



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

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

Twenty-fourth session

Summary record of the 495th meeting

Held at Headquarters, New York, on Monday, 22 January 2001, at 3 p.m.

Chairperson: Ms. Abaka

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The meeting was called to order at 3.15 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Third and fourth periodic reports of Finland (continued) (CEDAW/C/FIN/3 and CEDAW/C/FIN/4; CEDAW/PSWG/2001/I/CRP.1/Add.3 and CEDAW/PSWG/2001/I/CRP.2)

1. *At the invitation of the Chairperson, Ms. Aalto, Mr. Ellisaari, Ms. Mäkinen, Ms. Rasi and Ms. Romanov (Finland) took places at the Committee table.*

2. **Ms. Livingstone Raday** said that Finland had been a leader in advancing the political and economic aspects of gender equality and in supporting the Convention. However, the promotion of women in the civil service had stagnated, the number of women appointed as university professors had declined, the wage gap persisted and even widened in proportion to women's academic qualifications, and violence against women remained a serious social problem. The legislation requiring equality planning in employment was a welcome development, but emphasis should be placed on the effectiveness of the measures implemented. She appreciated the Government's plans to make equality planning a legally enforceable requirement in the civil service and universities. She asked whether a provision would be introduced to require the promotion of equally qualified women to levels at which women were under-represented, and whether that provision would empower individual women and non-governmental organizations to take legal action to enforce that requirement, instead of relying only on goals and timetables.

3. The Finnish authorities had attributed the wage gap largely to the gender segregation of the labour market. She asked whether the principle of equal pay for work of equal value was a legally binding principle or a principle of collective bargaining, whether non-governmental organizations or individuals could take legal action to enforce that principle and whether any public funding would be provided for job evaluation studies to establish the existence of discrimination in particular sectors or among particular employers.

4. In connection with the feminization of atypical employment, meaning part-time and fixed-term employment, she wondered whether there were any incentives for fathers to use their entitlement to

childcare leave, since that would remove the basis for the distortion of women's competitiveness in the labour market. The plan to distribute the costs of childcare leave evenly between the father's employer and the mother's employer would not be fully effective in improving women's competitiveness unless fathers could be induced to take their childcare leave, since the disruption of work was one of the costs of such leave. For example, in Norway, men lost their childcare leave if they failed to take it. In addition, she asked whether any consideration had been given to legislation to improve the conditions of atypical employment, either by linking wages and other conditions to those of comparable full-time workers or by restricting fixed-term employment to jobs that were inherently temporary.

5. She was surprised to note that Finland had begun openly to address the issue of violence against women only recently. Although a reform of the Penal Code had made sexual offences subject to public prosecution, the level of implementation was low: out of 514 cases reported in 1999, only 47 had resulted in convictions. She asked for an explanation of that situation.

6. She would like to know whether the Government was considering a specific law against sexual harassment that would give women the right to sue for damages in sexual harassment cases, provide for administrative penalties in workplaces, educational institutions and wherever sexual harassment took place and empower individuals and non-governmental organizations to sue for compensation.

7. **Ms. Gabr** said that women's high degree of educational achievement in Finland would have significant benefits for women's health and political representation. However, she was concerned about women's employment in high-ranking positions in universities. Another area of concern was the prevalence of smoking and drug abuse among young people, particularly girls. The Government's programme for drug abuse prevention in the twenty-first century should focus more on young people, especially girls. Lastly, she hoped that Finland's future reports and programmes would pay more attention to violence against women and the problems of minority and immigrant women. In that connection, she asked why Finland had not become a party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

8. **Ms. Tavares da Silva** asked whether the findings of the *Gender Barometer of 1998* had stimulated public debate and had been used as a basis for government policies and educational materials to combat gender stereotypes. The lack of penalties for non-compliance with equality plans in Ministries and other institutions was problematic. She would like details on the evaluation of the results of those plans, and asked whether those evaluations had been publicized.

9. Although Finland had set minimum required levels of women's representation in State bodies at various levels, those provisions did not apply to the private sector. She asked whether any actions were being considered to cover that sector, or whether Finland intended to rely on the Government's example as the only means of prompting the private sector to improve women's representation. There was a discrepancy between women's high level of participation in the Government and the diplomatic service and their insufficient representation in senior managerial positions in the private sector.

10. The *Gender Barometer of 1998* had revealed a significant change in attitudes towards gender roles, as reflected, inter alia, by the increasing number of men who took paternity leave. Information on the incentives used to bring about those rapid changes would be helpful to other countries. She was concerned to note that, between 1998 and 1999, the number of sexual offences reported had risen, but the number of convictions had declined. Since such offences had been made subject to public prosecution at the beginning of 1999, the number of convictions should have increased. Moreover, the Finnish Government seemed to regard prostitution as a matter of public order rather than a human rights issue. She asked whether the purchase of sexual services had been criminalized.

11. **Ms. Shin** said that she welcomed the Government's efforts to raise awareness of the problem of violence against women through public campaigns and projects. She would like more information on the content and results of the treatment programme for violent men, and particularly on the involvement of men in the programme's implementation. She was concerned about the absence of legal provisions prohibiting sexual harassment in the workplace. Such provisions were needed, especially in view of the increased percentage of women who experienced sexual harassment, even in female-dominated occupations.

12. Finland's projects and other efforts to change the way in which women were portrayed in the media contrasted with its practice of allowing telephone sex lines to advertise their services on television. Since the spread of sexual harassment and violence through the Internet had become a cause of concern in a number of countries, she wondered whether it had become a subject of discussion in Finland.

13. **Ms. Taya** noted that, under section 8 of the Equality Act, employers which, in selecting a person for a particular job, bypassed a more qualified person of the opposite sex were deemed to commit an act of prohibited discrimination. However, since there were no criminal penalties for such acts, she wondered how the provisions against discrimination had proved useful in eliminating the problem. Under chapter 47, section 3, of the Penal Code, discrimination in working life on account of gender was a punishable offence. However, it was always difficult to prove such discrimination. She asked which party bore the burden of proof in such cases: whether the employee must prove the existence of discrimination on account of gender, or whether the employer must prove that the selection of a candidate had not been based on gender. It appeared that the general prohibition of discrimination in working life under that section of the Penal Code applied only to State and municipal officials, even though gender discrimination was usually most prevalent in the private sector. She asked whether Finland had taken any measures to stop gender discrimination in the private sector.

14. **Ms. Mäkinen** (Finland) explained that only 12 per cent of the total workforce of Finland were employed on a part-time basis, and the majority of that number were women. She further conceded that despite the amendment to the Employment Contracts Act, fixed-term contracts still presented a problem because, in the absence of strict rules, there was no limit to the number of times such contracts could be renewed. After assessing the gender impact of the situation, it was clear that the Government would need to apply such restrictions. Finland had tried to institute the Norwegian system of family leave, which meant that if fathers did not use their leave allotment, it could not be transferred to the mothers. The *Gender Barometer of 1998* had shown that men were increasingly exercising their right to three weeks' paternity leave.

15. Finnish women were better educated than men, although education was still segregated, with women

choosing traditionally female areas of study. Ms. da Silva had pointed out the discrepancy between the number of women in the diplomatic field as compared to their number in private companies. Still, the number of women in both the public and private sectors was increasing and women were gradually moving up in the ranks. The Government sought to increase the number of women in high-ranking civil service posts, among other things, through an equality planning system to be introduced in various ministries.

16. The Gender Barometer had stimulated public debate on equality issues and new questions and data were being added to the next round of interviews in 2001. As far as quotas were concerned, she said that quotas could be implemented only in public bodies. Under the Finnish Constitution, private companies enjoyed freedom of entrepreneurship and there were very strict rules to safeguard property rights. It was therefore very difficult for the Government to intervene in the operation of businesses and to control the number of women sitting on the executive boards of companies. One effective way of addressing that problem was thought to be by promoting ongoing public debate on the subject.

17. Turning to the issue of violence against women, she described two projects which adopted a preventive approach and involved support networks for men, social and health services, and close cooperation between the police, social workers, non-governmental organizations and research institutions. She confirmed that sexual harassment at the workplace was clearly prohibited under sections 6 and 8 of the Equality Act.

18. With reference to Ms. Taya's question on the Equality Act and the punishment of discrimination, she said employers were obliged to pay compensation to victims of discrimination, but Penal Code sanctions were imposed in very severe cases based on the proof supplied in a statement by the Ombudsman for Equality. The victim could either request compensation or bring the case before the courts.

19. **Ms. Romanov** (Finland) said that the equal pay principle was legally binding under the provisions of the Equality Act. An individual could file a claim against an employer, or present statistical proof of a wage discrepancy, thereby establishing a presumption of discrimination. However, the drawback to the individual approach was that it was not always easy for an individual to challenge an employer. In enforcement

of the Equality Act, claims were presented in a court of law, with the requirement that the employer should provide information on wages paid to the employees. If found to be discriminating on the basis of sex, the employer would be required to compensate the victim. In theory, it was also possible to bring a criminal case against an employer but that had not yet been done in Finland.

20. Regarding the question relating to job evaluation systems and public funding, she explained that in 1997 a working group of the central labour market organizations had published a guidebook on the development of job evaluation systems, and the working group was currently evaluating the impact of these systems on gender equality in pace-setting.

21. She took the opportunity to clear up a misunderstanding on the general prohibition on discrimination, which was dealt with under section 7 of the Equality Act. She pointed out that the Act applied to both private and public employers; therefore compensation for discrimination could be claimed against employers in the private sector. The Equality Act introduced a divided or reversed burden of proof, and under the Finnish Penal Code an employer must prove that there were reasonable grounds for his action.

22. **Ms. Aalto** (Finland) said that the right of the public prosecutor to institute criminal proceedings was the rule in Finland. Offences were subject to public prosecution unless the law provided otherwise. However, there were a number of complainant offences in which the prosecutor could initiate proceedings only if the victim so requested. Those offences were usually minor or of a nature which violated private interests. A 1995 reform of the Penal Code made private offences subject to public prosecution. The public prosecutor might waive prosecution, unless a public or private interest required that the case be brought to justice. In practice, the request for non-prosecution had been used more frequently than legislators had intended, and was often made by the victim of assault through domestic violence. In January 2000, the prosecutor-general issued general instructions concerning the non-prosecution of assault offences and, in its next report, Finland would be able to indicate how those instructions had changed the situation in practice.

23. The offer of money in return for sexual services was punishable only if the victim was under age 18; however, procurement was a criminal offence. It was

true that the City Council of Helsinki had passed a regulation prohibiting prostitution in public places. However, in January 2000, a working group of the Ministry of Justice had proposed a new public order act that would prohibit both the offer and the purchase of sexual services, but only where those activities could be said to cause public disorder. If that legislation were enacted, the Helsinki regulation would become null and void.

24. The issue of telephone sex lines was a complicated one. Advertisements for such services might be prosecuted under chapter 17 of the Penal Code as unlawful marketing of obscene material; however, a total prohibition of such advertisements would constitute restriction of the right to freedom of expression. Fortunately, the Finnish press was self-regulating, and some newspapers no longer published such advertisements.

25. **Mr. Elisaari** (Finland) said that the increase in smoking and drug use posed a threat to health and society. While the percentage of smokers was lower than the average for Europe as a whole, Finland's young people began to smoke at a much lower age than elsewhere in Europe. Prevention programmes had been ineffective; smoking among girls had been rising for the past 10 years and a recent survey showed that young women smoked at the same rate as young men. National legislation prohibited tobacco advertising and restricted smoking in public places, the workplace and on school premises. It was illegal to sell tobacco products to anyone under age 18.

26. In autumn 2000, the Council of State had adopted a decision in principle on a national drug policy that would provide increased funding and staff. The drug policy coordination group had proposed another decision in principle which, if adopted, would lead to additional measures to combat supply and demand. A task force within the Ministry of Social Affairs and Health had finalized a proposal on the care and treatment of addicts and in autumn 2000, a working group of the Ministry had issued a report containing proposals for combating drug use among young people.

27. **Ms. Corti** congratulated the delegation on Finland's implementation of the Convention and noted that it was largely thanks to lobbying by the Finnish Government that the amendment to article 20, paragraph 1, of the Convention had been adopted and that the Committee had been granted permission to

hold two sessions per year. The Finnish Government's approach to the globalization crisis had served as a model for other European countries; erosion of the welfare state in Finland was therefore a source of concern.

28. She hoped that the Government's efforts to reduce gender disparities in employment would succeed. However, the general European trend towards fixed-term employment and the fact that 50 per cent of university-educated women, but only 20 per cent of university-educated men, currently held fixed-term jobs was disturbing. She wondered what the long-term results of that lack of job security would be, particularly for young people.

29. The situation of women at the level of government, embodied in Finland's election of a woman President had not been reflected in public and private sector employment. The Government should apply more temporary special measures to speed up progress in that area.

30. An excellent programme of sex and reproductive education had resulted in an abortion rate for young women lower than that of any other European country. However, as a result of decentralization, sex education was no longer part of the compulsory curriculum and many municipalities had closed their family planning clinics, opening the door to clandestine abortion. She wondered what was being done to correct that problem.

31. Lastly, she asked how the Government planned to address the needs of older women in an ageing population.

32. **Ms. Achmad** asked whether the Government planned to transform its "One punch is too much" campaign into a national zero-tolerance policy with legal implications. She welcomed the importance attached to surveys and studies, particularly those concerning the direct and indirect costs of domestic violence. Finland was fortunate to be able to afford such research, which was beyond the means of developing countries; however, she wondered how it would be used to ensure gender equality not only de jure, but also de facto. Finland's experience would be important to other States, particularly those with culturally diverse populations.

33. It would be useful to know what strategy had been used to convince certain newspapers to ban advertisements for telephone sex lines and whether that

approach would also be applied to television and other electronic media.

34. The delegation had stated that State and public bodies were not sensitive to the problem of discrimination against pregnant women and mothers. Perhaps the issue was not one of lack of knowledge, but rather of understanding the importance of women's reproductive function for the nation's survival. She asked whether efforts were being made to increase public awareness and recognition that measures taken in that area did not confer special privileges on women.

35. The responses to the list of issues and questions for consideration of the third and fourth periodic reports (CEDAW/PSWG/2001/I/CRP.2) stated that gender-disaggregated data on appeals brought before the regional administrative courts was not available. Efforts should be made to remedy that situation, which made it impossible to determine the success of measures taken to achieve gender equality.

36. She stressed the importance of teaching not only the principles of human rights, but also the substance of human rights instruments at the higher levels of education and wondered whether the Government planned to take appropriate action in that regard. Lastly, it had been stated in the response to question 17 on the list of issues (CEDAW/PSWG/2001/I/CRP.1/Add.3) that although a 1999 doctoral dissertation had analysed the experiences of immigrants as customers of health-care services, the author had not provided gender-disaggregated data. The Government should take measures to ensure that all future university research included such statistics.

37. **Ms. Gonzalez** commended the action taken to deal with the traffic in women and children. Some success had already been achieved, but even more could be hoped for in the future with the result that the demand for adult and child prostitutes would fade altogether. Similarly, the answer to the question in article 6, paragraph 28, of the list of issues and questions, concerning action to prevent the use of the Internet for child pornography or prostitution, was encouraging. The outcome of the action taken should be given more publicity in other forums, since they could be useful to other countries.

38. She was puzzled by the replies to paragraph 22 of the same article. The comments by the women concerned indicated that they were all foreigners. The Committee had, however, asked about prostitution

generally. She wondered whether only a partial picture had been painted or whether there were no Finnish prostitutes.

39. **Ms. Kwaku** expressed her admiration for the progress achieved towards equality between men and women: it was worthy of emulation by developing countries such as her own. The Finnish record was, however, marred in two ways. First, it was disturbing that, despite the expenditure of large amounts of money and other resources, violence against women was actually on the increase. Much of the action taken in response appeared to be of a corrective nature. She therefore asked what efforts were being made to identify the root cause of what might be termed a "new generation" crime. Research might establish that it was due to declining family values or a decline in respect for the institution of marriage, but there might be other factors. The report indicated that discrimination against Roma women persisted. She suspected that one reason was the fact that the Government tacitly condoned such discrimination by not treating it seriously enough. Those guilty of such discrimination were subject to nothing worse than fines.

40. **Ms. Mäkinen** (Finland) said that the concerns expressed by Ms. Corti were borne out by the statistics: 80 per cent of young women were offered fixed-term contracts, as against 10-20 per cent of young men. Moreover, a woman given such a contract would generally not have it renewed if she became pregnant. That was bound to have been a factor in the dramatic fall in the birth rate, since young people were fearful of starting a family in the face of such job insecurity. Legislation to counter the trend must be developed.

41. Older women found it hard to overcome employers' reluctance to employ them, despite their being able and willing to retrain. A scheme had therefore been established by three ministries working together — the Ministries of Social Affairs, Labour and Education — to help such women. With regard to the zero-tolerance campaign directed at violence against women, there had been several studies clearly showing the magnitude of the problem. One expert had correctly pointed out that raising awareness made it easier for Governments to introduce the appropriate measures. In response to Ms. Achmad's questions, she confirmed that not only did women's studies courses exist but also the contents of the human rights instruments were taught in law schools; the younger students attached particular importance to the subject. Moreover, the

Ministry of Justice organized annual training courses on human rights instruments — including the Convention — for judges and other lawyers. As for the question about the nationality of prostitutes, she confirmed that some prostitutes were Finns, and were usually involved as a result of addiction to drugs or alcohol. She pointed out, however, that the problem was complicated because the country had a long border with Russia, the Baltic States were nearby and the standard of living was higher in Finland.

42. **The Chairperson** said that, since Finland had been a role model for so long, both its achievements and its setbacks had implications for the women's movement everywhere. Some aspects of the situation in Finland therefore gave rise to concern. It might be argued that segregation in the labour market was the result of individual choice, but that went against the spirit of the Convention. There was also evidence that stereotyping persisted in the fields of health and education, among others. She noted moreover that immigrant women, but seemingly not men, were given cookery classes.

43. **Ms. Rasi** (Finland) said that her delegation was not complacent and she was confident that many of the problems mentioned could be overcome. In the diplomatic service, of which she had personal knowledge, she believed that in 10 to 20 years half of all ambassadors would be women. As for stereotyping, it was largely restricted to the older generation.

The meeting rose at 5.10 p.m.