considered a serious problem. There were treatment programs and centres for drug abusers. Finland had just signed the United Nations Convention Against Illicit Trafficking in Narcotic Drugs and Psychotropic substances, adopted in 1988, and did not need to change its internal legislation to meet the requirements of the Convention. The number of reported cases of persons with HIV antibodies was 243, of which 30 women, and there were 41 confirmed cases of AIDS. The population of Finland was almost 5 million. The Finnish National Board on Medical Affairs had carried out information campaigns on AIDS. Charges for insemination and other hospital treatments were reimbursable under the social security system. New legislation was being prepared by the Ministry of Justice and one of the main problems encountered was that of determining whether a child should have the right to know the identity of its biological father.

261. The representative said that the authorities did not have exact information on cases in which partners for marriage were sought through agencies operating abroad; according to estimates, most of those partners came from the Philippines, Thailand and the Union of Soviet Socialist Republics.

262. The representative reported that the relief workers on farms, to stand in for the absence of workers on maternity leave, were financed by the municipality, which was obliged to provide such a service, the costs of which were borne by the Government.

263. In response to the questions on domestic violence, the representative reiterated that there were few studies or exact statistics. In most cases, the victims were women and children. The abuse of alcohol was cited as the main reason for domestic violence and sometimes the women resorted to divorce, although family counseling services were available. The reform of the Marriage Act had abolished regulations that required that the guilt of the other spouse had to be proved and it was too soon to conclude if the reform had had any effect on family violence.

264. Under the Inheritance Act of 1965, children born in or out of wedlock were entitled to inherit from both parents. Children born out of wedlock were entitled to the allowances from the father that had been agreed between the parents under a court order. Child maintenance allowances were paid in cases where the person liable failed to pay the allowance.

265. The Adoption Act regulated both national and international adoptions. All adoptions required an order of court, which confirmed a child's legal status in respect to its adoptive parents. Adoption counseling was compulsory in Finland and it was provided by the welfare authorities or specialized organizations. Leave for an adoptive mother was shorter than maternity leave as an adopted child was usually at least two months old. The number of adoptions of children from abroad was 11 in 1985, 22 in 1986, 45 in 1987 and 55 in 1988. The children came mainly from Africa, Latin America and the Far East. The figures for domestic adoptions were 376 for 1985 and 303 for 1986.

CEDAW A/50/38 (1995)

346. The Committee considered the second periodic report of Finland (CEDAW/C/FIN/2) at its 272nd meeting, on 24 January 1995 (see CEDAW/C/SR.272).

347. In his introductory statement, the representative of Finland recalled his country's official equality policy of more than 20 years with the object of altering the division of power and work between the sexes in family life and public decision-making. It implied economic independence and the right to reconcile work and family life for both women and men. It required concrete active measures in addition to creating equal opportunities and a re-evaluation of the traditional role of men. The period of recession between the years 1991 and 1994 had created additional challenges for the policy makers and because of unemployment it had reduced the standard of living of all households. But, whereas the economic development was clearly gender-divided, the unemployment of women had been lower than that of men, regardless of the economic trends. Poverty among single parents was in 1990 the same as the average level among the entire population.

348. The representative underlined the role of the public sector as a supplier of services, which were crucial to equality of women, such as free school meals, children's day care and the care of the elderly and people with disabilities. The public sector was also the main employer of women. Women's contribution to the Finnish national economy was equal to that of men. A major problem that had not been solved yet was the wage gap in that women's wages were still only 80 per cent of men's wages although women had high educational levels. Another problem that was serious and deeply rooted in culture and in power structures of the society was violence against women. Although it had only recently become visible, its elimination had become one of the main objectives in promoting equality.

349. The strong representation of women in politics was, as stated by the representative, the result of intensive work of political and other women's organizations and of the electoral system. In spite of that, decision-making especially in economic policy was still firmly in the hands of men. As it was easier for women to achieve positions in elected bodies rather than as appointed members, the recent adoption of the amended Equality Act was important because it stipulated a quota of 40 per cent for both sexes in governmental and local government committees. It also obliged authorities to promote equality in a systematic manner.

350. After the introduction, which was given by the Minister Responsible for Gender Equality, the replies to the questions raised by the Committee were given by a whole team representing the Government.

General observations

351. Members commended the report presented, in particular because of its extensive statistical data and charts, which were helpful to understand the development process and changes that had taken place since the presentation of the initial report. They congratulated the Government on having held a public hearing before finalizing the report, in which representatives from different organizations,

including non-governmental organizations, were invited, and on having used their comments and suggestions to revise the report. They felt that the reporting process seemed to be objective and unbiased, which was an indication of the Government's commitment to implement de facto equality of women according to the provisions of the Convention. They stated that the period covered by the report was long enough to evaluate the impacts of the Equality Act and other measures taken to implement the Convention, and consequently they felt that the report would have been enriched if the impact of the Equality Law in different areas had been reflected.

352. Regarding observations as to whether the Convention was included in the Statute Book of Finland and what impact it had on the daily judgements affecting the rights of women, the representatives said that the Convention was, indeed, included in the Statute Book of Finland of 1994, which had been published recently. However, although the Convention had the force of law, it had not been directly invoked by the courts of justice and the administrative authorities. This was attributable to the fact that judges had not had a profound training in human rights issues. As, currently, the university education of legal professionals included teaching on human rights instruments, it was to be hoped that the provisions of the Convention would in future be directly taken into account in court decisions. However, further information of the importance of the Convention was still needed. None the less, the provisions of the Convention had been taken into consideration in drafting new legislation, for example the Equality Act, and the process of preparing the second periodic report had some impact on Finnish administration and legislation.

353. In their concluding observations the members of the Committee commended the presence of such a large and high-level delegation and the detailed replies given. They considered particularly laudable the new legislation regarding domestic violence, the emphasis on changing men's roles, the amendments in the child-care system in an effort to reconcile family life and work, the decrease in the rate of abortion, the quota system and the attention given to specially marginalized groups and underlined as particularly remarkable that in Finland equality was considered a human rights issue.

Questions relating to specific articles

Article 2

354. Regarding observations made on ways to improve women's possibilities of participating in national defence services, the representatives said that the Government bill for the voluntary military service for women had just been adopted. It allowed women to perform voluntary military service, to participate in national defence as reservists of the Defence Forces or to enter the military profession on the same conditions as men, provided they were Finnish citizens and aged between 17 and 29.

355. Asked about protective measures of women who had become victims of discrimination against possible reprisal, the representatives said that the new Equality Act prohibited reprisals and entitled the employee, who had been subjected to the prohibited actions of reprisal, to seek damages from the employer. The representatives explained that compensation caused by damages through discrimination in employment according to the Equality Act could amount to between 15,000 and 50,000 markkaa. The amount could be doubled in severe cases of discrimination. In addition, it was also possible for the victim to claim damages for financial loss.

Article 3

356. Regarding initiatives taken by the Government to update the Act on domestic violence and to give women the right of recourse to the Equality Act, the representatives explained that legal remedies in cases of domestic violence were contained in the Penal Code, which was currently under revision. The most important legal change was to consider rape within marriage a criminal act. A further change would provide that all acts of violence were equally punishable, whether committed in or outside the home. Assault and battery would always be prosecuted by the public prosecutor, apart from petty cases. Assault and battery were always prosecuted by the public prosecutor if committed against children under 15 years of age.

357. In additional comments, members expressed concern at the spread of sexual violence and asked how that phenomenon was compatible with economic independence of women. They considered educative measures and publicity as most important to curb the level of violence against women and asked whether particular programmes existed to deal with the problem of violence against particularly marginalized groups, such as refugee, poor and disabled women. In reply to further questions, the representatives stated that assault and battery, whether committed inside or outside the home, could be prosecuted without the consent of the victim. Since assault and battery were considered to be serious crimes, however, the accused could only be tried in the presence of the victim. Counselling services for victims of incest and rape were available free of charge. A special help-line service was set up to assist female victims. Men with a tendency to violence were offered a possibility to discuss their patterns of behaviour in an effort to break them. Special training was administered to police officers, social workers, doctors and school nurses.

358. Given the small size of the Finnish population (4 million) living in only 450 local communities, it was explained that an ombudsman at the municipal level was not considered necessary.

Article 6

359. In reply to questions about attempts to monitor the trafficking in women for purposes of prostitution, sex tourism and bride trade and the role of the Equality Ombudsman in the matter, the representatives stated that after having studied ways of curtailing the sex business, the Ministry of Labour had stopped employment services for sex work in employment exchange offices and cut off financial support for starting enterprises in the sex industry. The Equality Ombudsman had chaired a working group to make a survey on the applicability of the present legislation to restrict sex industry, and had proposed concrete measures to limit the increasing trafficking in women and expanding sex business, and clarify the legal rights of sex workers. They also mentioned that there would be a Nordic Conference on prostitution where the so-called "moving prostitution" from the Russian Federation and the Baltic States would be one of the topics of discussion.

360. Additional questions were raised about whether an increase in prostitution and traffic in women was noticeable in view of the dire economic situation of the Baltic States and whether related interim measures had been taken. The representatives stated that it was often part of other criminal activities and that special services were set up to help prostitutes and reintegrate them into society.

Article 7

361. Regarding questions about policies to combat discrimination with regard to women's representation on the Council for Equality and in planning and decision-making bodies, it was stated that the Council was continuously drawing attention to the composition of important planning and decision-making bodies and processes. It put women's issues on the political agenda, promoted gender studies and had established in 1988 a Subcommittee for Men to activate men in promoting equality.

362. Asked about the impact on legislation and politics of the increase in the number of women elected to parliament in recent years, the representatives said that so far decisions had not been greatly affected, partially owing to the recession and the necessary cuts in the budget. However, through networking, women members of parliament had succeeded in improving child-care arrangements, in making women's issues more visible and in sensitizing the legislative work to the gender issue.

363. Asked about a clarification of the apparent contradiction between the breakthroughs made by women in the political sphere and their low numbers in the State administration, the representatives explained that the breakthroughs in the State administration took several years to materialize. Recent examples were the appointment of women to the posts of Governor of the Bank of Finland, of university rector and of permanent secretary of the Ministry of Justice. Women's representation in important bodies was presently much discussed in public.

364. Members made additional comments about the discrepancy between the Government's commitment to equality and the scarcity of women in higher administrative posts and asked whether specific sanctions existed, and whether the Government was determined to combine result management with equality promotion. They welcomed the fact that a study would be undertaken on the political impact of women's increasing political participation and requested that the subsequent report give further information on such effects.

365. In reply to additional questions about the financing of women's election campaigns, the representatives stated that women usually used less money on their campaigns and collected it from a smaller number of sources whereas men more often "institutionalized" supporters. Specially in the past, women's political organizations had played a crucial role in women's campaigns.

Article 9

366. Regarding the residence situation of a foreign woman married to a Finnish citizen, who was abandoned or separated, it was explained that the woman was expected to leave the country after the divorce if the marriage had lasted less than two years or if the cohabitation period had been brief. That decision could be appealed to the Supreme Administrative Court.

Article 10

367. In reply to the question whether human rights education was incorporated in the school

curricula, the representatives stated that attempts were under way to develop human rights education based on a national evaluation of the comprehensive school system, which set as basic criteria the respect for human dignity and for life. One of the requirements of the most recent national education plan was that materials advancing the equality objectives were available to teachers and pupils.

368. In reply to additional comments made by members about the way in which foreign women were informed about their rights, the representatives mentioned a booklet that had been prepared by the Ministry of Social Affairs and Health, providing information on residence permit issues and the status of women and children in Finland. Finland had also the institution of an Ombudsman for aliens to whom aliens could turn for information.

Article 11

369. Members asked why the pay differentials between women and men were still rather wide, whether there was a connection to the feminization of unions and how the market economy had influenced the bargaining power of unions and reduced a direct benefit to women. The representatives explained that the Finnish labour market was strongly segregated into women's and men's jobs. The female-dominated fields in the public sector had a lower capacity to pay wages and, even within the same field, women's wages were normally lower than those of men. Whereas for the collective agreements male-dominated industrial trade unions had more weight to back up their demands, the female-dominated unions mainly in the public and private service sectors did not have enough power to adjust wages. Asked about the effects of job re-evaluations, it was said that they were expected to help resolve the problem and several such projects were presently being carried out by several labour market organizations. Members requested more information on the topic in the next report. The representative explained further that equal pay had been a main concern of the Council for Equality.

370. Regarding measures to improve women's working conditions and to overcome gender segregation in the labour market, the representatives stated that occupational segregation had diminished from 1985 to 1990. The amended Equality Act required the employers to take certain measures to promote equality. Employers with more than 30 employees were obliged to draw up annually, in cooperation with the works councils, a plan of action for equal employment opportunities. In reply to a specific question, the representatives said that there were no rules as to goals and timetables in the contents of such equality plans. However, it was necessary that they contained concrete actions. The equality plans would be a part of personnel and education plans or labour protection plans. Specific measures to overcome gender segregation were in-service training for physics teachers in general education, mentoring services for women in technical vocational training, and technical courses for girls in general education. The Equality Act did not provide sanctions if equality plans were not made, but employers could be sued for discrimination when failing to draw up such plans. The obligation to make equality plans was placed upon both private and public sector employers.

371. Considering the proposal to reduce State expenditure, questions were raised regarding day-care facilities and possible actions undertaken by women's organizations to forestall withdrawal of financial support so that women could continue working outside the home. The representatives explained that the goal was to ensure a diverse range of services, such as a choice between public

day-care and home-care allowance for children, a system of child care leave for both parents and an experiment with service vouchers, which would enable parents to choose the place of day-care for their child.

372. Regarding several questions about sexual harassment in the workplace, the representatives said that in addition to the new Equality Act, which referred to that offence, several acts had been interpreted to cover sexual harassment. However, as the original Equality Act did not explicitly mention that offence and relevant cases had been prosecuted as illegal termination of employment contract, assault, battery or rape, no concrete data were available on the number of court decisions or cases pending.

373. As regards questions about measures to reduce the deterioration in the quality of working life for women caused by "time pressure and stress", the representatives stated that the emphasis of labour protection lay on industrial work and prevention of accidents. Labour protection in fields dominated by women was only just emerging and it was necessary to develop methods of supervision and training of personnel in that field.

374. Regarding additional questions raised about whether the Labour Laws were in line with the directives issued by the European Union the representatives said that they were in compliance with those directives and some of them were still undergoing change.

375. Concerning an additional observation about the lower wage level in the public sector, the representatives stated that in a period of recession the Government considered it more opportune to save jobs in that sector at lower wages than have less jobs at higher salaries and felt that salaries in some areas of the private sector were generally too high.

376. In reply to another additional observation the representatives said that statistics showed that women occupied 2 per cent of high management positions in the private sector.

377. Another additional observation referred to any plans that might exist to deal with girls' continuing choice of traditional fields of study and with the gender-segregated labour market. The representatives commented that boys and girls were encouraged to choose non-traditional areas, but underlined also that so-called women's jobs were of great importance.

Article 12

378. Regarding questions about investigations into the causes of the gradual decrease in the number of abortions and requests for specific statistical data on the subject, the representatives replied that in 1992 a survey had been carried out. It brought to light that the new family planning strategy adopted in the 1960s, which was based on educational measures and on easy access to family planning means, advice and services, had led to a decrease in abortions, in general, and teenage pregnancies and abortions in particular. Birth control services had been free and the focus had been on a reduction of the health risks associated with sexual activity rather than on its repression. The average rates of legal abortions had decreased from 12.3 per thousand in 1980 to 8.1 in 1993.

379. The birth rate had been continuously rising since 1986. A booklet about the evolution of

reproductive health in Finland entitled "How We Did It" as well as Finland's "Report on the Implementation of the Nairobi Forward-Looking Strategies" were distributed, which contained the requested statistical data and detailed information about the methods of contraception used.

380. In reply to additional comments about the rise in birth rate, which was unusual for a European country, the representatives said that it was a result of the improvement of the day-care system and the increase in child allowances. The use of the pill RU 486 was not allowed, however. In reply for an explanation sought of the statement that "the first contraceptive method" was provided without charge the representatives said that the birth control services were always provided free of charge. The birth control methods (for example pills) had to be paid for, apart from the first contraceptive method, which was provided free of charge. Women were free to choose the method of birth control they wanted.

Article 13

381. Members raised an additional question regarding women's pension rights and inquired whether single women had sufficient means to be economically independent at an older age in spite of working shorter hours and living longer years than men.

Article 16

382. In response to questions about equal division of property acquired during the marriage at its dissolution and income provided to women when the marriage ended the representatives replied that the Finnish Marriage Act rested on the principle of separate ownership. Both spouses were the sole owners of their property, including the property acquired in marriage and, at divorce, their property was usually divided into two equal parts unless a marriage settlement agreement provided differently. Under the Marriage Act the spouses were required to contribute to the joint finances of the family and to the maintenance of the spouses. During the divorce procedures the court may order the spouse to pay maintenance to the other spouse to the extent it deemed reasonable. Maintenance order for spouses had been granted very rarely. According to the Nordic model the foundation of a person's maintenance was the person's own income or individual social security.

383. Responding to additional comments the representatives explained that the divorce procedure had become easier and that even if women ended up in a worse financial situation after divorce, the social security system guaranteed the minimum means for living. If parents could not agree on the custody of their children, the courts decided. If they reached agreement among themselves, that agreement had to be confirmed by the municipal board of social affairs.

Concluding comments of the Committee

Introduction

384. The Committee applauded the State party for an excellent presentation, based on the Committee's guidelines, of a thoughtful, stimulating and inspiring report on progress in the implementation of the Convention and in the promotion of gender equality within Finland.

385. The Committee commended the State party on consideration given and actions taken in response to the Committee's comments on the State party's initial report.

386. The Committee noted with satisfaction the constructive dialogue that also ensued from the questions it posed to the second periodic report under current deliberation.

Positive aspects

387. The Committee commended the recent publication of the Convention in the Statute Book of Finland 1994, as well as the continuing amendment of the Equality Act to further enhance the equality of women and men.

388. The Committee welcomed the positive approach of the State party to the reconciliation of family and work, and to re-examination of the traditional roles of men in this context, as a primary condition to the promotion of equality.

389. The Committee noted with satisfaction the inclusion in the report of special information on minority women, because of their particular vulnerability to discrimination, and similarly the plans to foster education for equality as a matter of human right and dignity.

390. The Committee expressed appreciation for the decrease in teenage pregnancy and in the incidence of abortion, as a result of the State party's comprehensive policy that includes family planning education, free birth control services and the availability of legal abortion as a measure of last resort in cases of contraceptive failure.

Principal subjects of concern

391. The Committee voiced concern over patterns of violence against women, including incest, that had only recently become apparent and were presently a subject of governmental consideration, though noting the recent criminalization of marital rape as a positive step towards removing the public-private distinction that had hitherto hindered governmental intervention. It similarly expressed concern in this respect on the matter of trafficking in women from foreign countries and sex tourism.

392. Another concern pertained to patterns of occupational segregation and to disparities in wages between men and women, despite the official governmental policy of economic independence as central to attaining goals of equality.

393. The Committee also expressed concern about the relative absence of women from high decision-making professional and administrative positions in both the public and private sectors (the glass-ceiling phenomenon), though noting the recent legislation mandating 40 per cent representation of both sexes in governmental appointed bodies at national and local levels.

Suggestions and recommendations

394. The Committee suggests that the third periodic report should include information on efforts made to achieve equal pay for work of equal or comparable worth, especially taking into account the role of government as employer in the female-dominated public sector. It recommends that concrete guidelines in this respect also be issued to those employers subject to a duty to design plans for implementing equality under the recent amendment to the Equality Act.

395. It further suggests that attention be paid to issues of violence against women, sexual, domestic and otherwise, with particular sensitivity to the vulnerability of foreign and minority women.

396. The Committee recommends that measures be taken to educate and train judicial and administrative officials in applying the provisions of the Convention, as a matter of human rights.

397. The Committee strongly recommends that the current discussion of the Finnish Constitution Act refers to the suggestions made by the Council for Equality and the Equality Ombudsman that the promotion of equality between the sexes should be included in the obligations of the State.

CEDAW A/56/38 (Part I) (2001)

279. The Committee considered the third and fourth periodic reports of Finland (CEDAW/C/FIN/3 and 4) at its 494th and 495th meetings, on 22 January 2001 (see CEDAW/C/SR.494 and 495).

(a) Introduction by the State party

280. In introducing the third and fourth periodic reports, the representative of Finland expressed her appreciation to Finnish non-governmental organizations for their contributions to the preparation of the reports, and expressed the Government's commitment to open dialogue with non-governmental organizations. She informed the Committee that the Finland of today represented a modern and equality-based gender model, and emphasized the significant impact of the Convention on the development of national legislation and measures to promote the status of women. Finland was committed to strengthening the Convention and accordingly had signed its Optional Protocol on 10 December 1999, the date it had been opened for signature, and had ratified it in December 2000.

281. The representative indicated that Finland had been the first country in the world to give women full political rights, that is, the first country that gave simultaneously both the right to stand for elections and the right for all women to vote. Women were currently represented at all levels of political life, with 37 per cent of members of Parliament and 34 per cent of counsellors being women while, for the first time, a woman had been elected President. Thanks to a legislative provision requiring a minimum quota of 40 per cent of both men and women in governmental and municipal bodies, the participation of women had dramatically increased in appointed bodies, especially at the local level.

282. The representative informed the Committee that the economic independence of women was one of the cornerstones of the Nordic idea of equality, and that the participation of women in the labour market was almost as high as that of men, with women being highly educated and generally employed. Women constituted the majority of top professionals in some areas, such as the media and biotechnology, and there were a large number of female university professors. However, gender segregation persisted in other areas of employment, with only 16 per cent of the labour force working in occupations where there was a balanced participation of women and men, and few women occupying higher level public sector posts. Finland had launched a wide-scale strategic project in order to address gender segregation in employment.

283. The representative informed the Committee that the removal of pay inequality was one of the challenges facing the Government, because although preconditions for equality in working life existed, women's wages remained 81 to 85 per cent of those of men. The wage gap had resulted from sex-based job segregation in the labour market, the larger amount of paid overtime work carried out by men and women's greater use of non-paid leave, which had led to a reduction in employment seniority. The representative said that gender wage differentials had narrowed during the 1990s, including as a result of the development and implementation of job-evaluation systems that establish wages in an objective and gender-sensitive manner.

284. The representative noted that the economic recession of the early 1990s had proved the vital

importance of the Nordic welfare system by providing a safety net and ensuring basic protection and services for citizens. The adequate and comprehensive social security system had maintained society's internal cohesion during the difficult employment situation.

285. Turning to violence against women, which was described as a very serious problem in the field of human rights, the representative drew attention to steps taken by Finland at both the national and international levels to address that issue. Pursuant to the Beijing Platform for Action, Finland had addressed violence against women through a project for the prevention of violence against women, a multi-media "zero tolerance" campaign and various studies, including an extensive survey on the victims of violence against women, a study on the costs of violence against women in Finland and a survey on the violence experienced by immigrant women. Several legislative measures to address violence against women had been introduced. They had included the introduction of the Act on Restraining Orders, which entered into force in 1999, and the 1997 Criminal Procedure Act, which provided victims of sexual and domestic violence offences with the right to a legal assistant or support person free of charge during the pre-trial investigation and trial stage. An extension to the scope of the Act on Restraining orders had been proposed under which a family member acting violently towards his or her family members could be evicted from the family home. Steps had also been taken to address trafficking in women and prostitution. A project for the prevention of prostitution had been initiated and the buying of sexual services from persons under 18 years of age had been criminalized. An amendment to the Penal Code allowed for the prosecution of Finnish citizens for sexual offences even when committed abroad, and in December 2000 Finland had signed the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.⁶ An interesting example of the positive change of atmosphere was that the oldest and largest evening paper in Finland had decided not to publish advertisements for sex phone lines.

286. The representative informed the Committee that the number of immigrants was growing rapidly and that the Act on the Integration of Immigrants had entered into force in 1999. The Act harmonized measures taken by authorities and strengthened their mutual cooperation at all levels, including the local level, and aimed to improve and accelerate the integration and employment of immigrants.

287. The representative underlined that the achievement of equality between women and men called for men to participate in the promotion of equality, and that the Government of Finland aimed to provide parents with more opportunities to share parental leave. In that regard, she noted that, in 2000, the Prime Minister of Finland had taken parental leave.

288. In concluding her presentation, the representative of Finland emphasized that mainstreaming a gender perspective in all policies and programmes, a philosophy that underpinned the Beijing Platform for Action, was vital for the achievement of gender equality. She indicated that the tools that had been developed to measure equality, including comparative statistics, indicators and benchmarking, were critical, as they provided new opportunities to choose the right policy tools and make the right political commitments. She noted that the Finnish Act on Equality between Men and Women had been in force for slightly more than 13 years and that its impact was currently being

⁶ General Assembly resolution 55/25, annex II.

assessed and proposals for its amendment were being made. It was hoped that those proposals, which included the extension of provisions on expanding the notion of sexual harassment to encompass educational institutions, would result in legislation that would prevent discrimination on the basis of sex and provide stronger remedies and protection to those who had suffered from its effects.

(b) Concluding comments of the Committee

Introduction

289. The Committee expresses its appreciation to the Government of Finland on its third and fourth periodic reports, which comply with the guidelines for the preparation of periodic reports. It commends the Government for involving non-governmental organizations in the preparation of the reports. The Committee also expresses its appreciation for the extensive information provided in response to the issues raised by the pre-session working group and in the oral presentation.

290. The Committee commends the Government of Finland for its large delegation, which enabled a constructive and frank dialogue with the members of the Committee.

Positive aspects

291. The Committee commends the Government of Finland for having been one of the first States Parties to the Convention to sign and ratify its Optional Protocol, and to accept the amendment to article 20, paragraph 1.

292. The Committee also commends the Government for placing objections to those reservations that are incompatible with the object and purpose of the Convention.

293. The Committee congratulates the Government of Finland for its important achievements in the promotion of equality between women and men.

294. The Committee commends the Government of Finland for the positive changes in the Finnish Constitution that entered into force on 1 March 2000, which, inter alia, provide that, in case of conflicting legislation, fundamental rights, including women's right to equality, shall prevail, and explicitly provide for temporary special measures.

295. The Committee also commends the Government for its ongoing efforts to combat violence against women, in particular domestic violence. It welcomes the Act on Restraining Orders, which entered into force in 1999.

Factors and difficulties affecting implementation of the Convention

296. The Committee notes that there are no significant factors or difficulties that prevent the effective implementation of the Convention in Finland.

Principal areas of concerns and recommendations

297. While acknowledging the efforts undertaken by the Government in solving the problem of discrimination faced by women in the workplace through the Equality Act, the Committee expresses its concern over continuing discrimination in employment. In particular, the Committee is concerned about the wage gap that exists between women and men owing primarily to the “horizontal” and “vertical” gender segregation of the labour market.

298. The Committee urges the Government to increase its efforts to eliminate stereotypes in women’s education as well as biased perceptions in job evaluations and pay relating to traditional areas of employment for women. In particular, it recommends efforts to encourage cross-vocational training in typical female and male-dominated areas, and to address the issue of the negative impact on women of policies of time-fixed contracts. The Committee also urges the Government to increase incentives for men to use their rights to parental leave and to set up stronger monitoring mechanisms for the plans under the Equality Act.

299. The Committee expresses its concern about the low percentage of women in high-ranking posts in many areas, particularly in academia, where the presence of women has been declining as they move up the academic ladder and where they currently hold only 18.4 per cent of professorships. The Committee is concerned that the current system of hiring professors by invitation instead of open competition places women at a disadvantage.

300. The Committee urges the Government to make efforts to facilitate an increase in the number of women in high-ranking posts. It recommends the adoption of proactive measures to encourage more women to apply for high-ranking posts and to implement temporary special measures, such as quotas, where necessary. The Committee also urges the mainstreaming of gender studies in all areas of education as a way to raise the awareness of students of all disciplines to gender issues. Such mainstreaming should be in addition to promotion of specific gender study and research programmes.

301. The Committee expresses its concern about the high incidence of violence against women in Finland. It notes that a recent survey conducted by Statistics Finland in cooperation with the Council for Equality revealed that 40 per cent of women had experienced physical or sexual violence or the threat thereof. The Committee also expresses its concern about the high level of sexual harassment in the workplace.

302. The Committee urges the Government to increase its efforts to implement effectively the current policies aimed at combatting violence, to pay more attention to prevention efforts and to take steps to turn the “zero-tolerance” campaign into a legally binding State policy. The Committee also urges the Government to implement all necessary measures in order to empower individuals and non-governmental organizations to take action with regard to sexual harassment.

303. Notwithstanding the extensive measures already undertaken by the Government, the Committee expresses its concern at the increased incidence of trafficking in women and exploitation of prostitution of women.

304. The Committee urges the Government to intensify its efforts to increase cooperation between national and international authorities, particularly from the Russian Federation and the Baltic States,

in order to encourage common action to prevent and combat trafficking and to use the Internet in order to disseminate information on the Government's actions against trafficking. The Committee also urges the Government to encourage a positive change of atmosphere regarding sex phone lines as they run counter to the efforts being made to portray women positively, and not as "sex objects", in the media.

305. The Committee expresses its concern at the continuing discrimination against immigrant and minority women living in Finland, particularly Roma and Sami women, who suffer from double discrimination, based on both their sex and ethnic background.

306. The Committee urges the Government to undertake studies on the participation of minority women in society and to take effective measures to eliminate discrimination against them and strengthen efforts to combat racism and xenophobia in Finland.

307. The Committee expresses its concern that the policy of decentralization may have a more negative impact on women than men.

308. The Committee recommends that the Government introduce a gender-impact analysis as well as gender-sensitive training in all its decentralization efforts, while strengthening the links between the central authority and the municipalities so that gains made through centrally administered programmes will not be lost during the transition to decentralization.

309. The Committee expresses its concern about the increase in smoking and in the use of drugs among young people, particularly girls, and urges the Government to intensify its efforts aimed at combatting the use and supply of drugs and smoking.

310. The Committee requests the Government to respond to the specific issues raised in the present concluding comments in its next periodic report.

311. The Committee also requests the Government to disseminate widely in Finland the present concluding comments and to support their public discussion, in order to make politicians and government administrators, women's non-governmental organizations and the public at large aware of the steps required to ensure de jure and de facto equality for women. It further requests the Government to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the results of the twenty-third special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century".