



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of  
Discrimination against Women**

**Consideration of reports submitted by States parties under  
article 18 of the Convention on the Elimination of All Forms  
of Discrimination against Women**

**Sixth periodic report of States parties**

**Finland\***

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\* The present report is being issued without formal editing.  
For the initial report submitted by the Government of Finland, see CEDAW/C/5/Add.56 , which was considered by the Committee at its eighth session. For the second periodic report, see CEDAW/C/FIN/2 , which was considered by the Committee at its fourteenth session. For the third periodic report, see CEDAW/C/FIN/3 , which was considered by the Committee at its twenty-fourth session. For the fourth periodic report, see CEDAW/C/FIN/4 , which was considered by the Committee at its twenty-fourth session. For the fifth periodic report, see CEDAW/C/FIN/5.

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Note by the Secretariat: Appendices to the report will be made available to Committee members in the language in which they were received.

## Preface

The United Nations Convention on the Elimination of All Forms of Discrimination against Women was adopted in 1979. Finland has been a Party to the Convention since 1986 (SopS 67-68/1986).

The present document is the Sixth Periodic Report of the Government of Finland and on the Implementation of the Convention on the Elimination of All Forms of Discrimination against Women. This Report covers the period October 2003 - September 2007. The previous Report was submitted in February 2004.

This Report has been prepared by the Ministry for Foreign Affairs, Unit for Human Rights Courts and Conventions, in cooperation with several other Ministries and authorities. Non-governmental organisations were also requested to submit a written statement for the preparation of the Report. In September 2007, a hearing was also organised in order to offer authorities, non-governmental organisations, trade unions and advisory boards an opportunity to present their comments and views on the draft report.

The Report was submitted to the Secretary-General of the United Nations in November 2007.

Further information on human rights conventions and the periodic reporting related to the monitoring of their implementation may be requested at the Unit for Human Rights Courts and Conventions of the Legal Department of the Ministry for Foreign Affairs.

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## Article 1

*For the purposes of the present Convention, the term “discrimination against women” shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.*

## Article 2

*States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:*

- a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;*
- b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;*
- c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;*
- d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;*
- e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;*
- f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;*
- g) To repeal all national penal provisions which constitute discrimination against women.*

## **1. Legislation**

### **1.1. Reform of the Act on Equality between Women and Men**

1. The Act on Equality between Women and Men (609/1986, hereafter Act on Equality) entered into force on 1 January 1987. The second comprehensive reform of the Act on Equality entered into force on 1 June 2005 (15.4.2005/232; HE 1959/2004).<sup>1</sup>
2. The reason for the reform was, that it was necessary to harmonize the Act with the provisions on equality laid down in the Treaty establishing the European Community and with the Equal Treatment Directive as amended in 2002<sup>2</sup>, the Directive on the Burden of Proof<sup>3</sup> and the Directive on parental leave<sup>4</sup> and with the decisions of the European Court of Justice. The purpose of the reform was necessary also in order for the Act to comply with the records concerning equality written down in the Finnish Government Programme 2003 -2007, to conform to other legislative amendments, and to meet the requirement to improve the practice of applying and monitoring the Act. In the preparation of the legislative proposal, the evolution of the legislation concerning equality in the Nordic countries was also taken into consideration.
3. The reform of the Act on Equality of 2005 the obligation of public authorities to promote equality in all of their activities was emphasized by the implementation of the principle of mainstreaming.

<sup>1</sup> See appendix: The Act on Equality between Women and Men 2005; Ministry of Social Affairs and Health 2005:2.

<sup>2</sup> Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002 amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions.

<sup>3</sup> Council Directive 97/80/EC of 15 December 1997 on the burden of proof in cases of discrimination based on sex.

<sup>4</sup> Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC.

4. The general prohibition of discrimination was supplemented and made more precise. The definitions of direct and indirect discrimination were included in the general prohibition, and harassment was defined as discrimination. According to the Act on Equality, harassment covers, in addition to sexual harassment, harassment based on gender even if the act in question in itself were not sexual in nature. An order or instruction to discriminate is also defined as discrimination.
5. The specific prohibition of discrimination in working life was made more precise, and provisions on countermeasures and the obligation of the employer to oversee that harassment is eliminated were clarified. Prohibitions of discrimination in educational establishments and interest groups, which fall under the compensation procedure, were included to the Act.
6. For situations referred to by the specific prohibitions of discrimination, a separate provision on the burden of proof was added to the Act. According to the provision, if a person considers that she/he has been a victim of discrimination and presents a matter referred to in the Act to a court of law or to a competent authority and the facts give cause to believe that the matter is one of gender discrimination, the defendant must prove that there has been no violation of the equality between women and men but that the action was for an acceptable reason and not due to gender. The provision does not, however, apply to the consideration of criminal cases.
7. The provisions on discrimination taking place in working life were extended so that what is provided for employers, applies correspondingly to a company that leases workers from another company when it uses authority in its capacity of employer. Where appropriate, provisions concerning employers also apply to a commissioner of a legal relationship comparable to any other type of employment relationship.
8. The maximum amount of compensation was repealed except in situations of hiring employees, and the scope of application of the compensation procedure was extended to educational establishments in general excepting those that provide basic education. In addition to an employer, educational establishments and interest groups are also obligated to pay compensation for breaching the prohibition of discrimination. Receiving compensation does not prevent the offended person from demanding compensation for financial damage, too in accordance with Tort Liability Act or another Act. The obligation of the employer to promote equality was made more precise in the Act on Equality by stating that preventing discrimination in advance is also considered promoting equality.
9. One of the most important amendments of the reform of the Act on Equality is that it consolidated the equality planning obligation and made it more precise. According to the Act, if the number of the staff in an employment relationship with the employer exceeds 30 employees on a regular basis, the employer must draw up an equality plan every year and implement measures promoting equality accordingly. The minimum requirements for the contents of the plan are laid down in the Act. A review containing the salaries paid for each job must among others be included in the equality plan.
10. The Equality Board may obligate an employer to draw up an equality plan, under penalty of a fine, who has failed to meet his obligation to draw up such a plan within a set period of time. The

Ombudsman for Equality may refer the matter concerning the obligation and penalty to the Board to be considered if the employer has not, regardless of the request of the Ombudsman, drawn up a plan within a reasonable period of time provided.<sup>5</sup>

## 1.2. Legislation on non-discrimination

11. The Non-Discrimination Act (21/2004) came into force on 1 February 2004, implementing the Council Directive (2000/43/EC) implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and the Council Directive (2000/78/EC) establishing a general framework for equal treatment in employment and occupation.

12. On 25 January 2007, the Ministry of Justice set up a Committee with the task of reforming the Finnish legislation on non-discrimination. In addition to the Non-Discrimination Act, the task of the Committee is to find out if there is a need to amend provisions concerning non-discrimination, equality and discrimination included in other Acts as well. In connection with the reform, where needed, the position, duties and competences of the current discrimination authorities, namely the Ombudsman for Minorities and the Ombudsman for Equality would be updated. The Committee should submit a preliminary report on the scope of the reform required and the options for the reform by 31 January 2008 as well as its proposal for the reform of the legislation on non-discrimination by 31 January 2009, but on account of the work that the Committee has been able to do so far, it seems that a prolongation for its term is needed until the autumn of 2009.

## 1.3. Supervising the implementation of the Act on Equality

13. The reform of the Act on Equality created new duties to the Ombudsman for Equality because the supervising of the Act involved the extension of the material dimension and a larger range of persons involved. The obligation to supervise equality planning in workplaces and educational establishments alone covers estimated 5000-6000 workplaces and over 1000 educational establishments. As regards the effective monitoring of the Act, a considerable problem is that in consequence of the reform of the Act only one new post was established for the function of Ombudsman for Equality. All in all, the Office of the Ombudsman for Equality has 10,5 posts, and their number is not sufficient for the effective supervising of the Act concerning working life and other areas of societal life, nor for the carrying out of the task of actively promoting equality, part of the duties of the Ombudsman as well.

## 2. Minority groups

14. The Committee has expressed, in its conclusions delivered based on the previous periodic reports, 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.

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<sup>5</sup> See appendix: Gender Equality Planning at Workplaces; Ministry of Social Affairs and Health 2005:6.



## 2.1. Roma women

15. According to the views of the Advisory Board on Romani Affairs, the living conditions of the Roma population and equality issues respectively have been regularly improved in Finland in the last few years. This becomes evident, first of all, when the development of legislation and the consolidating and allocation of resources to institutions in the activities of which the Roma participate are considered. The Non-Discrimination Act that entered into force in 2004 obligates public authorities to draw up a non-discrimination plan, which, according to the Board, is an active means of increasing the access of the Romani to services and their status as equals.

16. According to the view of the Advisory Board on Romani Affairs, regardless of the reformed and amended legislation, Roma women still encounter discrimination in the labour market and as regards access to services in the private sector. The national costume of Roma women, in particular, may bring about situations of discrimination. On the other hand, Roma women are more aware of their rights than before. As far as employment opportunities are concerned, it is the low educational level of Romani women that poses the main problem according to the Advisory Board on Romani Affairs.

17. The Annual Report of the Ombudsman for Minorities 2005 pays attention to the housing problems encountered by the Romani, involving which 70 cases were pending at the Office of the Ombudsman in 2005. Quite often, cases reported to the Ombudsman concerned single mothers and their children having financial and other daily problems related to housing as well as evictions and homelessness. The circumstances of Romani women were also interlinked with the situation of their children. As regards the possibilities of the children attending school, the unstable living conditions put them at a disadvantage.

18. Generally speaking, the Finnish network of support and services provides good assistance to Roma women as well. For example, the services available at mother and baby clinics, the maternity allowance, study grants etc. are benefits targeted at the entire population in practice, too, maintaining the basic income level of each and everyone in every situation encountered in life.

19. The level of unemployment of Roma women is higher than that of the main population. The situation, according to the Advisory Board on Romani Affairs, does not depend directly on the general economic and employment situation of the country, but it also depends on attitudes and the generally low educational level of the Roma. However, good progress is discernible, and, young women and girls in particular, make more efforts than earlier to attend complementary and adult education. As regards adult students, arranging for day care for the children and subsistence poses a problem during their studies. The Ministry of Labour has launched a study into the employment situation of the Roma. The study is scheduled to be completed at the end of 2007.

20. Arranging for day care for the children is a key condition for women to work. In the field of social affairs and health, developing services for the Roma is the most closely connected to the pre-primary education of Roma children. In the new core curriculum for pre-primary education 2003 (National Research and Development Centre for Welfare and Health, Stakes, guides 26), it is the first time that the needs of Romani children have been taken into consideration as a group with a language

and culture of its own. In addition, municipalities have been invited to apply for project financing for the development of services directed to linguistic and cultural minorities out of a development programme launched in 2003 by the social affairs sector. During the years 2004 - 2005, in fact, three pre-primary education projects for Romani children were launched. The objective of the projects has been to increase the rather low level of participation of Romani children in pre-primary and primary education.

21. As to the civic activities of the Roma population in Finland, it is remarkable that Roma women are active in organizational activities. In 2006, the first two Roma women's organisations in Finland were founded in Finland, one of them, Christian Romani women's association Kromanary which is a nation-wide women's organisation, and the Association of Romani Women in Jyväskylä, a local organisation. Furthermore, Fintiko Romano Forum, or the Finnish Romani Forum was founded quite recently, on 24 March 2007.

## 2.2. Immigrant women

22. Monika- Naiset liitto ry, a Multicultural Women's Association, is an organisation founded in 1998 that aims to promote the position of immigrant women in Finland. The Association offers and develops services intended for immigrant women and children who have been victims of partner or close relationship violence, it aims at preventing the exclusion of immigrant women while supporting their integration in the Finnish society. Their integration is also supported by cooperation with other organisations. The Association operates as an umbrella organisation for immigrant women's organisations in Finland, and it has 14 organisations operating nation-wide as members.

23. In its statement submitted for this Periodic Report, Monika- Naiset liitto ry has highlighted that it is difficult to get a job in Finland without proficiency in Finnish. If women cannot have access to active working life, her welfare and the welfare of her family will suffer from it. This will have an impact, in particular, on the children and minors. According to the view of Monika -naiset liitto ry the income of immigrants are two-thirds lower than that of the main population. According to studies, immigrant women are in the most vulnerable position in the labour market and they also are the first to be gotten rid of when the situation in the market gets worse.

24. In its statement submitted for this Periodic Report, the UNIFEM Finland (the National Committee for UNIFEM in Finland) has brought out that in Finland there are immigrant women who are completely illiterate even in their mother tongue - and this makes it even more challenging for them to learn Finnish and, consequently, to get integrated into the Finnish society and to take advantage of services offered in Finland.

## 2.3. Women with disabilities

25. In May 2006, the Government submitted its first Report on the Policy Concerning the Disabled to the Parliament.<sup>6</sup>

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<sup>6</sup> Government Report on the policy concerning the disabled 2006. Helsinki 2006. (Ministry of Social Affairs and Health 2006:9)

26. As a part of the Report on the Policy, the National Council on Disability made a study<sup>7</sup> in which it surveyed the views of the organisations for the disabled operating in Finland. 80 % of the organisations that responded to the survey stated that there had been a change for the better in the general attitudes towards the disabled and disability. Nevertheless, people still have a stereotypic and homogeneous idea of the persons with disabilities. They are all regarded as the same, without differences as far as different categories, sexes or individual characteristics are concerned. Generally speaking, there prevails an impression of a disabled woman as being first, disabled, and second, a woman.

27. The Report on the Policy Concerning the persons with disabilities stressed the right of a person with disability to be treated as an equal, participate in activities and enjoy necessary supportive measures. A woman with disability has the right to study, work, have an income, family life and hobbies. A woman with disability must be entitled to express herself as a full member of society.

28. The Ministry of Social Affairs and Health has surveyed the mainstreaming of the gender perspective into the Finnish State Administration.<sup>8</sup> Taking the female perspective into account in the production of statistics and information is still insufficient. Very little information exists on women with disabilities in particular.

29. A seminar under the theme “Women with disabilities shall be visible in all arenas” was the most important event for Finnish disabled women organised within the framework of the European Year of the Disabled People 2003. The event was organised by the Finnish Association of People with Mobility Disabilities (Invalidiliitto ry), the Threshold Association (Kynnys ry), the Finnish Federation of the Visually Impaired (Näkövammaisten Keskusliitto ry), the Finnish MS Society (Suomen MS -liitto ry), the Finnish Federation of the Hard of Hearing (Kuulonhuoltoliitto), Suomen Reumaliitto ry (the Finnish arthritis association) and the National Council on Disability. A women’s network of the organisations for the disabled was created based on the work of the seminar. The network has 14 different bodies including the central organisations for sensory, mental, brain-damage and physical disabilities as well as the National Council on Disability, Suomen vammaisfoorumi ry (the Finnish forum of the disabled) and Vammaisten maahanmuuttajien tukikeskus (the support centre of immigrants with disabilities). The central goal of the network is to become mainstreamed into the women’s organisation sector. The first task undertaken by the network was to draw up a specific goal programme for women with disabilities. An event for the publication of the goal programme was held under the theme “I am essentially a woman” at the Parliament on the International Women’s Day in 2006.

### Article 3

*States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and*

<sup>7</sup> Background material for the Government Report on the policy concerning the persons with disabilities ; Ministry of Social Affairs and Health 2006:23 .

<sup>8</sup> Mainstreaming the gender equality perspective in Government Administration in Finland; Ministry of Social Affairs and Health 2006:77.

*advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.*

### **1. The Government Programme 2003-2007**

30. The Government Programme of the First Government (2003 -2007) of Prime Minister Matti Vanhanen contained a record amount of objectives aiming at promoting equality. The Government was committed to preparing a national action programme to implement equality stating that the promotion of gender equality was the responsibility of the entire Government. Based on the foci of the Government Programme and the Beijing Platform for Action, the Government constructed a National Action Plan to Implement Equality containing nearly one hundred measures aiming at promoting equality. At the preparatory stage of the Plan, two occasions were organised for hearing non-governmental organisations, and a Draft Plan was sent out for a round of statements. In December 2004, the Plan was adopted by the Government as a decision in principle of the Council of State. Measures laid down in the Plan were implemented during 2003-2007.

31. The National Action Plan to Implement Equality of the Government was quite extensive due to the strong goals set for equality by the Government Programme. The final assessment of its outcomes proved that the majority of the measures of the equality plan got realised, some of them also generating further measures. The National Action Plan to Implement Equality of the Government was quite extensive due to the strong goals set for equality by the Government Programme. The final assessment of its outcomes proved that the majority of the measures of the equality plan got realised, some of them also generating further measures. The joint working group of the Ministries on equality plan strengthened cross-administrative cooperation in carrying out of the Government programme to implement equality and in mainstreaming of the equality perspective. The organisation of relevant equality issues was proceeded to by the Ministries.

32. The measures provided by the National Action Plan to Implement Equality for increasing the number of women in the boards of directors of State-owned corporations and companies partly owned by the State increased the share of women nominated members of company boards to 40 % on average. During the term of the Government, a tripartite programme for equal pay for work of equal value was launched in cooperation with central labour market organizations and the conditions for women's entrepreneurship were strengthened.

33. Expenses for employees' family leaves incurred by the employer were increasingly levelled out. Reconciling work and family life was facilitated, for instance, by organising afternoon care for children attending the primary classes, by extending the right of a parent to stay home provisionally to take care of a sick child to cover parents not living in the same household with the child, by improving the family leave rights of adoptive parents, and by prolonging the right of the parents of children with disabilities to a partial child-care leave.

34. A new perspective, namely the theme “men and equality”, was brought into the dialogue on equality policy. To improve mainstreaming, the working group on the Programme to implement equality strived to interact with the Policy Programmes of the Government, but in this respect the results were poor.

## **2. The Government Programme 2007-2011**

35. The Government Programme (published on 16 April 2007) of the Second Government of Prime Minister Matti Vanhanen contains a specific subchapter entitled “Improving equality between women and men”. The Programme states that gender equality is a central value in the Finnish society and that the entire Government commits itself to promoting equality in all decision-making. The tripartite programme for the implementation of the principle of equal pay for work of equal value launched during the term of the previous Government will be pursued with the goal of clearly reducing the disparities in salaries based on gender during the term of the Government.

36. It has been recorded in the Government Programme that the Government will promote the careers of women and female leadership and alleviate the division of the labour market according to gender. Reconciling work with family life will be promoted in all decision-making, and fathers will be encouraged to take increasingly advantage of their right to a family leave. The paternity leave will be pro-longed by two weeks.

37. It is also stated in the Government Programme, that “The Government will ensure that the gender perspective will be mainstreamed in the law-drafting, the budget-making process and other important projects starting from their very first stages. The Ministries will organise training in order to promote the matter”. In pre-primary education and in teacher education, gender awareness will be given more focus. The gender perspective will also be included in social and health services and the narrowing of the gap in health. The conditions and resources for the activities of public authorities and women’s organisations implementing gender equality will be strengthened.

38. Moreover, the Government will submit a report on the equality between women and men to the Parliament during the electoral period. The Government will contribute to support the activities of the labour market organisations for the promotion of gender equality and equal pay. The Government is ready to support, by means of an increased Government transfer to municipalities, a salary agreement in the municipal sector that aims at promoting the competitiveness of the salaries paid in predominantly female sectors.

## **3. Mainstreaming gender equality into the Finnish State Administration**

39. Finland committed itself to the mainstreaming of the gender perspective into the Finnish State Administration as it signed the United Nations Beijing Platform for Action in 1995 and became a member of the European Union, the mainstreaming of gender equality is required by the Treaty establishing the European Community.

40. The objective of mainstreaming equality in to State Administration is to create a administrative and operational procedures that support the promotion of equality as part of the normal procedures of the Ministries and authorities. Politically, the role of mainstreaming has become much stronger ever since it was officially recorded, in addition to international norms, in the Act on Equality, the Government Programme and the National Action Programme to Implement Equality.

41. Currently, the structure containing the actors involved in the mainstreaming of the gender perspective covers all the Ministries in Finland. Mainstreaming was implemented both by the inter-ministerial Monitoring Group of the Government Programme to Implement Gender Equality in 2003 - 2007 and the working groups on equality in the Ministries. What is more, the Ministries have their own equality contact persons.

42. The first measure taken up for mainstreaming equality involved the gender impact assessment of existing legislation. In 2004 the Ministry of Social Affairs and Health prepared a guide for civil servants in the Council of State for the assessment of the impacts of legislation on the sexes. According to the instructions for drafting Government Bills delivered by the Ministry of Justice, the need to assess gender impacts must be evaluated as the first steps of the preparation of a law, and an evaluation must be made where necessary. Starting from 2004, the Ministries have also cooperated to organise training in mainstreaming and the gender impact assessment.

43. The Ministries cooperate in the framework of policy and other programmes under each Ministry by taking gender equality issues into consideration. The gender perspective has also been taken into account in a number of individual projects and programmes considered to have relevance to gender equality. The Ministry of Social Affairs and Health and the Ministry of Finance have made joint efforts to develop gender-conscious budgeting. The State Budget 2008 has been prepared in accordance with the new instructions that take the gender perspective into account. The gender impact assessment is carried out in connection with the preparation of Government Bills and other projects. The gender perspective has been integrated into performance counselling, too. The production of statistics and data has been developed from the gender perspective.

#### **4. The Gender Barometer 2004**

44. The Third Finnish Gender Barometer<sup>9</sup> completed by Statistics Finland was published in 2004. The previous ones had been published in 1998 and 2001. A barometer is a document that uses evaluations, attitudes and the personal experiences of men and women to study the division of work and power relations between the genders and their acceptability in the prevailing societal situation. A comparison of results from different times provides information on continuations and breaks in the mutual relations between the genders. The topics studied in the barometer broadly reflect the Finnish debate on gender equality. The next Barometer is scheduled to be completed in 2008.

45. According to the Barometer, Finnish women and men largely agree on shared responsibility both for the support of the family and the everyday routines of the home and parenthood. The attitudes

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<sup>9</sup> The Gender Barometer 2004; Ministry of Social Affairs and Health 2004:20 .

reflect the predominance and popularity of the model of the two provider - family in Finland. Despite the attitudes, there were no indications during the period of 1998 -2004 under examination that would have pointed to any changes concerning the fact that women bear a bigger part than men of the responsibility for the daily routines of the family.

46. The Barometer indicates that until 2004 the use of statutory family leave was considered at workplaces more likely to be the right of women rather than that of men. This applies to the private sector in particular and taking family leaves longer than the strict minimum. A change for the better has, however, taken place since the Barometer was published in 2001.

47. During the years 1998 and 2001, women, in particular, had members of the opposite sex in some spheres of their life who fairly often tended to show an arrogant or undermining attitude towards them. By 2004, both women and men have ended up encountering this kind of behaviour by the opposite sex increasingly rarely. Nevertheless, even in 2004, one young woman out of two had reported having experienced sexual harassment by men during the previous two years.

## 5. Finland as an international actor

48. In accordance with the Finnish development policy guidelines and the equality strategy (2003 - 2007) guiding it, Finland supports the realization of women's rights by mainstreaming equality into all projects and activities and by implementing special projects aiming at supporting women's rights and combatting violence against women. Women's rights and equality are also cross-cutting themes of Finnish development cooperation policy operations; equality must be taken into account in all Government activities.

49. Finland is an active supporter of the realisation of women's rights through the strategic use of different development cooperation instruments such as bilateral, multilateral and humanitarian aid, and by providing budget aid, sector-specific support and by giving assistance through non-governmental organisations.

50. In addition to contributing to the general support directed to the operational organisations of the UN, Finland supports the UNIFEM fund of combatting violence against women, the special HIV/AIDS project of the UNAIDS directed to women and the UNFPAN fund for reproductive health.

51. Finland is actively involved in the national implementation of the UN Security Council Resolution 1325 "Women, Peace and Safety". A working group for the preparation of a national action programme was set up in 2007. Further, Finland has funded the hiring of an equality trainer for the Peace Keeping Department of the UN in order to raise the awareness of those involved in peace keeping operations of the importance of respecting the rights of women and girls.

## Article 4

*1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention,*

*but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.*

*2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.*

### **1. The quota provision of the Act on Equality**

52. According to section 4 (2) of the Act on Equality (17.2.1995/206), State committees, commissions, advisory boards and other corresponding bodies as well as municipal bodies with the exception of municipal councils have to have a minimum of at least 40 percent of women and men unless specific reasons demand otherwise.

53. In the 2005 reform (15.4.2005/232) of the Act on Equality, the quota provision was extended to also apply to inter-municipal cooperation bodies. According to Section 4a (15.4.2005/232) of the Act on Equality, if a body or office, institution or a company with the municipality or the State as the major shareholder, has an administrative council, board of directors or some other council of direction or administration consisting of elected officials, the body shall have an equal number of women and men in it, unless specific reasons demand otherwise. Public authorities and all the bodies that are asked to nominate candidates to the organs referred to in the section, shall propose, as far as possible, a woman and a man for each membership.

54. Extending the quota provision to cover, among other things, State-owned companies was considered at the Committee stage, but a decision was made to depart from a programme in which the Ministries increase the share of women among the members of the boards of directors of State-owned companies on a voluntary basis. This procedure was confirmed by the Government's National Action Programme to Implement Gender Equality 2003-2007, requiring State-owned companies or State associate companies to increase the number of women to 40 %. This goal has also been reached.

55. Also the Synod of the Evangelical Lutheran Church of Finland has accepted gender quotas for the administrative and other bodies in the church and the congregations. The gender quotas provided for by the Act on Equality had been in force in respect of the administrative bodies and parochial organs since 1 January 2004. According to the provision, a share of each sex elected to the organs must be at least 40 %. The quota principle applies, inter alia, to parochial councils, parish boards, councils, committees and working groups.

### **Article 5**

*States Parties shall take all appropriate measures:*

*a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;*



*b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.*

## 1. Violence against women

56. In its conclusions submitted based on the previous periodic reports, the CEDAW Committee has expressed its concern about the high incidence of violence against women in Finland. The Committee has also expressed its concern about the high level of sexual harassment in the workplace.

### 1.1. Legislation concerning restraining orders

57. The Act on the Restraining Order (898/1998), was supplemented in the beginning of 2005 so that it would also be applied when the person protected by the order and the person on whom the restraining order has been imposed live in the same household (711/2004). Previously, a restraining order could not be ordered if the parties concerned were living together. The new provisions on the inside-the-family restraining order may also be applied in case the persons live together for reasons other than forming a partner relationship.

58. A person imposed an inside-the-family restraining order should leave the residence and not return. He is not allowed, either, to meet or contact in any way the person protected by the order. It is also prohibited to stalk the person protected. Such an order may also be extended to cover staying in some other given place, the vicinity of the shared home, for instance.

### 1.2. Research on violence directed at women

59. In 1997, a population study - the first in its kind in Finland - entitled "Faith, Hope, Battering" was conducted in view of researching violence directed at the women. It studied violence by men against women, with focus on violence in a partner relationship. The research was conducted as a survey. The Research report contributed to the fact that violence experienced by women emerged as a topic in public dialogue in Finland. The survey was repeated in 2005.<sup>10</sup>

60. According to the results of the study carried out in 2005, violence experienced by women in their adult age has been on a slight increase since 1997. A change has taken place in the structure of violence so that there were slightly fewer incidences of violence in a partner relationship. Instead, violence and threats of violence outside a partnership have become more common. Violence outside the partnership (by an unknown person, an acquaintance, a partner, colleague etc.) has increased. Sexual violence or threatening behaviour experienced outside the partnership has increased by over a 20 % since 1997. Physical violence has not gone up. The women living in a partner relationship, 19,6 % of them have been victims of physical or sexual violence or threats of violence by their present

<sup>10</sup> Piišpa, Minna & Heiskanen, Markku & Kääriäinen, Juha & Sirén, Reino (2006). Naisiin kohdistuva väkivalta (violence against women) 2005. Publications of the National Research Institute of Legal Policy 225 and HEUNI Publication series No. 51. Helsinki. The publication is available on the Internet at [www.optula.om.fi](http://www.optula.om.fi).

spouse (22,2 % in 1997). Women having been married or cohabited with someone, 49 % of them have been victims of the violence or threats by their former spouse (49,9 % in 1997).

61. According to the death cause statistics by Statistics Finland, the number of women's violent deaths has decreased in recent years. According to these statistics, the annual figures for women killed in Finland during the past ten years have varied from 29 to 53. Both in 2004 and 2005, the number of the violent deaths of women was 30. The general level of occurrences of homicides is high in Finland. This is evident when considering that in proportion to the number of the population, more women are killed in Finland than in any other European country. On the other hand, in comparison with the other countries, lethal violence is more often directed to men than to women in Finland. The 2006 death cause statistics will be published on 5 November 2007.

62. The number of rapes having led to charges has increased due to the reform of the penal provisions on sexual crimes carried out in 1999 when rape was criminalised under official charges. In 1999-2003, charges were brought in the case of 15 % on average of the rapes reported to the Police. Sexual offences are typically hidden criminality, and only a small percentage of rapes is reported to the Police. Not many of them make their way to tribunals, either.

63. The increase in the number of incidences of violence against women reported to the Police is at least partly due to the actions of the police having become more effective. The police intervene in situations more effectively, and incidences are recorded by the police more effectively than before. The general public has become more conscious of these offences, too, and readiness to report them has increased. These facts contribute to accounting for the differences in the results of the research prevailing between the results of the above survey and the number of crimes reported to the police. Owing to the fact that people have become readier to report offences to the Police and that the actions of the Police have become more effective, information concerning incidences of violence against women seems to reach the authorities more effectively than before allowing them to control them better and proceed to relevant measures more effectively. This, at any rate, means that the readiness of intervention by the Police has taken a step ahead.

### 1.3. Domestic violence and violence in partner relationships

64. Women experience violence in their close relationships more often than men. Even if the number of the incidences of domestic violence and violence in a partner relationship reported to the Police has increased, the majority of violence against women remains hidden to the Police. Incidences of domestic and partnership violence have increased clearly since 1997.<sup>11</sup>

65. According to the statistics by the Police, domestic violence against women has increased by 47 % from 1997 to 2005, and violence in a partner relationship by 38 %. The Police statistics define domestic violence as violence against persons living at the same address who are family to each other, so the figures cited include other types of domestic violence in addition to violence in partner

<sup>11</sup> Piispa, Minna & Heiskanen, Markku & Kääriäinen, Juha & Sirén, Reino (2006). Naisiin kohdistuva väkivalta (violence against women) 2005. Publications of the National Research Institute of Legal Policy 225 and HEUNI Publication series No. 51. Helsinki. The publication is available on the Internet at [www.optula.om.fi](http://www.optula.om.fi).

relationships. 79 % of all domestic violence and 90 % of violence in partner relationships were directed against women (the average for 1987-2005).<sup>12</sup>

66. According to the data compiled by Statistics Finland, an average number of women killed by domestic violence in the years 2000 -2004 were 23. 17 of these cases on average involved partner relationship violence. In 1995-1999, the corresponding figures were 25 and 20.

#### 1.4. Shelters and safe houses

67. Finnish shelter and safe house services still have lackings. There are no shelters in vast regions in particular in Northern and Eastern Finland. In Finland, there are no so-called easy access support centers, places where victims of violence or those threatened by it can stay for a short period of time. In the training of professionals, identifying violence and intervening in violent situations still have lackings.

68. The Federation of Mother and Child Homes and Shelters in Finland has observed in its statement for this report that the number of homes and vacancies do not correspond to existing need. Around the country, 14 homes or 76 % of all homes are maintained by the member associations of the Federation. Ever since 2002, the Federation has also maintained a shelter home whose contact information has been put on an Internet helpline. Every year, the home offers services to about 26 500 visitors, and their annual number has increased by 10 % annually. In particular, young women and children living on the rural area have been provided with help by the network helpline.

69. The Finnish Association of People with Mobility Disabilities (Invalidiliitto ry) has observed in its statement for this report that a woman with disabilities is about three times more likely to encounter violence during her life than a woman without disabilities. Regardless, shelter homes are not accessible, nor do they have personnel to assist a woman with disability in her daily routines.

70. The Mona Home founded by Monika -Naiset liitto ry, a Multicultural Women's Association, is the first home founded in Finland for immigrant women and children who have been victims of violence. It has operated at a secret address ever since July 2004, offering lodging and special services to women and children coming from different cultures who find themselves in the immediate danger of life due to partner or close relationship violence (e.g. persons under the threat of violence related to honour). The Mona Home offers services in several minority languages. In 2005, the Mona Home lodged 26 women and their 14 children. In 2006, by the end of August, 27 women and 28 children had been lodged at the Home. The women and children who had lived at the Home came from 22 different countries.

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<sup>12</sup> Ibid.

### 1.5. Violence against children

71. In the Conclusions<sup>13</sup> submitted by the UN Committee on the Rights of the Child concerning the Third Periodic Report by the Government of Finland it is observed that violence against children and sexual abuse within families is one of the most serious obstacles to the full implementation of child rights in Finland (Conclusion 31).

72. The number of sexual offences against children recorded in the Police filing system of reported offences totalled about 1000 in 2006. The clearly the most usual designation of the offence was “sexual abuse of a child”. In the majority of cases, girls are victims of sexual crimes, and 14 -year-old girls were the victims of sexual offences in over 200 cases in 2006. Based on the figures, sexual crime seems therefore to be a clearly gender-specific phenomenon.<sup>14</sup>

73. As far other types of violence are concerned, the situation is reversed; boys are victims of violence other than sexual abuse somewhat more than girls. In the light of surveys, the differences in the violence experienced by girls and boys seem divided into two categories. When considering violence without defining the actor, it seems that boys are victims of violence more often than girls. This concerns mainly violence by other young people. When asked about violence by their parents, more girls than boys state having been faced by it.<sup>15</sup>

### 1.6. Preventing violence against women

74. Preventing violence against women has been the goal of both the Government Programme and a number of action programmes of the Administration aiming at preventing and reducing violence; the domestic security programme of the Ministry of the Interior, the National Programme for reducing violence of the Ministry of Justice and the Action Programme of the Ministry of Social Affairs and Health for preventing domestic violence and intimate partner violence. The national action programme of the Government to implement equality contains several headings with the goal of preventing violence in partner relationships and against women and combatting prostitution.

75. Reducing violence against women has an important position in the decision of principle adopted by the Government on 14 December 2006 as the national programme for the reduction of violence. According to the decision, violence against women will be reduced by improving capacities to interfere with it, to provide support and facilitate access to assistance. It will be made easier for the victim to bring up violence, the actors will be made responsible for their deeds and referred to care. Programmes to make people stop using violence will be better known to the public. Also, cooperation in particular between the social administration and the Police will be improved in order for them to be able to provide rapid help, ensuring the existence of an unbreakable chain of assistance.

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<sup>13</sup> 40th Session of the Committee on the Rights of the Child; CRC/C/15/add.272; 30.9.2005 .

<sup>14</sup> Ellonen - Kivivuori - Kääriäinen: Lapset ja nuoret väkivallan uhreina (Children and young people victims of violence); Police College of Finland: Reports 64/2007; National Research Institute of Legal Policy: Research Reports 80.

<sup>15</sup> Ibid.

76. In health care, in accordance with the decision-in-principle, practices of caring for victims and means of identifying victims of assault will be developed, and the personnel will be trained. In addition, the objective is to create a 24 - hour social services emergency system covering the whole country. Social workers must draw up a service, support and security plan for the victim of violence together with him.

77. According to the decision-of-principle, the aim is to increase the risk of offenders to be caught by improving police investigation and by making it easier for victims to report incidences of violence. The police must help make a security plan for those who feel they face the threat of violence. Security arrangements will be set up for improving safety during meetings taking place under restraining orders, and new technology will be developed for the electronic surveillance of restraining orders. At the regional level, it will be ensured that comprehensive shelter home services will have full coverage and that there is a free 24 hour- phone consultation service available for women victims of violence.

78. Based on the Government Programme, an Action Programme for the prevention of domestic violence and intimate partner violence (2004 -2007) was completed by the Ministry of Social Affairs and Health. Its objective is to create a network for basic, supportive and special services covering the whole country, to make help directed to children and young people experiencing violence more effective, and to step up the professional skills of the personnel whose job it is to deal with cases of violence. The State Provincial Offices are in charge of the implementation of the Action Programme for the prevention of domestic violence and intimate partner violence. To facilitate the activities related to the Programme covering the whole country, the Provincial Offices have set up regional cross - professional groups for the task of developing the activities, and they are made up of the representatives of the authorities and organisations in the region. A separate appropriation has been allocated to the Provinces for the implementation of the Action Programme.

79. The Daphne II programme<sup>16</sup> of EU is a programme the task of which is to prevent and fight against all violence against children, young people and women. Within the framework of Daphne II, nine Finnish projects were adopted in the years 2004-2006. Within this framework, Finland has had the chance, in cooperation with other European countries, to develop and compare different kinds of measures aimed at reducing violence against women.

### 1.7. Immigrant women

80. During recent years, attention has been paid to the partnership violence experienced by immigrant women and to its prevention. Often, immigrants who have been victims of discrimination are not aware of services available for them or their rights. Most immigrants need services in a language other than Finnish or Swedish, many of them in their own mother tongue.

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<sup>16</sup> Decision No 803/2004/EC of the European Parliament and of the Council of 21 April 2004 adopting a programme of Community action (2004 to 2008) to prevent and combat violence against children, young people and women and to protect victims and groups at risk (the Daphne II programme).

81. The police and the Ministry of Justice have brochures in several languages for instance on the restraining order and the rights of a victim. The Ministry of Labour has contributed to the payment of the costs of having the restraining order brochure produced by the Ministry of Justice and the Ministry of the Interior translated into languages spoken by immigrants. The Internet version of the brochure is available in several languages at: <http://www.poliisi.fi/suomi/lahestymiskielto>.

82. The Ministry of Labour has supported projects carried out by a number of organisations aiming at promoting the integration of women, improving their position and rights by participating in the activities of the monitoring groups of the projects and by allocating small financial subsidies for the organisation of training connected to the projects and providing information on them. The Ministry of Labour has also subsidised the translation of brochures drawn up by other sectors of administration into languages spoken by immigrants.

83. In 2004, the Ministry of Labour subsidised a project carried out in 2002- 2004, co-ordinated by the Finnish League for Human Rights, entitled KokoNainen (the Complete Woman) whose objective was to prevent the female genital mutilation of girls and women in Finland and promote the well-being of girls and women who had already been object to the female genital mutilation. As a result of the project, recommendations were created to the personnel in social affairs and health concerning the female genital mutilation of girls. The Ministry of Labour also participates in the monitoring group of the continuation of this project.

84. The Ombudsman for Minorities has acted as a member of the monitoring group of the project Miehen linja (Men's Line).<sup>17</sup> Men's Line is a project targeted at immigrant men the goal of which is to prevent and interfere with incidences of close relationship violence.

85. A nationwide telephone service Naisten Linja (Women's Line) providing guidance and support is an association offering services to immigrant women in different languages in Finland.

86. Monika-Naiset liitto ry (Multinational Women's Association) offers special services in Finland to immigrant women who have been victims of violence. Monika -Naiset maintains a nationwide emergency telephone helpline for people in situations of crises operated 24h/24h. In the absence of funding, it is currently maintained by volunteers. The Association trains volunteer support persons to assist immigrant women and children having faced violence. It has trained about 170 volunteers around Finland. The Association operates as an expert in matters related to violence against immigrant women. These include, for example, honour violence, forced marriages, marriages of children and female genital mutilation. The Association trains organisations and public authorities in matters pertaining to violence against immigrant women. Annually, these operations serve to reach about 2 300- 2 500 immigrant women and children having experienced violence. RAY, Finland's Slot Machine Association and the City of Helsinki are the main bodies providing funding for the operations of the Association. A number of Ministries and foundations also participate in the funding of these operations.

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<sup>17</sup> [www.lyomatonlinja.fi](http://www.lyomatonlinja.fi) .

87. Monika-Naiset liitto ry and the Ministry of Social Affairs and Health have published a guide entitled *Maahanmuuttajanaiset ja väkivalta* - (“Immigrant women and violence”) - a guide to assistance in the sector of social affairs and health. In addition, a telephone service has been set up providing guidance free of charge for girls and women who experience violence or the threat of violence.

88. During 2005-2006, the European Refugee Fund (ERF) funded, inter alia, a project entitled “Supportive Family” (Tukeva Perhe) carried out by the Uusimaa District Office of the non-governmental organisation Mannerheim League for Child Welfare. As a result of the project, efforts were made to increase and update the level of know-how and skills of people in subject areas such as the psycho-social wellbeing of refugee families, the so-called honour violence, female genital mutilation and domestic violence and intimate partner violence. A CD-ROM and an Internet material package were produced, information was provided on the themes cited and the materials completed by persons with a refugee background trained by the project. The material is easily accessible on the Internet and it is a source of information free of charge.

## **2. Sexual harassment and gender-based harassment**

### 2.1. Legislation

89. The reform of the Act Equality between Women and Men carried out in 2005 has been described above, in conjunction with Article 2.

90. According to Section 8 d of the Act on Equality (15. 4. 2005/232), the action of an employer shall be deemed to constitute discrimination prohibited under the Act if upon receiving information that an employee has been a victim of sexual or other gender-based harassment in the workplace, the employer neglects to take the measures available to eliminate the harassment.

### 2.2. Gender-based harassment at the workplace

#### Police organisation

91. In the public sector, the gender-based segregation of the labour market relates to the profession of the police in particular. Women represent a distinct minority in the profession; in 2006, the share of female officers of the police force was 11 %. According to a study on gender equality (1) conducted by the Police College in Finland and the Finnish Institute of Occupational Health, more than a third of female officers have been confronted with sexist language in their work community and one fifth have been victims of sexual harassment. In fact, sexual harassment is more common in the Police than in work life on average.

92. The National Equality Plan of the Police 2006-2009 takes a stance on sexual harassment within the Police Organisation. This document completed in October 2006 is a framework document that includes both short and long term plans for implementing equality which will be made into concrete performance goals at the regional and local levels of police administration. Working for the Police

presupposes stressing the importance of taking good manners into account. Colleagues, immediate superiors in particular must interfere with incidences of offending language being used in the working community. Sexual harassment especially by colleagues, superiors or subordinates is a serious matter not to be approved of. It must be interfered with immediately. Any person victim of harassment must report it right away.

### Ordination of women

93. In the Evangelical Lutheran Church it has been possible to ordain women since 1986. In 2006, 34 % persons working in pastoral work were women. Women still encounter gender-based problems and outright discrimination in pastoral work. According to a study<sup>18</sup> commissioned by the Research Centre of the Church (Kirkon tutkimuskeskus), women in pastoral work have encountered negative attitudes, inter alia, of having been regarded as insignificant, being ignored or having the value of their work questioned.

94. According to a survey carried out by a working group set up by the Episcopal Conference, about 13 % of men working in pastoral work do not approve of ordination of women. About 4 % refuse partly to cooperate, most often to conduct a service, and 2-3 % refuse all cooperation with women working in pastoral work. By comparing the survey with previous studies one can see that the number of those who refuse to cooperate is on the decline and that attitudes are becoming more positive. Those who express the strictest opposition hold their ground, and from time to time, conflicts have become acute.

95. In September 2006, the Episcopal Conference submitted a report<sup>19</sup> to the Church Assembly, the church government, the Synod and the congregations providing instructions for dealing with problems arising in the working community brought about by different views in connection of positions being filled. The report refers to the obligations under current legislation concerning all the employees of the Church.

96. Following the submitting of the report, a new stage in the issue of female ordination has been reached. Some men working in pastoral work opposing female ordination have refused to perform some of their functions, in particular to cooperate with women to conduct service. The first incidence of this kind reported has been referred to the Synod in accordance with the order of the Church. Another incident of suspected discrimination against a woman working in pastoral work has proceeded to a pre-trial investigation by the Police.

### **3. The promotion of equality in the media**

97. In its statement submitted for this report, the UNIFEM Finland has expressed its concern about the small amount of gender-specific programmes in the selection of the Finnish Broadcasting

<sup>18</sup> Paula Närhi (2006): Kun alttari erottaa (When the altar sets us apart). Erilaisten pappisvirkaa koskevien näkemysten aiheuttamat ristiriidat Suomen evankelis-luterilaisessa kirkossa. (Conflicts caused by different views on clerical posts in the Evangelical Lutheran Church of Finland). Church Research Institute, Publications 94.

<sup>19</sup> Bishops' Conference, Communication 1/2006, case no. 200301121.



Company LTD (Oy Yleisradio Ab). According to the UNIFEM Finland, the decision made at the end of 2006 by the Broadcasting Company to reduce the number of programmes focusing on specifically female issues is in conflict with the CEDAW and the goals of the Action Programme of the Fourth International Women's Conference of the United Nations held in Beijing in 1995.

98. In its report submitted for this report, NYTKIS ry (Naisjärjestöt yhteistyössä - Kniv -voorganisationer i Samarbete - the Coalition of Finnish Women's Associations for Joint Action) has expressed its concern about the media, advertising and culture becoming more and more pornographic. According to it, public opinion has become more permissive to commercial sex, and sexism is part of the contents of many media considered matter-of-fact. The fact that the visual environment has become more pornographic has an influence on the public way of seeing a woman and a man, and harmful role models are offered to boys and girls in particular. The Coalition considers that the self-regulation of the media and the advertising sector does not prevent the sector from experiencing a change for the worse as regards women's human rights, and that this is why the Act on Equality should be extended to cover discriminative advertising. Furthermore, gender equality should be contained in the formal education of journalists.

99. In his statement for this report, the Ombudsman for Children has expressed his concern about the media and advertising becoming oversexualised which is a factor most probably bound to have an impact on the image of the woman by both girls and boys, and on their self-confidence. The significance of the pressure by the environment comes up, for example, in a Nordic study entitled "Unge, kön och pornografi i Norden" 8 (The young, gender and pornography in the Nordic countries) in which girls say that they have a bad picture of themselves as a result of comparing their own body to pornographic pictures. Problems become acute especially if the child is exposed to the flow of the stimuli by the media and advertisements all by her/himself, without the presence of an adult. According to the results of the study project entitled "Inequal childhood: A Comparative Study in the Nordic Countries" carried out in 2001 - 2004 it is more common for Finnish girls than to other Nordic girls to feel bad about the way they look.

## Article 6

*States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.*

In its statement submitted based on the previous reports, the CEDAW Committee has expressed its concern at the increased incidence of trafficking of women and exploitation of prostitution of women.

### 1. Criminalising the buying of sexual services

100. In a Government Bill (HE 221/2005 vp) submitted on 22 December 2005, the Government proposed that the buying of sexual services should be generally criminalised in all situations in which such services had been bought. As is always the case in the preparatory work for making new penal provisions, in connection with the work done for making the buying of sexual services a punishable offence, the pros and cons of criminalising it had to be discussed in the light of available information.

The deliberation was thoroughly conducted: for instance, the Legal Affairs Committee heard a great number of experts. According to the argumentations presented in the Government Bill, in Sweden a provision corresponding to the penal provision proposed had been considered to bring about harmful effects, too, such as making the investigation of pandering offences more difficult and prostitution going underground.

101. In the Parliamentary proceedings, the strongest criticism was directed at the ambiguity of the proposed penal provision due to the fact that it would cover all situations of buying of sexual services. According to the legality principle of criminal law, essential elements of an offence must be precise and clearly defined. In its statement concerning the proposal (PeVL 17/2006 vp), the Constitutional Law Committee also focused attention on problems related to this.

102. The Constitutional Law Committee also considered that there existed other problems posed by the general penal provision under the Government Bill, regarding, for example, issues pertaining to the proportionality of the provision and the minor significance of the acts.

103. The Legal Affairs Committee asked the Constitutional Law Committee to submit a statement in addition to the proposal included in the Government Bill regarding an alternative according to which the punishability of the offence of buying sexual services would derive from activities related to pandering or trafficking in human beings. According to the Constitutional Law Committee, the said alternative was much more precisely defined than the proposal by the Government, meeting the proportionality requirements better because of targeting only the incontestably reprehensible acts connected to these crimes.

104. In its report (LaVM 10/2006 vp), the Legal Affairs Committee arrived at the decision of making the exploitation of a person victim of sex trade a punishable offence, as came to be provided for by Chapter 20, section 8 (743/2006) of the Penal Code currently in force. The goal of the provision is specifically to eliminate the conditions under which this kind of serious crime could take place.

105. SALLI, the association of the sex sector, has criticised the criminalisation of the buying of sexual services. According to it, the amendments have in no way improved the position or legal protection of women acting or having acted as prostitutes, nor have they made a positive change in the reasons or circumstances that have led to the women being engaged in prostitution. When tribunals deal with cases concerned with pandering of the buying of a sexual service, the problem that is posed is that the prostitute in the position of "victim" is not officially granted the position a victim of a crime nor is she entitled to the protection it entails. Projects aiming at protecting the victim of a crime do not concern prostitutes except in the very rare cases involving the victims of trafficking in human beings. At the same time, the criminalisation connected to prostitution has been made more severe, which has worsened the actual situation of prostitutes called in as witnesses. They cannot receive any kind of compensation or protection on account of the legal proceedings. Instead, they experience pressuring from the part of both the suspects and the authorities.

106. The Coalition of Finnish Women's Associations for Joint Action (NYTKIS), the federation of women's associations (Naisjärjestöjen keskusliitto) and the feminist association Unioni (naisasialiitto

Unioni ry) have also criticised the amendment described above. According to the organisations, the Government Bill (HE 221/2005) was vitiated when the Act that came into force prohibited the buying of sexual services only from victims of pandering or trafficking in human beings, a fact that has proven to be difficult to prove in practice. Therefore, it is very difficult to punish buyers of sex under the Act. The organisations consider that the focus of the issue of prostitution should not be the perspective of people outside the currently marginal prostitution operations organised by criminal leagues, as seems to have been the case in debates in Finland. In Finland, the views of a very small association of people exercising the so-called free offer of sexual services have acquired disproportionate attention and weight both in the media and the work of authorities. This has, according to the organisations, distorted the dialogue pursued in Finland concerning the trafficking in human beings and the sex business connected to it, and contributed to diverting attention away from the type of serious human rights violations that take place within the trade in women and the prostitution connected to it.

## 2. Trafficking in human beings

### 2.1. International obligations

107. Finland has ratified the UN Convention against Transnational Organized Crime (the Palermo Convention, SopS 18-20/2004) and its Additional Protocol Preventing Trafficking in Human Beings on 7 October 2006. Ratification was not considered to require amendments in legislation, since the obligations of criminalisation had been met earlier.

108. On 29 April 2004, the Council of the European Union adopted Directive 2004/81/E C on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities. Due to this directive, the Aliens Act (301/2004) was supplemented by provisions on the residence permit issued to victims of trafficking in human beings.

109. The ratification of the Council of Europe Convention on Action against Trafficking in Human Beings (ETS 197) is being prepared by the Ministry for Foreign Affairs. The main focus of the Convention, however, is on the protection of victims of trafficking in human beings. Finland signed the Convention on 29 August 2006. The national entry into force of the Convention requires legislative measures.

110. On 7 September 2000, Finland signed the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. The Ministry for Foreign Affairs is preparing the entry into force of this Convention, too. The national entry into force of the Convention requires legislative measures.

### 2.2. Legislative amendments

111. As regards trafficking in human beings, the Finnish criminal legislation has been brought to the level required by international obligations. New provisions on trafficking in human beings and aggravated trafficking in human beings were added to the Penal Code in sections 3 and 3a of Chapter

25 (9 July 2004/650, in force on 1 July 2004), which correspond to the criminalisation obligations laid down in the framework decision 2002 of the Council of the European Union and the Additional Protocol Preventing Trafficking in Human Beings (SopS 70 -71/2006) of the Palermo Convention. A person may be sentenced for trafficking in human beings to imprisonment for a minimum of four months and a maximum of six years and for aggravated trafficking in human beings for a minimum of two and a maximum of ten years. Therefore, the offences in question are considered very severe. In addition, the Finnish law also applies, under the new section 7 (2004/650) of Chapter 1 (2004/650) of the Penal Code to an offence of trafficking in human beings committed outside of Finland, regardless of the law of the scene of the crime.

112. Trafficking in human beings is strongly connected to the trade in sexual services and pandering. The goal of human trafficking often lies in the sexual exploitation of the victims. Pandering and aggravated pandering are punishable under section 9 of Chapter 20 (24 July 1998/563) and section 9a of Chapter 20 (9 July 2004/650) of the Penal Code. At the beginning of October 2006, the exploitation of a person victim of the trade in sexual services became punishable under section 8 of Chapter 20 (25. 8. 2006 /743) of the Penal Code which concerns the buying of sexual services from a victim of trafficking in human beings or pandering. According to section 8a of Chapter 20 (25. 8. 2006/743) of the Penal Code, buying sexual services from a young person, that is, a person under 18 years of age, is punishable. Buying and selling sexual services at a public place are punishable under the provisions of the Act on public order.

113. The penal liability of a juristic person has been extended to offences of trafficking in human beings. A fine imposable on a municipality of at most 850 000 may be imposed on a juristic person. Moreover, a juristic person is responsible for any criminal damage caused in its activities.

114. Based on this so-called victims directive, provisions on the residence permit of victims of trafficking in human being and discretionary period in their case have been included in the Aliens Act (301/2004). At the same time, the Act was supplemented by a provision on a so-called discretionary period during which the victims of trafficking in human beings may recover from their experiences and detach themselves from the influence of the criminals. The victim may benefit from the discretionary period to make a decision about starting to cooperate with the authorities to apprehend the suspects of the offence of trafficking in human beings.

115. Ever since the provisions on trafficking in human beings came into force on 1 August 2004, the Police have investigated some suspected cases of human trafficking each year. The first judgment concerning offences of trafficking in human beings was delivered in 2006. The judgment of the District Court was appealed to the Court of Appeal which issued its decision on the matter on 1 March 2007. In the decision, judgments were rendered for four offences of aggravated trafficking in human beings, two offences of pandering and one offence of aiding and abetting in aggravated trafficking in human beings.

116. Five offences of aggravated pandering were reported to the Police in 2006. In 2007, no reports have been made so far. The most severe punishment rendered for aggravated pandering was the five

year sentence to imprisonment in conjunction with the offence of trafficking in human beings mentioned above.

117. One charge has been brought and two reports of an offence have been filed with the Police under section 8 of Chapter 20 of the Penal Code that came into force on 1 October 2006 criminalising the exploitation of a person victim of sex trade. Six attempts at exploitation have been reported to Police.

### 2.3. Other domestic measures

#### The Government Programme

118. According to the new Government Programme, a permanent residence permit is granted to an immigrant who has been a victim of offences against humanity and fundamental rights in order for him or her to be able to ask the authorities for assistance more easily. Funding for organisations engaged in so-called detective work and guidance aiming at identifying those who could be victims of trafficking in human beings is transferred to a budget of State allocations.

#### National Action Plan against Trafficking in Human Beings

119. In the Government report to Parliament on the human rights policy of Finland submitted to the Parliament in March 2004, the Council of State committed itself to drawing up a National Action Plan against Trafficking in Human Beings. In August 2004, the Ministry for Foreign Affairs set up a working group the goal of which was to draft a proposal for the Government for a National Action Plan against Trafficking in Human Beings. In the spring of 2005, the working group completed its work, and the Action Plan was adopted by the Council of State on 25 August 2005. The Plan focuses on assisting victims of human trafficking, and based on it, amendments concerning the assistance of victims have already been made in the Act on the Integration of Immigrants and Reception of Asylum Seekers (493/1999). People suspected to be victims of human trafficking have been included in the system of assistance. A so-called information provision task group has been set up to implement the National Action Plan, in charge of producing information related to human trafficking and disseminating it to the general public, victims of human trafficking and authorities.

120. A group for the monitoring and follow-up of the Action Plan has been set up under the Ministry of Labour. The group has submitted its Action Plan against human trafficking updated within the framework of its term in which it assesses measures already carried out and makes recommendations for further measures. In addition, the Ministry of the Interior has an Action Plan of its own against trafficking in human beings.

### 2.4. International cooperation

121. Enhancing cooperation between authorities has been one of Finland's priorities in the fight against trafficking in human beings. In fact, Finland has actively participated in activities against

human trafficking in the framework of international organisations (UN, EC, OSCE, regional organisations).

122. Finland participated actively in the Nordic-Baltic Task Force against Human trafficking whose work is pursued as part of the activities of the Council of the Baltic Sea States. The first meeting of the new Task Force took place in November 2006 after which it has held meetings on a regular basis.

123. In addition to the Nordic States, also other countries such as Germany, Poland and the Russian Federation participate in the Task Force. In its work against trafficking, the Task Force concentrates on preventive actions and on coordinating victim protection and different supporting actions, including enhancing safe re-returns to the country of origin. The challenge is to identify the weak points of the work against human trafficking in the Baltic Sea States and to fill in the gaps. The cooperation will be more practical than political in nature; it will include for example training of consular and diplomatic staff to identify the victims of human trafficking.

124. During its Presidency of the Council of the European Union in 2007, Finland adopted the monitoring and implementing of the EU action plan to combat trafficking in human beings as one of its focuses. Attention was attached to the implementation of the action plan so that it would produce the greatest possible added value in the fight against human trafficking. For example, at the turn of October-November 2006, a seminar under the theme of the identification of child victims of human trafficking was organised in Helsinki under the Ministry of the Interior as part of the implementation of the plan.

125. Finland has participated actively in the combat against human trafficking, inter alia, within the framework of the Organization for Security and Co-operation in Europe, too. In October 2006, Finland's representative has been appointed the OSCE Special Representative on Combating Trafficking in Human Beings.

## **Article 7**

*States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:*

*a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;*

*b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;*

*c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.*

### **1. Right to vote**

126. In the 2004 municipal elections, the share of female candidates rose by 1,7 % from the previous municipal elections, reaching 39,9 %. Votes for women reached their all-time record; they received 41,

8 % of the votes given, collecting the total of 997 684 votes. Women grew their share of votes by 2, 4 % in comparison with the 2000 municipal elections. The turnout of women in the municipal elections 60, 7 %, which was higher than that of men (56, 4%) in 2004.

127. In the 2007 Parliamentary Elections, 2 004 candidates were put up, out of whom 1205 were men and 799 women, so the share of female candidates was 39,9 %. 84 women were elected to the Parliament, so 42 % of the persons elected were women, a share which was slightly higher than the share of women candidates. The share of women elected was the highest in 1991 (38,5 %), so in these Parliamentary Elections the number represented a record of women elected.

## **2. Composition of the Government**

128. On 19 April 2007, the President of the Republic appointed the Second Government of Prime Minister Matti Vanhanen. The Government was a majority Government composed of the Finnish Centre Party, the National Coalition Party, the Green League of Finland and the Swedish People's Party of Finland. The Government was made up of 20 Ministers.

129. Among the 20 Ministers of the Government, there were 12 women, representing 60 % of the composition of the Government. The Minister of Justice, of the Interior, the Minister of Public Administration and Local Government, the Minister of Education, the Minister of Agriculture and Forestry, the Minister of Transport, of Communications, the Minister of Social Affairs and Health, the Minister of Health and Social Services, the Minister of Labour, the Minister of Migration and European Affairs, and the Minister of the Environment are all women.

## **3. State civil servants**

130. Currently, slightly less than 50 % of the personnel in State administration are women, but the corresponding figure for managerial positions is only one third. The share has remained approximately the same as in 2003. The share of women among the highest ranking officials in State administration has grown slightly from 2003 (from 21, 9 % to 24, 3 % in 2004). The share of women of other groups of superiors is about the same as in 2003, or about 38 %.

## **4. State funding granted to women's organizations**

131. The Government has submitted a legislative proposal on the funding of certain women's organizations by the State (HE 1/2007 vp) to the Parliament. The proposal proposes that an Act be made on the funding of certain women's organizations by the State. An annual appropriation will be provided for in the State budget for the activities of women's organisations referred to in the legislative proposal promoting gender equality and women's active endeavours in society. The Ministry of Education will act as the funding authority. The Act will enter into force on 1 January 2008.

132. So far, the funding the women's organizations referred to in the proposal has solely relied on budget decisions made each year. The initiative for the laying down of official funding by law for the activities of the women's organizations promoting gender equality came from the Parliament.

133. By making State funding a system established by law, it will be possible to ensure the continuation of funding directed to women's organisations the central aim of which is to promote gender equality and, consequently, to safeguard the continuation of their activities better than today. The establishment of the funding system will create a more stable foundation for the organisations than they currently have, so that they will be able to plan their activities with a long-term perspective. This may be considered to promote indirectly the implementation of gender equality and women's possibilities of participating in the activities of society.

## Article 8

*States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.*

134. In its statement, the UNIFEM Finland regards the fact that there has been a clear increase in the number of women chosen for civilian crisis management training as a positive thing. In its opinion, the number of women nominated to high-ranking international posts is still, however, small in sectors other than judicial administration.

135. As to other considerations regarding this Article, the Government refers to its previous periodic reports.

## Article 9

*1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.*

*2. States Parties shall grant women equal rights with men with respect to the nationality of their children.*

136. The Nationality Act (359/2003) entered into force on 1 June 2003. According to the Act, a child acquires Finnish citizenship by birth in all cases if the mother is a Finnish citizen. If the father is a Finnish citizen the child acquires Finnish citizenship by birth if the father is married to the child's mother or if the child is born in Finland and the man's paternity of the child is established. The Finnish citizenship may also be acquired on grounds of the marriage of the parents, upon application or declaration.

137. The Nationality Act ensures equal rights to women and to men to acquire, change or retain their nationality. Marriage with a foreigner or the change of the nationality of the husband during marriage does not automatically change the wife's nationality, make her a stateless person or force her to receive her husband's nationality. One may, however, give up Finnish nationality upon application.



## Article 10

*States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:*

- a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;*
- b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;*
- c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;*
- d) The same opportunities to benefit from scholarships and other study grants;*
- e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;*
- f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;*
- g) The same Opportunities to participate actively in sports and physical education;*
- h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.*

### 1. Equality planning in educational establishments

138. The Act on Equality between Women and Men reformed in 2005 provides that educational establishments are obligated to draw up an equality plan, in cooperation with the staff and students, for promoting gender equality in the establishment. Such a plan is to concern the activities of the establishment (an operational equality plan). In the plan, special attention must be attached to the implementation of gender equality in student selections, organising teaching and assessing study performance and to measures taken to prevent and eliminate sexual and gender-based harassment.

### 2. Specific measures in the area of general education

139. The share of women in education following basic education has increased steadily at different educational levels. In upper secondary education, polytechnics and universities, women account for over 50 % of students and graduates. Women stand for a clear majority in the preparatory education for immigrants.

### The possibilities of the sexes to participate in the same curriculum

140. The national core curricula were renewed at the beginning of the 2000s and implemented in basic education starting from 1 August 2006 and in upper secondary education as early as from 1 August 2005. According to the curricula, education must promote open democracy, equality and wellbeing.

141. According to the national core curriculum for basic education, special education pupils must be taken into account in teaching while promoting gender equality by giving girls and boys capacities to act in society, working life and family life, equipped with equal rights and obligations. The working methods in basic education must be applied by taking into consideration the different learning styles of pupils, the differences between girls and boys and individual differences in the level of development and background of every pupil.

### Special education, health guidance and family planning

142. Health education was chosen as a new compulsory subject matter to be included in the new national core curricula. The contents in the subject matter cover sexual health, knowledge about contraception and responsible sexual behaviour. In upper secondary education, health education also covers parenthood and family life training. According to a study<sup>20</sup> of the Family Federation (Väestöliitto), sex education in schools has been improved and so has the level of knowledge of pupils about sexuality. Especially boys know more about sexuality than before, even if girls still have better knowledge of it.

143. The contents of health education also covers knowledge about the health risks caused by drugs and hallucinative substances and about the reasons behind their use and their consequences. Further, in upper secondary education, drug abuse is given more thorough consideration from the communal, societal and global perspectives.

## **3. Women in the academic world**

144. In its conclusions submitted based on earlier periodic reports, the CEDAW Committee has expressed its concern about the low percentage of women in high-ranking posts in many areas, particularly in academia.

145. In 2004-2006, the share of women of those who had obtained a doctoral degree was 47 % on average each year. The share of women out of the personnel hired by universities by resources from the State budget was almost 36 %, the corresponding figure for professors having been 23 %. The differences between sectors are, however, great: the share of female professors was 52 % in educational sciences, 42 % in humanities, but less than 10 % in technical sciences.

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<sup>20</sup> Kontula, Osmo and Meriläinen, Henna. Koulun seksuaalikasvatus 2000 -luvun Suomessa (Sexual education in schools in Finland in the first decade of the 21st century). Population research center of the Family Federation (Väestöliitto). Reports E26/2007.

146. In its memorandum <sup>21</sup> published in 2004, the Ministry of Education Science and Society working group proposed the following as regards improving gender equality:

- Different kinds of efforts will be made to reach a balance as regards the gender distribution of researchers (funding institutions, universities, research institutions, companies, all sectors of society).
- Universities and higher education polytechnics will launch projects to increase the share of women in professions of the technical sector.
- The study guidance in schools will take into consideration the need to reach a balance in the gender distribution of branches predominantly female or male.

147. A working group on careers in research set up by the Ministry of Education submitted its Memorandum<sup>22</sup> in 2006. The group proposed, inter alia, the following measures to be taken in order to promote women's careers in research:

- All universities, research institutions and companies are to draw up an Equality Plan provided for by the Act on Equality and monitor its implementation regularly.
- Universities, research institutions, companies, the Academy of Finland, the Finnish Funding Agency for Technology and Innovation TEKES<sup>23</sup> and foundations must strive to have their direction, the members and experts of their decision-making bodies learn to identify gender-based discrimination and any distortions in the distribution of genders in recruitment and assessment.
- Mentor programmes are to be directed to female researchers.
- The Ministry of Education is to integrate the implementation of gender equality concerning people pursuing research careers in the performance guidance of universities.

148. In January 2007, based on the Memorandum by the working group and other reports on researcher education and research careers, the Ministry of Education adopted a Programme for Measures to be taken to develop researcher education and careers in research for the period 2007-2011.<sup>24</sup> The central goal of the Programme is to render the conditions of pursuit of a career in research clearer and to strengthen its prerequisites, which, when realised, is bound to contribute to improve the position of female researchers. In addition, according to the Programme, women's careers in research will be fostered in particular and mentoring and management training will be made available to female researchers.

149. The Equality Plan of the Academy of Finland for 2005-2007 is a central component of the science policy strategy of the Academy. When making decisions concerning research posts and funding, it must be seen to that an open and transparent expert procedure is applied in which the merits of female and male candidates are appreciated on an equal and fair basis. The Committees must consistently strive to increase the number of those belonging the sex in minority in respect of nominations for research posts in categories in which the share of those representing the minority is

<sup>21</sup> Memorandum of the Science and Society working group. Working group memoranda and reports of the Ministry of Education 2004:28.

<sup>22</sup> Final Report of the working group on career research. Working group memoranda and reports of the Ministry of Education 2006:13.

<sup>23</sup> The Finnish Funding Agency for Technology and Innovation activates and provides funding for the challenging research and development projects launched by companies, universities, universities of technology and research centers.

<sup>24</sup> Programme of measures for the development of researcher education and research careers for 2007-2011. Ministry of Education 2007:7.

smaller than 40 % of those having a post. The Committees must choose an equal number of women and men as experts of assessment.

#### 4. Voluntary national defence

The possibilities of men who have not yet carried out military service and women to participate in national defence are intended to be improved in the new Act on Voluntary National Defence (556/2007) that will enter into force at the beginning of 2008. Women will be offered the possibility of participating in voluntary exercises in the Defence Forces and engaging in tasks of assistance. They may be given preparedness tasks, placed in the Reserves and in the wartime troops of the Defence Forces.

150. The same type of financial and social benefits is provided for women participating in voluntary activities as conscripts are entitled to under the Conscription Act. Women participating in the voluntary exercises organised by the Finnish Defence Forces, engaging in tasks of assistance and participating in the training commanded by the Forces from the National Defence Training are on an equal standing with conscripts as far as receiving compensation for accidents or falling sick during service are concerned.

#### Article 11

*1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:*

- a) The right to work as an inalienable right of all human beings;*
- b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;*
- c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;*
- d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;*
- e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;*
- f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.*

*2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:*

- a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;*
- b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;*

*c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;*

*d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.*

*3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.*

## **1. Elimination of discrimination in working life**

### **1.1. Wage gap**

151. In its conclusions based on the previous periodic reports, the CEDAW Committee has expressed 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.

152. The differences in the salaries of women and men have remained about the same. Women continue to earn about 20 % less than men in all the employment sectors of the labour market. When considered on the basis of salaries on average, women’s salaries only amount to 80 % of men’s. The gap varies somewhat depending on the branch. In the municipal sector, women’s average earnings represented 85 % of men’s average earnings, the corresponding figure for the State and private sector having been 81 %.

### **The segregation of the labour market**

153. The Finnish labour market is strongly segregated according to gender, that is, divided into women’s and men’s branches and professions. This relates essentially to differences in the salaries of women and men. There have been efforts to alleviate the segregation by gender in education and professions by a number of different measures, change is slow to take place. As a matter of fact, girls and women have made their way to several previously male branches, in particular those that require high education. Men have not been interested in traditional female-dominated education and jobs to the same extent.

154. According to studies, the level of education and work experience seem to have a bearing on the differences in salaries. In jobs requiring lower levels of education, the differences in the salaries of women and men do not tend to be that significant whereas gender differences in the salaries of higher-education graduates are the biggest.

### **Equal pay for work of equal value**

155. The gender segregation in working life does not suffice entirely to account for the differences in the salaries on women and men. The Ombudsman for Equality receives several reports every year concerning suspicion of discrimination concerning salaries. In 2005, 126 cases concerning the matter were initiated, a figure that stands for 10,4 % of all the cases initiated. The Ombudsman for Equality will organise a seminar in the autumn of 2007 under the theme “equal pay for work of equal value”. The seminar will be targeted especially at judges and lawyers working for trade unions.

156. According to the reformed Act on Equality, an Equality Plan must contain an account of the state of affairs concerning equality at the work place. Salary chart must be carried out as a part of this account. This means charting out the categories of the functions of women and men, their salaries and any differences in them. The charting is carried out to find out whether the treatment of women and men is fair in matters pertaining to salary and whether women and men are paid equal pay for work of equal levels of requirement. The charting must cover all the employees hired by a given employer.

### **The Government Programme**

157. The Government has made determined efforts in trying to narrow down differences in the salaries paid to men and women by launching a tripartite Programme for equal pay for work of equal value in 2006. The general goal of the Programme is to reduce the differences in the salaries of women and men, when calculated by the average monthly pay for regular full-time work, from the current approx. 20 % by at least 5 % by 2015. Since there are several reasons for the existence of the gap in the salaries paid to women and men, a wide range of measures have been included in the Programme.

158. A high-level monitoring group, chaired by the Spokesman of the Parliament in 2006–2007, monitors the progress of the Programme for Equal Pay for Work of Equal Value. Directors of labour market confederations, politicians and high-ranking officials, for example, count as members of the group. Cooperation with the trade unions has gone well, and solutions for the equal pay problem have been sought in earnest. Never before has the equal pay issue been promoted in Finland at such a high level. The Second Government of Prime Minister Matti Vanhanen is committed to continue the tripartite equal pay programme. On July 2007, a high-level monitoring group was set up to pursue the work for the reaching of the goals.

159. According to the Government Programme, the goal of the Government is to proceed to the clear narrowing down of the differences in the salaries of women and men during this legislative period. The Government commits itself to the tripartite Programme for Equal Pay, the package of measures of which will be carried out during the period. The Government has reserved the sum of 200 000 euros per year for the funding of the programme for the duration of the electoral period.

160. The Government will promote, for its part, to the central measures of trade unions for fostering gender equality and the principle of equal pay. The Government is ready to support a pay settlement in the municipal sector bound to promote the competitiveness of salaries in predominantly female sectors by an increased Government transfer to municipalities.

## 1.2. Fixed-term employment relationships

161. Fixed-term employment contracts or relationships are common in Finland, and the majority of them still involve women. Fixed-term employment relationships are the most typical in the sectors of social services, health and education, and they are offered in particular to well-educated women in the age range of 25- 45 years, liable to have children.

162. In 2006, the share of women who had a fixed-term employment relationship was 16,7 % of all employees in the private sector, the corresponding figure for men having been 10,5 %. Correspondingly, the share of fixed-term female employees working for the State was 24,0 % in 2005, the corresponding figure for men having been 23,6 %. In the municipal sector, the share of women was 24,4 % and that of men 22,1 %. In the last quarter of 2006, the number of fixed-term employment relationships totalled 314 000. Correspondingly, the total number of employees was 2 130 000; the share of fixed-term employees of all wage-earners was 14,8 %. Almost two thirds of fixed-term employees were women. In the last quarter of 2002, the number of fixed-term relationships amounted to 303 000, the total number of wage-earners amounted to 2 041 000; the share of fixed-term relationships of the total number of wage-earners was 14,9 %.

163. When considering the sectors apart, fixed-term employment relationships are proportionally much more common in the public than in the private sector. Out of the personnel in the public sector, every fourth employee is fixed-term, whereas in the private sector, only a few more than every tenth employee is fixed-term. During the past four years, the number of the fixed-term employment relationships of the personnel working for the State has decreased, but in municipalities, municipal federations and in the private sector it has increased. In 2006, the share of fixed-term employment relationships of the total of the wage-earners was 23,9 % as concerns the State, which is one percentage less than five years ago in 2002. In 2006, the figures for municipalities and municipal federations was the same as for the State, having, however, increased 0,7 % from 2002. In the private sector, the share of fixed-term employees of the total of wage-earners had risen from 12,5 % to 13 % in the corresponding period of time.

164. There are many reasons why fixed-term contracts involve women in particular. The employment structure in Finland differs from that of most EU countries due to the fact that in Finland, the rate of employment of women is only 3,8 % lower than that of men. In Finland, the difference in the level of employment of women and men is the smallest in the EU countries. On the other hand, the level of employment of the whole Finnish population is not among the highest in the EU.

165. In the majority of cases, women continue to be the ones who take advantage of family leaves, so the costs of these leaves pile up to paid by the women's employers. The Finnish labour market is rather segregated according to gender, and especially, in the municipal sector, there are particularly great numbers of women working in the sectors of health care, social services and education. When women hired for posts in these sectors take their family leave, other women tend to be hired to stand in for them. In the municipal sector, 49 % of the fixed-term employment relationships are stand-in positions. In addition, those who take advantage of job alternation leaves are typically women working in the municipal sector.

166. The latest tripartite working group on the status of fixed-term employment relationships and employees submitted its report in February 2007. A Government Bill was drafted based on the proposals of the group, and it will be considered by the Parliament during its autumn session period 2007. The relevant amendments are intended to enter into force as from the beginning of 2008. Instead of proposing amendments to be made in the provisions of the Contracts of Employment Act (26.1.2001/55) concerning the grounds for making fixed-term contracts, the Government Bill aims at creating supplementary instruments to monitor their use.

### 1.3. Part-time employment

167. In Finland, part-time work is not very common. About 19 % of women employed work part-time. The share of men working part-time has been on a slight increase, being less than 10 % at the moment.

168. Working part-time is strongly focused on certain sectors. In 2006, in trade, the share of part-time work was 24 %, and in retail trade, a predominantly female sector, the share of part-time work was 38 %. The share of women who had a part-time job as their main occupation in trade was 37 %, the corresponding figure for men having been 10 %. In retail trade, 44 % of women and 22 % of men had part-time jobs. In the hotel and restaurant sector, there are no differences between the sexes as concerns working part-time. In construction, men do not work part-time, but the handful of women in the sector do.

### 1.4. Discrimination based on pregnancy or on a family leave

169. Gender-based discrimination continues to be a problem at work places in Finland. In her work involving the monitoring of the implementation of law, it has become evident for the Ombudsman for Equality that discrimination against women on account of pregnancy and being on a family leave often relate to fixed-term employment relationships. In a typical situation, a fixed-term employment relationship is not prolonged when the employee declares that she is pregnant. Even if the Act on Equality (15.4.2005/232) prohibits discrimination on grounds of pregnancy and family obligations, in recent years, the Ombudsman for Equality has increasingly been contacted because of suspicions of discrimination related to pregnancy or family leaves in particular. By providing information and instructions, the Ombudsman for Equality has strived to increase the awareness of employers regarding the prohibition of discrimination provided for in the Act and the manner in which the prohibition applies to situations in practice.

170. According to the Ombudsman for Equality, many women whose contract has been terminated on grounds of pregnancy, for instance, are afraid of appealing to their rights ensured by the Act on Equality since they hope to get their job back after the period of pregnancy and caring for the child. Counteractions by the employer are prohibited under law, but in practice employees may have the tendency of playing down their rights to react to discriminatory actions by their employer.

171. In addition to the Ombudsman for Equality, professionals of labour protection have often been contacted because of suspicions of discrimination on account of pregnancy and family leaves. Labour



protection authorities refer discrimination cases to tribunals in case there are grounds for suspecting that a work discrimination offence has taken place.

172. The Employment Contracts Act (26.1. 2001/55) prohibits the termination of an employment relationship valid until further notice on account of pregnancy or a family leave. However, only the Equality Act prohibits the non-renewal of a fixed-term employment contract and the limitation of its duration on account of pregnancy or a family leave. Therefore, there are no provisions concerning the rights of fixed-term employees in this respect in the so-called basic act regarding working life, namely the Employment Contracts Act. The Ombudsman for Equality has considered this fact a lacking, submitting a proposition to the Ministry of Labour in 2005 that the Act be supplemented so that it would specifically prohibit the non-renewal of fixed-term employment relationships and the limitation of their duration on account of pregnancy or taking advantage of a family leave.

## **2. Unemployment among women**

173. According to the employment research conducted by Statistics Finland in July 2006, there were 2 540 000 people employed, 46 000 more than a year earlier. The number of women employed was 31 000 higher, the number of men employed being 15 000 higher than in July 2005. The number of the employed increased mainly in the Province of Southern Finland.

174. The rate of employment, that is, the share of people employed among 15- 64- year olds was 71, 8 % in July 2006. It was 1,1 % higher than a year earlier. The employment rate of women rose by 1,6 %, to 69,5 %. The employment rate of men went up by 0, 6 %, reaching 74, 0 %.

175. The unemployment rate of women decreased from 8, 2 % in 2005 to 7,2 %. The unemployment rate of men showed a corresponding tendency, going down from 6, 5 % to 6, 0 %.

176. The unemployment rate of immigrant women was 31 % in 2005, the corresponding figure for immigrant men having been 20 %. The employment rate of the whole population was 8, 4 % in 2005.

## **3. Social security**

### **3.1. Parental leave, parent's allowance and maternity allowance**

177. The parents of a child are entitled to mutually decide, whether it is the mother or the father who takes advantage of a parental leave that can also be divided between the parents. As from the beginning of 2007, the amount of both the father's and the mother's parent's allowance has risen for the first 30 working days following the birth of their child. If both parents take advantage of the parental leave and apply for a parent's allowance, both of them will be entitled to receiving an increased allowance for a maximum of first 30 working days following the birth.

178. Legislative amendments aim at encouraging men in particular to increasingly take advantage of their right to a parental leave. From the point of view of working life, sharing parental leaves will lead to the parenthood costs of employees incurred by employers being levelled out more evenly between

the employers of men and women employees. This will improve the standing of women in the labour market.

179. In addition, the maternity allowance payable to mothers was increased for the duration of the first 56 working days after birth. The increase of the allowance improves not only the income of the family but also the compensation paid to the employer in compensation for the salary of the mother payable during her maternity leave. The amount of the compensation for the annual holiday salary payable by the employer has also been improved during the period under examination. The reforms aim at levelling out the tangible salaried costs incurred by individual employers on account of the parenthood of an employee. This will indirectly improve women's standing in the labour market.

### 3.2. Pension system

#### **Reform of the earnings-related pension**

180. A reform of the earnings-related pension came into force as from the beginning of 2005 concerning pension provision in both the private and public sector. Earnings-related pension accrues for work done when one is 18-67 years old. The amount of the earnings-related pension is determined by the earnings of an employee each year and an accrual rate depending on his age. The accrual rate is 1,5 % of one's annual earnings until one turns 54 years of age, 1,9 % of one's annual earnings for those between the age range 54 - 63 years of age, and 4,5 % for 64 - 67 years of age. As from the beginning of 2005, pension is considered to accrue for the period during which one receives an earnings-related daily unemployment allowance and for given periods when no salary is received, calculated on income which is the basis for a maternity allowance, special maternity allowance, paternity or parent's allowance.

181. The 2005 reform of the earnings-related pension enabled one's flexible retirement on old-age pension at the age of 62-67 years under earnings-related pension acts. One can go on working if one so desires even after having turned 68 without retiring. In this case, when retiring, an increase for deferred retirement is added to the pension. A life expectancy coefficient was provided for as a new factor reducing the amount of the pension. The life expectancy coefficient will be applied as from the beginning of 2010, calculated on the basis of the life expectancy for each age group the year the age group reaches the age of 62 years of age. The coefficient is determined to be the same for each age group regardless of the difference in the length of the life women and men are expected to live. In the reform, unemployment pension was terminated both in the earnings-related and national pension system so that persons born in 1950 or later will not be entitled to unemployment pension nor will persons born before 1950 be entitled to unemployment pension after 2011. Instead of being paid unemployment pension, the income of the long-term unemployed will be ensured by the unemployment security system in the future.

182. The statutory pension legislation is neutral as far as gender is concerned. Gender differences are caused in earnings-based pension provision mainly by the lower level of salaries paid to women in comparison with men, the shorter careers of women and smaller work input by women. Taking care for small children still keep women rather than men from working outside the home. The 2005 reform of

the earnings-related pension is, however, bound to increase the level of women's pension provision from its current level. The scaled accrual rate of earnings-related pensions is bound to benefit those, in particular, who could not pursue a career effectively because of studies or having to take care of children. The deficit is replaceable if one continues to work even after the age of 62.

### **Survivors' pension**

183. It is possible, under certain conditions, to gain a survivors' pension from the earnings-related pension or national pension system in the event of the death of a spouse. A survivors' pension includes a child's and surviving spouse's pension. Entitlement to a surviving spouse's pension and its amount are determined by the same principles regardless of sex. Due to the shorter careers of women and lower levels of salary, however, women actually benefit more from the provision of a surviving spouse's pension than men.

184. At the end of 2005, there were 1 298 524 pensioners in Finland, out of whom 737 889 were women and 560 635 men. The average pension women had earned in their own right (earnings-related) amounted to 933 euros per month, and the total amount of their pensions (earned in one's own right and surviving spouse's) was 1 067 euros. Men's corresponding average pensions were 1 359 euros and 1 368 euros per month. In the years 1992 -2005, the gap between the total amount of pensions of women and men narrowed down by 4 %, and women's total amount of pensions was 78 % of that of men in 2005.

185. At the end of 2005, 258 368 persons received a surviving spouse's pensions, out of whom 225 388 were women and 32 980 were men. The average surviving spouse's pension received by women amounted to 489 euros and by men to 179 euros per month. These figures have been affected by the fact that men have been, under law, in a less favourable position than women as regards the surviving spouse's pension until 1994 when legislation on the pension was made gender-neutral in all respects. At the end of 2005, out of those who received a survivor's pension, the average total amount of pensions of women receiving a surviving spouse's and a pension at one's own right (earnings-related) was 1 182 euros per month, the corresponding figure for men being 1 385 euros per month.

### 3.3. Persons with disabilities

186. In a report<sup>25</sup> prepared in 2006, it was discovered that there were gender-based differences in rejections concerning applications for disability support. Applications concerning women are rejected more often than those filed by men. The biggest differences exist between in the applications of women and men over 55 years of age.

<sup>25</sup> Virta L. Observations on the targeting of support for the disabled. Helsinki: the Social Insurance Institution, Reports in social and health security 53, 2006.

187. Furthermore, the statistics on rehabilitation services compiled by the Social Insurance Institution Kela show that women's rehabilitation service applications are rejected more often than those of men:

	2004	2005
Women	16,7 %	17,7 %
Men	14,4 %	16,5 %

### 3.4. Safeguarding social security and development of methods of gender impact analysis

188. In its conclusions on the basis of the previous periodic reports, the CEDAW Committee has expressed its concern that the policy of decentralization may have a more negative impact on women than men. The Committee has recommended that the Government should apply methods of gender impact analysis and offer gender-sensitive training in the decentralization process of social services. The Committee has further recommended that the Government should strengthen the connections between the central authority and municipalities so that the benefits gained through State-managed programmes will not be lost as a result of the services being decentralized.

189. A gender impact assessment was carried out in connection with the preparation of the framework Act on the reform of the structure of municipalities and services (HE 155/2006 vp.). The assessment states that in so far as the reform concerns municipal structures and the organisation of municipal services, the eventual impacts that the changes will have on women and men should be considered from several different perspectives. As regards the personnel in the municipal sector, this will eventually have a bearing on their conditions of having access to work, having a career and their economic situation. The population as a whole will be affected by the reform through their use of the services, but women and men will be affected in different ways. The reform will also have repercussions from the point of view of civic participation.

190. In addition to assessing the impacts of the reform, there are grounds for examining the progress of the process from the gender perspective. At the implementation stage of the reform, it is particularly important to ensure that the gender impacts and issues of equality will be included in the examination.

191. The principal goal of the reform of the structure of municipalities and services is ensuring, in the future as well, the availability of the basic services that the municipalities are in charge of when critical changes in the age structure of the population will clearly have weakened the dependence ratio from its current level and rendered the organisation of services even more challenging from the point of view of municipal economy and the availability of employees. Ensuring the level of the basic services is a primary goal, no matter if it is considered from the perspective of people working in the service sector, those who use those services or from the point of view of municipal decision-making. As a point of departure, gender equality is contained in the basic objectives of the reform in Finland in the future.

192. The assessment stresses the importance of the appreciation of gender impacts in the next step of the preparative work done for the reform. From the point of view of the implementation of the reform, it is particularly important, after the adoption of the framework Act, to take the gender

perspective into account when making decisions in the area. In the preparatory work of the areas, gender impact must be considered from these three perspectives described above, examining in more depth the considerations presented in a given area. One of the goals of the further preparation is to come up with a tool, as tangible as possible, for municipalities and areas for the assessment of gender impacts for the implementation stage of the reform. In addition, it has to be taken into account that a sufficient number of people of both sexes participates in the implementation. Special attention will have to be attached to compliance with the so-called quota provision of the Act on Equality. The assessment also stresses that in the implementation of the reform, it will be ensured that the gender perspective will be taken into account at the national level, too. For example, this will have to be taken into consideration in the legislative work of the different sectors of administration. The monitoring of gender impacts will also have to be seen to.

193. The municipal sector is a key employer of women. In Finland, one third of women employed work in the municipal sector, and about 80 % of the personnel of municipalities are women. Work related to care has developed into professions, which has made it possible for women to work full time and to have a career for a salary, enabling them to be economically independent, which has been important for Finnish women because they have been able to attain a status on an equal basis with men.

194. Women and men are different as far as using municipal services is concerned. The life expectancy of women and men, and their sickness profiles are different, and the roles of women and men as to services related to family matters still differ from one another to some extent. The development of municipal services has created jobs for women, and those very services (e.g. children's day care services) have made it possible for other women to work. Being able to benefit from municipal services (e.g. day care services) has made it easier to reconcile work and family life.

195. "A Guide for Gender Impact Assessment" has been prepared for the implementation of the reform in the areas, and "A Handbook for Gender Impact Assessment" presenting backgrounds, discussing concepts and bringing up examples of matters central to the municipal sector from the gender perspective has been written.

## **Article 12**

*1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.*

*2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.*

## 1. Promoting health

### 1.1. General

196. The new Government Programme (2007-2011) states that “In social and health services and in the work with a view to reduce the differences related to the health of women and men, the gender perspective will be focused on”. The principle of mainstreaming will be taken into account in the policy programme for promoting health included in the Government Programme. During its term, the Government, partnership and family guidance will be promoted. At the initiative of the social policy ministerial committee, an action programme for reducing differences in health is being prepared at the Ministry of Social Affairs and Health during 2007. The main focus will be on the reduction of socio-economic differences related to health, taking gender differences into account.

### 1.2. Smoking especially among girls

197. In its conclusions based on previous periodic reports, the CEDAW Committee has expressed its concern about the increase in smoking and in the use of drugs among young people, particularly girls.

198. The health and lifestyle of adolescents have been studied by means of comparable methods in the form of nation-wide surveys sent by the post every other year since 1977. The most recent survey was carried out during February -April 2005. In the study report<sup>26</sup> the tobacco and alcohol use by 12-18-year-olds was examined as well as their attitudes toward the use of alcohol and tobacco, their exposure to smoke and social exposure to drugs, with the focus on the 2000s. According to the Report, young people smoke less than before, and their attitudes have become anti-smoking. This positive evolution regarding the popularity of smoking concerns mainly teenagers.

199. The smoking experiments and regular smoking by young people 18 years of age have mainly remained at their previous level. 34 % of 18 year-old boys and 33 % of girls at the same age smoke every day. The increase in the number of girls smoking that started in the mid-1990s and has been going on ever since has finally come to a halt. All in all, gender differences as regards the popularity of smoking are small: 22 % of 14-18-year-olds smoke every day, 23 % of them girls and 22 % of them boys. The share of 14 year-olds smoking cigarettes daily has been on the decline since 2001: 15 % of girls and 13 % of boys smoked every day; today's corresponding figures being 10 % and 7 %. Things have changed for the better among 16 year-olds, too: in 2001, 29 % of boys smoked daily, but, today, only 23 % of them do, and in 2001, 31 % of girls smoked daily, but today, only 27 % of them do.

200. The share of the girls who smoke has remained at a rather high level during the period 1977 - 2005, at 20-26 %. In addition, reducing smoking among young women would contribute to health of their babies. The Defence Forces of Finland provide special guidance on the harms of smoking during pregnancy to women carrying out their voluntary military service.

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<sup>26</sup> Arja Rimpelä, Susanna Rainio, Lasse Pere, Tomi Lintonen, Matti Rimpelä; Use of tobacco products and substance use in 1977 - 2005. Adolescent Health and Lifestyle Survey 2005. Ministry of Social Affairs and Health 2005:23

201. In December 2006, the Ombudsman for Children made, in cooperation with the National Product Control Agency for Welfare and Health, an initiative for amending the Act on smoking (13. 8. 2976 /693) to the Ministry of Social Affairs and Health. The initiative proposes that the retail sale of tobacco should be made subject to a licence. Such a licencing system would enable more effective supervising, providing, for example, for the revoking of a sales permit in given cases of violation of the provisions of the Act. Possession of tobacco by under 18 year-olds should also be prohibited. Smoking should be prohibited in the playgrounds of day care centers and the yards of educational establishments and other comparable outdoors areas intended mainly for those under 18 years of age.

### 1.3. Drug abuse among girls

202. According to the Adolescent Health and Lifestyle Survey<sup>27</sup>, the share of girls who drink so much that they get drunk at least once a month has increased considerably over the past two decades. According to the Survey, 12 % of 16 year-old girls got heavily drunk at least once a month in 1985, 18 % in 2005, whilst 9 % of 18-year-old girls got heavily drunk in 1985 and 32 % in 2005.

203. According to the Adolescent Health and Lifestyle Survey, the following groups drank alcohol at least once a month as follows: 22 % of girls and 15 % of boys aged 14, 49 % of girls and 51 % of boys aged 16, and 79 % of girls and 78 % of boys aged 18.

204. According to the Survey, drugs had been offered to the groups as follows: to 6 % of girls and 4 % of boys aged 14, to 13 % of girls and 12 % of boys aged 16, and to 16 % of girls and 21 % of boys aged 18.

## 2. Health care during and after pregnancy

205. In the spring of 2007, the first Finnish National Action Plan promoting sexual and reproductive health for 2007-2011 was prepared. The Action Plan includes proposals for developing the pregnancy, labour and post-labour health care of women. In addition, it presents objectives and measures regarding contraception, post-abortion health care, the prevention of sexually transmitted diseases, and the reduction and early identification of sexual violence. Guidance in matters pertaining to sex is developed for the needs of minorities and persons with disabilities as well. The Programme focuses on the promotion of gender equality, the needs of service and special characteristics of both women and men.

206. In its statement for this periodic report, Invalidiliitto ry (Finnish Association of People with Mobility Disabilities) stresses the importance of promoting accessibility for improving the position of persons with disabilities. According to the Association, for example, gynecology examination tables or bone densitometers are often not suited to women with disabilities. In connection with the national women's examinations offered free of charge to all women living in Finland, the personnel is not, unlike in physical medicine and rehabilitation or surgery for instance, prepared to assist a woman with

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<sup>27</sup> Ibid.

disability. The same applies to mother and baby welfare clinics. Moreover, there may only be one or - in the worst possible case - no clinic or unit carrying out national examinations without physical obstacles at the place of residence of the person with disability.

### **3. Family planning and abortions**

#### **3.1. The Assisted Human Reproduction Act**

207. The Assisted Human Reproduction Act (1237/2006) that has long been under preparation entered into force on 1 September 2007. For the conditions for receiving treatment, it is provided in the act that in addition to women living in an intimate partnership, also women who are not married or do not live in marriage -like conditions are entitled to infertility treatment. According to the new Government Programme, the right of female and male couples to inter -family adoption will be made possible by taking the rights of the biological parent into consideration.

#### **3.2. Abortions**

208. In 2005, 10 931 abortions were carried out, or 9,3 abortions per 1 000 women in fertile age (15-49 years of age). The number of abortions went down by 2 % , which means slightly more than 200 abortions in the previous year. Abortions decreased the most in the group of women under 20 years of age (-5,4 %) and in the group over 45 years of age ( -4,3 %). The number of abortions went up in the group of women aged 40- 44 (+5,2) and 25-29 (+1,1%).

209. In 2005, 86, 9 % of the abortions were made on social grounds, that is, due to living circumstances or a considerable burden caused by other types of circumstances. The other most general grounds included being under 17 years of age (6,2 %) or over 40 years of age (4,0), or having had four children (2,2 %). 0,5 % of the abortions were carried out for a medical reason, that is, due to a disease, a physical handicap or weakness jeopardizing the woman 's life or health. Abort ions carried out on grounds of suspected or diagnosed damage to the fetus accounted for 2,6 % of all abortions.

210. According to preliminary information, 10 493 abortions were made in 2006, that is, 8,9 abortions per 1 000 women in fertile age. This indicates 440 fewer abortions (-4,0 %) than in 2005.

211. The number of abortions decreased in all age groups in 2006 in comparison with the previous year. Abortions of women under 20 years of age went down by 5, 1 %. The greatest number of abortions continue to be made on women in the age group 20 -24-year-olds, but even in this group abortions have decreased by 2,0 %.

### **4. Sexually transmitted diseases**

212. Statistics by the National Public Health Institute, showing the situation concerning HIV/AIDS in Finland, have been appended to the report. The statistics have been classified by sex.



## Article 13

*States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:*

- a) The right to family benefits;*
- b) The right to bank loans, mortgages and other forms of financial credit;*
- c) The right to participate in recreational activities, sports and all aspects of cultural life.*

213. Here the Government refers to its earlier reports.

## Article 14

*1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.*

*2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:*

- a) To participate in the elaboration and implementation of development planning at all levels;*
- b) To have access to adequate health care facilities, including information, counselling and services in family planning;*
- c) To benefit directly from social security programmes;*
- d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;*
- e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;*
- f) To participate in all community activities;*
- g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;*
- h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.*

### 1. Developing rural areas

214. The Finnish Rural Policy Programme completed in 2000 is coordinated by a Co-ordination Group. A separate Theme Group for Women operates as a part of the former. In the previous report it has been described the activities of the Group. The work of the Group was completed in the summer 2007.

215. The objective of the Theme Group for Women was to foster the activities of rural women and make them visible. The cooperation aimed at promoting women's possibilities to gain a better livelihood in rural areas while fostering the equality perspective in rural development efforts. The Theme Group operated as a national network with women living in the country and the cities participating in its activities. Some of them worked in the administration, the counselling organisations and research institutions. Finnish Regional Councils, Employment and Economic Development Centres, women's resource centres, counselling organisations and projects around the country were some of the Group's cooperation partners.

216. During its term of activities stretching over 2005 -2007, the Theme Group for Women implemented the Action Plan of Rural Women, the IV Rural Policy Programme and proposals for action included in the National Action Programme to Implement Equality. The focus was to promote gender equality in the regional development work done within the framework of the Programmes, in entrepreneurship and research. During 2007, the Theme Group concentrated on strengthening the conditions for gender mainstreaming in regional and rural policy.

## **Article 15**

*1. States Parties shall accord to women equality with men before the law.*

*2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.*

*3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.*

*4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.*

217. In Finland, women and men are equal before the law, as required by Article 15 of the present Convention. Here, the Government refers to its earlier periodic reports.

## **Article 16**

*1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:*

*a) The same right to enter into marriage;*

*b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;*

*c) The same rights and responsibilities during marriage and at its dissolution;*

- d) *The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;*
- e) *The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;*
- f) *The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;*
- g) *The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;*
- h) *The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.*

*2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.*

218. A response dated on 14 September 2007 to the letter of the Secretary-General of the United Nations requesting information concerning the national implementation of Resolution 51 / 3 by the Commission on the Status of Women is appended to the present Report. The Resolution concerns the forced marriage of the girl child. In other respects, the Government refers to the previous periodic reports.

## APPENDICES

1. Gender Equality Planning at Workplaces; Ministry of Social Affairs and Health 2005:6
2. The Act on Equality between Women and Men 2005; Ministry of Social Affairs and Health 2005:2
3. Non-Discrimination Act (21/2004) as amended by Act No 50/2006
4. Employment Contracts Act (55/2001, amendments up to 579/2006 included)
5. Statistics Finland; Gender Statistics; Women and Men in Finland 2005
6. Statistics: HIV infection cases in Finland, AIDS cases in Finland
7. Response of the Government of Finland to the resolution 51/3 of the Commission on the Status of Women on Forced Marriage of the Girl Child
8. Response of the Government of Finland to the resolution 51/2 of the Commission on the Status of Women on “ending female genital mutilation”

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