



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

Distr.: General  
11 November 2013

Original: English

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

**List of issues and questions in relation to the seventh  
periodic report of Finland**

**Addendum**

**Replies of Finland\***

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\* The present document is being issued without formal editing.



## **Constitutional, legislative and institutional framework**

### **Response to paragraph 1**

1. The Convention on the Elimination of All Forms of Discrimination against Women was brought into force by Act of Parliament No. 685/1986 and Decree No. 686/1986. At the time, the Finnish constitutional documents contained no specific provisions on the level of enactment to be used in incorporating international treaties. According to established practice, those provisions that were of a legislative nature were brought into force by an Act of Parliament and other provisions by a Decree. The Constitution codified this practice in 2000. The Optional Protocol was incorporated through Act No. 1093/2000 and Presidential Decree No. 279/2001 at a time when the Constitution had already entered into force. The individual provisions of the Convention and the Optional Protocol are therefore in force either as law or decree.

2. Finnish courts have invoked or referred to at least two articles of the Convention: the Supreme Administrative Court (KHO:200S:87) and the Kuopio Administrative Court (10.11.2011 11/0784/01) to Article 16 and the Labour Court (TT: 1998-34) to Article 11 of the Convention.

### **Response to paragraph 2**

3. On 12 April 2013 the Ministry of Justice circulated a draft of the new Non-Discrimination Act to a large number of stakeholders for comment. The content of the draft corresponds to the information given under point 7 of Finland's periodic report. In the proposed reform of the non-discrimination legislation, the Equality Act would retain its status of an independent act of Parliament, an Ombudsman for Equal Treatment would replace the Ombudsman for Minorities, the Discrimination Tribunal and the Equality Board would be merged, and the Ombudsman for Equality would continue to monitor the observance of the Equality Act. The proposed legislation would also make it possible to address multiple discrimination. The government proposal for the reform will be finalised on the basis of the comments received. The Government intends to submit the proposal to Parliament during the ongoing autumn session of Parliament.

4. The Government Bill concerning the prohibitions of discrimination based on gender identity and gender expression is expected to be submitted to the Parliament in the course of 2013. After the reform the Equality Act would prohibit broadly discrimination of trans- and intersex persons. The Government Bill is planned to be submitted together with the proposed reform of the Non-Discrimination Act.

5. As a part of the reform, the current Equality Board and the National Discrimination Tribunal would be merged into one Tribunal. The Ombudsman for Equality will continue to be responsible for monitoring the Act on Equality between Women and Men (609/1986, Equality Act). (As the provisions on the Ombudsman for Equality are currently included in the Act on the Ombudsman for Equality and the Equality Board (610/1986) which would be repealed in the reform, there would be a new Act on the Ombudsman for Equality corresponding basically to the current provisions).

6. A tripartite working group in charge of reviewing the provisions of the Equality Act on equality planning of work places and the obligation to conduct pay

surveys has published its report on 25th June 2013. The working group proposes adding a new provision on pay surveys to the Equality Act. The provision would set out that the purpose of the pay survey is to work out possible gaps between the wages of women and men carrying out the same duties. The amendments would define the contents of a pay survey in a more binding way than before. The proposal of the working group emphasizes the real possibility for representatives of personnel to take part in and influence all stages of equality planning, including pay surveys. The proposal includes an obligation on employers to inform personnel on the equality plan and pay survey. The report, written into the form of a Government Bill, has been circulated for comments. It is intended to be submitted to Parliament along with other amendments to the Equality Act.

## **Gender Mainstreaming**

### **Response to paragraph 3**

7. Several measures have been taken in order to enhance gender impact assessment (GEA) in law drafting. GEA of legislation have been conducted since 2000. Ongoing development of GEA builds on the guidelines established, statistics compiled, and training given since 2002 in the central governmental level. Gender budgeting was introduced for the first time in the budget for the year 2007.

8. Within the report period, special efforts were taken in order to strengthen the management structures of gender mainstreaming within the Government. Capacity-building for experts in the line ministries took place in the EU-financed Gender glasses-projects (2008-2009). The projects involved both training and material production. A manual "Gender Glasses in Use — A handbook to support gender equality work at Finnish ministries" was published in Finnish in 2009<sup>1</sup>. Since then, it has been the main instrument for supporting gender mainstreaming and GEA within the Government. Gender Glasses trainings relating to the manual in 2008-2010 involved 130 persons in the top-management in the ministries and 220 civil servants on expert level (approximately 5 per cent of the total amount of personnel in ministries). These trainings (and their current follow-ups) have expanded from general trainings to include also tailor-made context oriented workshops.

9. The project "Introducing Gender Glasses" was launched in December 2007 and completed in November 2008. The project organised gender mainstreaming training for all the government ministries. The first training session was designed for the ministry leadership and the second for the entire staff. The staff training was prepared in cooperation with the ministries and specifically tailored for each administrative sector. The project also compiled web pages providing information and guidance on gender mainstreaming, as well as a brochure to facilitate learning and training.

10. The second project "Gender Glasses in Use" was launched in December 2008. Its aim was to support the launching and regularising of the working groups for gender equality in the ministries. For this purpose four training seminars were organized in 2009, with themes focusing on an operational model for the working groups for gender equality as well as on the promotion of gender mainstreaming and

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<sup>1</sup> [http://www.stm.fi/julkaisut/nayta/-/\\_julkaisu/1438518#en](http://www.stm.fi/julkaisut/nayta/-/_julkaisu/1438518#en).

assessment in statute drafting, projects, and programmes, as well as in budget drafting and performance guidance.

11. Additionally, special briefing for (new) Ministers and senior management has been organized regularly, including information on GEA.

#### **Response to paragraph 4**

12. The Government Action Plan for Gender Equality 2012-2015, adopted in June 2012, collates the most important measures by which the government promotes equality between women and men and combats gender based discrimination. The Plan is an instrument to coordinate the government's equality policy and it includes measures for all the government ministries.

13. The Action Plan is based on the Government Programme and the Government Report on Gender Equality drawn up in 2010 for the first time in Finland. The Action Plan includes measures on gender mainstreaming, which apply to all ministries. In addition, the Action Plan contains objectives and actions in several theme areas. These are:

- amending gender equality legislation
- promoting gender equality and preventing discrimination in working life, narrowing the gender pay gap and reconciliation of work and family life
- promoting women's career development and increasing equal representation of women and men in decision-making in the public and private sectors
- promoting gender equality and reducing segregation in education and research
- promoting gender equality in the reinforcement of democracy and citizen participation and in integration policy
- incorporating the gender perspective into economic policy
- integrating the gender perspective in the promotion of health and wellbeing and in the combating of intimate partner violence and domestic violence
- developing gender equality organization and resources

14. The implementation of the Action Plan for Gender Equality is monitored by a working group where all ministries are represented. Each ministry is responsible for measures in their respective administrative sectors. An interim report on the implementation of the Action Plan (June 2012-September 2013) will be submitted to the government in the autumn 2013. NGOs and other interest groups are consulted during the preparation process of the interim report. The Action Plan for Gender Equality is also a key tool for implementing and monitoring the measures outlined in the above mentioned Government Report on Gender Equality. The policy outlines of the Report extend to the year 2020.

15. An independent Human Rights Centre and associated Human Rights Delegation attached to the Office of the Parliamentary Ombudsman began its work in 2012.<sup>2</sup> These three bodies jointly constitute Finland's National Human Rights Institution. The Human Rights Centre was established through an act (Act on the Amendment of the Parliamentary Ombudsman Act 197/2002, Act 535/2011 of

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<sup>2</sup> <http://www.ihmisoikeuskeskus.fi/in-english/>.

20 May 2011) which entered into force on 1 January 2012. It operates autonomously, although it is administratively part of the Office of the Parliamentary Ombudsman.

16. The functions of the Centre are:

- to promote information, training, education and research related to fundamental and human rights
- to draft reports on the implementation of fundamental and human rights
- to launch initiatives and issue opinions on the promotion and realisation of fundamental and human rights
- to participate in European and international cooperation for the promotion and protection of fundamental and human rights
- to discharge other corresponding functions related to the promotion and realisation of fundamental and human rights.

17. The Centre does not handle complaints or other individual cases. These will instead fall within the competence of the supreme guardians of the law.

18. The Human Rights Centre includes a Human Rights Delegation, serving as a national cooperation organ for stakeholders in the sector of fundamental and human rights. The Delegation addresses matters of fundamental and human rights that are far-reaching and important in principle, and will approve the Centre's annual operating plan and annual report. The Delegation comprises of representatives of non-governmental organisations and various human rights stakeholders and advisory boards, together with researchers. The supreme guardians of the law, the special ombudsmen and a representative of the Sámi Parliament serve as permanent members of the Delegation. The aim is to exercise alternation in selecting representatives from civil society.

19. At the initial stages, the Centre has concentrated on setting up a Human Rights Delegation and on making the Centre and its activities known. It has arranged meetings with stakeholder representatives and hosted a large number of visitor groups. During the first year, the centre was able to accept most of the requests for lectures, speeches and training as well as interview requests by the media.

## **Disadvantaged groups of Women**

### **Response to paragraph 5**

20. For information on access of women from ethnic minority groups to health care, please refer to the answer to question 20.

### *Education*

21. According to the legislation in force it is forbidden to collect statistics on ethnic grounds. The official statistics in Finland, concerning education, comprise two kinds of categories: mother tongue speakers (Finnish, Swedish and Sami) and foreign language speakers. Therefore it is difficult to get precise statistical information on the situation of a special foreign language group or any "ethnic" group alone, or on the situation of women only within any specific group.

*Preschool and pre-primary education*

22. It is estimated that children with immigrant background take less often part in the voluntary preschool and pre-primary education than the children in average. However, the situation is changing as the Finnish Government decided in August 2013 that the preschool will be compulsory for all children in the future. The Ministry of Education and Culture is therefore preparing a new Pre Primary Education and Care Act, that is planned to come into effect in January 2015.

*Basic education*

23. The nine-year long basic education (comprehensive school) is compulsory for all children. In addition, the Finnish Government has decided in August 2013 to extend the compulsory education to include the first year of the upper secondary education.

*Upper secondary education*

24. The Finnish Government has given legislative proposal to enable a preparatory education for upper secondary education for migrants and foreign-language students. The share of foreign-language students in the upper secondary education is at the moment lower than the average. The share between men and women among the foreign-language students in upper secondary education in 2011 was following: 57 per cent women and 43 per cent men. Of those foreign-language students that accomplished matriculation examination 56 per cent were women and 44 per cent were men. The figures are nearly the same as the figures of all students in the upper secondary education in Finland.

25. The foreign-language girls do very often better in school than boys. For example, in the subject of mother tongue and literature the foreign-language girls have greater success than the boys, but the difference between genders is smaller than amongst the Finnish speaking students.

*The Roma*

26. The National Board of Education coordinates a development work of the basic education of Roma pupils since 2008. The gender issue is tackled, as part of the work, both through pupil counselling and through the information given to parents. According to estimates there is no significant gender-based difference within Roma pupils in getting the basic education diploma or continuing to the secondary education. In order to get more detailed information, the National Board of Education is preparing a national report on the educational situation of Roma adult population. The report will examine what kind of education is available and what kind of further measures are needed in the future. The report will also examine information on men and women separately. The report will be published in 2014.

27. Educational opportunities for Romani people and Romani women in particular have been made more versatile in vocational education by increasing student intake numbers between 2011 and 2013 in vocational education institutions maintained by the educational institution for the Romani. The Ministry of Education and Culture has granted the institution permission to provide services in basic education (primary and secondary education).

28. Education is not culturally neutral — it is an integral part of the structures in society. Problems can be encountered in the education of Romani women when the value systems and the activities of different institutions, such as schools, come face to face with the cultural background of Romani women. Indeed, one of the explanations given for why Romani women do not enjoy participating in schooling is that schools fail to take the special features of Romani culture into account properly, and instead all students are treated in an identical manner. A trend can be detected in social welfare and health care studies in basic vocational education where qualifications as practical nurses are predominant among Romani women and immigrant women.

29. The Ministry of Education and Culture is working on developing guidance and learning paths with a view to enabling students to search for study courses through on-line study paths. In the case of vocational education, joint on-line application is being launched in autumn 2013 for the first time, which helps improve equality among different groups of applicants.

*Intake numbers among women belonging to minorities*

30. To ensure student placements for those completing their studies in basic education, the Ministry of Education and Culture has taken decisions to increase annual student intake numbers in basic vocational education by over 11,400 in all from 2008 to 2016. Study placements have also been increased on the basis of the vocational education needs of immigrants and Romani people.

31. Nearly 70,000 students apply for vocational education annually using the joint application system in Finland. Below are some figures on applications and admissions for non-native students (students other than those who speak Finnish, Swedish or Sami) to basic vocational education between 2011 and 2013, the percentage of women indicated separately:

- There were 4,028 applicants for basic vocational education in the joint on-line application in 2011, of which 1,964 were women, i.e. 48.8% of all applicants. 1,849 applicants were admitted, of which 47.1% were women. (The total number of study places in Finland available through the joint on-line application in 2011 was 48,311.)
- There were 4,649 applicants for basic vocational education in the joint on-line application in 2012, of which 2,263 were women, i.e. 48.7%. 2,160 applicants were admitted, of which 1,073 were women, i.e. 49.7%. (The total number of study places in Finland available through the joint on-line application in 2012 was 48,121.)
- There were 4,806 applicants for basic vocational education in the joint on-line application in 2013, of which 2,320 were women, i.e. 28.3%. 2,217 applicants were admitted, of which 1,072 were women, i.e. 48.4%. (The total number of study places available in Finland through the joint on-line application in 2013 was 47,664.)

32. Below are figures for Sami-speaking students in basic vocational education between 2011 and 2013:

- There were altogether 133 students in the 2011 intake, of which 83 were women, i.e. 62 per cent.

- There were altogether 157 students in the 2012 intake, of which 102 were women, i.e. 65 per cent.
- There were altogether 164 students in the 2013 intake, of which 95 were women, i.e. 58 per cent.

33. Below are figures for training for basic vocational education for immigrants, on which six surveys have been carried out every second year. According to the two latest surveys the share of women was the following:

- In the survey for the 2008 — 2009 academic year there were 613 female students, 62%, among a total of 986 students.
- In the survey for the 2011 — 2012 academic year there were 799 female students, i.e. 59%, among a total of 1,355 students.

34. The Finnish National Board of Education has granted an annual appropriation designed to support and advance basic vocational education for immigrants. The main priority between 2005 and 2009 was to promote, plan and implement vocational education among immigrant women and girls. The responses given by students to a study conducted in 2009 on the reasons for immigrants dropping out of vocational education were so limited that it was not possible to make any generalisations on the factors affecting drop-outs, but there were some similarities in the student replies relative to certain background factors, such as the age of the students and the time lived in Finland. In some other research contexts the following factors affecting drop-outs have come up: transfer to other line of study, family leave or other family-related reason, relocation and employment.

#### *Drop-outs*

35. The Government also decided in August 2013 that the pre-school, which is for children who turn 6 years of age during the calendar year, will become compulsory. This may particularly impact the situation of girls of immigrant background, whose participation in voluntary day care and pre-school has been somewhat lower than that of the majority population.

36. Among immigrant girls, those who move to Finland in the late years of compulsory education, there is a risk of drop-out and non-completion from basic education. In the project “Included in Finland”, which ran in the years 2010-2013, pilot trainings were carried out in different parts of Finland in order to enable young persons to complete compulsory education. The results were generally good, and although statistics on participation are not broken down by gender, the reports are that many girls and young women of immigrant background were able to finish basic education and move on to vocational school. The pilot projects will be followed up by a working group, which is tasked with formulating a permanent model for basic education for students past the age of compulsory primary education.

#### *Access to the labour market for women of immigrant background*

37. Women of immigrant background are still in a disadvantaged position in terms of employment. According to the national employment statistics of 2010 (Statistics Finland, 2013), the employment rate among immigrant women was 46.9 per cent (compared to the rate among all women, 69.9 per cent), and the employment rate



among immigrant men was 55.3 per cent (all men 67 per cent). The unemployment rate was 24.9 per cent among immigrant women (all women 8.8 per cent) and 20.8 per cent among immigrant men (all men 11.9 per cent). Thus, the differences between the majority population and immigrants were considerably higher among women than among men.

38. The Government made the improvement of immigrant women's equality and labour market position one of the priorities in its decision-in-principle of 7 June 2012 on the Government Integration Programme. The programme underlines that all immigrant women must have access to services promoting their integration even if they do not enter working life immediately but stay at home for caring for children in many years. Therefore, it is necessary to develop the service system and to offer the services actively to immigrant women. The Integration Act (1386/2010) stipulates that all immigrants have, inter alia, the right to obtain information about Finnish society, and the right to guidance and counselling. Local authorities may also prepare integration plans for families, regarding especially training, peer support or organisational activities suited for mothers who care for their children at home.

39. The Government has made efforts to improve immigrant women's access to the labour market e.g. by means of an inclusion project ("Included in Finland"). This project, carried out in 2010-2013, tests extensively the integration training for immigrants on the basis of Chapter 9 of the Integration Act (1386/2010). Local projects have piloted e.g. training forms that permit immigrant parents staying at home to study the national languages and that also provide information and guidance on opportunities for further training. Drawing on the experience from the inclusion project, the Government will continue to develop and reform the integration training in 2014.

40. Furthermore, the Government has improved immigrant women's employment opportunities after integration training by means of different projects, e.g. the Women to project, funded by the Finnish Slot Machine Association and implemented by the Family Federation of Finland. Immigrant women's lack of networks often weakens their employment opportunities and makes it difficult even for highly educated women to find contacts with employers.

41. In 2009-2013, the Gender Mainstreaming Programme Valtava, carried out by the Ministry of Employment and the Economy, has applied a job coaching model (Women's school) for immigrant women who have major difficulties in being employed and who risk exclusion. The coaching consists of contact lessons and rehabilitative work. The model supports women in coping with everyday life, on the basis of their own needs. The coaching takes account of gender equality issues and includes discussion on them with the students. During the coaching, immigrant women learn skills and knowledge that they need for full participation in Finnish society. The coaching aims at empowering the women, building up their social network, providing peer support for them, encouraging their active use of the Finnish language, and finding them a path to follow after the coaching. All women attending the coaching are given an opportunity to try more than one occupation. Through the rehabilitative work, immigrant women establish contacts with common Finns and build new networks. Correspondingly, workplace instructors working in businesses learn to meet employees of immigrant background and get acquainted with other cultures. In all 12 women have attended the one year long coaching every

year. The coaching model, developed by Oulu Settlement, supplements the Government's integration model and will also be spread to other organisations of child, youth and adult education.

42. The Gender Mainstreaming Programme included a job coaching project (From temporary to long-term work) for persons with major difficulties in being employed. Personal job coaches supported such unemployed persons in seeking active employment measures. A reference letter presenting each job seeker's skills was developed for use by the job coaches, to help them find work for the clients. The job coaches contacted companies in those sectors which the clients were interested in and presented the clients to the potential employers by means of the reference letters. The letters gave a brief description of the client's skills, the sought measure (paid work, job coaching etc.) and the possible subsidies that the employer might obtain when recruiting the client, but did not disclose the client's age, gender, name or nationality.

43. Thus, the letters emphasised the job seekers' skills and capabilities instead of their gender, age or other background factors. The model considerably lowered the threshold for recruiting employees. The model improves the equality of immigrants, ageing job seekers and ethnic minorities in recruitment. It has been noticed in Finland that discrimination may occur at the recruitment stage, often on grounds of those personal factors of job seekers that were not disclosed in the reference letters.

#### **Response to paragraph 6**

##### *Discrimination*

44. The Constitution of Finland states that nobody shall be discriminated against on the grounds of sex, age, origin, language, religion, conviction, opinion, health, disability or other reason that concerns her/his person. The non-discrimination Act (21/2004) bans discrimination on the basis of age, ethnic or national origin, nationality, language, religion, belief, opinion, health, disability, sexual orientation or other personal characteristics.

45. The objective of the Government is to prepare a proposal for new legislation on non-discrimination. The reform will seek to strengthen non-discrimination protection by extending the legislation more clearly to all grounds for discrimination, making it more consistently applicable to all areas of life, and stipulating legal safeguards and sanctions that are optimally similar for all persons in various discrimination situations (for example persons with disabilities and obligations of the UNCRPD).

##### *Women and girls with disabilities*

46. The legislation of Finland does not contain any specific provisions protecting women and girls with disabilities from gender discrimination. The Finnish Government has developed a Government Action Plan for Gender Equality (Hallituksen tasa-arvo-ohjelma) for the years 2012-2015. The Action Plan brings together and coordinates Government actions for promoting gender equality. The focus areas are derived from the Government Programme and the Government Report on Gender Equality. The program however does not address women with disabilities through specific actions. Instead it refers to the Action Plan to Reduce

Violence against Women which has several measures to improve equality and safety of women with disabilities.

47. During the past three decades the status of persons with disabilities has improved through the development of services and accessibility. Nevertheless, persons with disabilities still face societal barriers, discriminating practices and socioeconomic inequality. Societal barriers and public attitudes hinder the independent living, participation and the right to self-determination. Regional inequalities also exist.

*Violence against women*

48. The National Action Plan to reduce Violence against Women includes measures targeted at women in vulnerable positions (e.g. migrant women, women in ethnic minorities, disabled women). The Action plan acknowledges that there are still problems with how primary and specialized services deal with immigrants, disabled groups, older people and other minorities who have experienced violence. The availability of special services for victims of violence, violent offenders and children witnessing violence must be ensured nationally, and furthermore it is necessary to clarify how these services shall be delivered and funded jointly by local governments, central government and organizations.

49. The Action Plan to Reduce Violence against Women contains measures especially tailored to improve the conditions for and facilitating the provision of assistance to women with disabilities having faced violence. Training for social and health-care staff and for people working in services organized by NGOs shall include information about how to respond to vulnerable groups and how to identify and intervene in violence they have experienced, so that vulnerable groups can be offered the same services as other victims of violence. Training and guidelines shall be provided in order to equip people working in special disabled services (e.g. staff and social workers at schools and residential homes) with the skills they need to identify violence.

50. New material and existing material that will be updated will be designed and compiled in such a way that they reflect the position of society's most vulnerable groups, such as ethnic minorities, sexual and gender minorities and disabled people. In the case of disabled people this means that education must be generally available and accessible: information as well as feedback must be available in plain language and/or sign language and via several channels.

51. In order to promote awareness of violence that persons with disabilities face the National Institute for Health and Welfare (THL) has produced several new materials. THL upholds the eHandbook on Disability Services which is intended for people working in the field of disability, for use in support of client work. It is also used by many persons with disabilities. The eHandbook contains a section Disability & Violence which includes a wealth of information on violence against persons with disabilities with a special focus on women, children and elderly with disabilities. It includes information on all forms of violence including physical, emotional and sexual violence as well as discrimination and hate crimes. The section provides information for professionals on how to recognize violence (at the client's home or in services) and how to address it. The section was published in January 2012. In its first year the section had nearly 4500 visits. This year it is expected to have more than 6000 visits.

52. In August 2013 the National Institute for Health and Welfare opened a new section on prevention of domestic violence on the website Kasvun kumppanit (“Partners promoting the well-being of children”). The section also addresses honour violence and violence against people with disabilities. The section aims to inform professionals and municipalities in organising preventive work through their well-being strategies and safety plans. Every municipality must have an appointed coordinator for the prevention of violence. The Ministry of Social Affairs and Health has published in 2009 recommendations for the prevention of interpersonal and domestic violence (Recognise, protect and act. How to guide and lead local and regional activities in social and health care services). In the recommendations on domestic and intimate partner violence to the social welfare and health services, local governments are requested to pay attention to the service needs of elderly persons, persons with disabilities as well as children and young persons.

53. In August 2013 the National Institute for Health and Welfare published a guide *Uskalla olla, uskalla puhua — vammaisen nainen ja väkivalta* (“Dare to be, dare to speak — women with disabilities and violence”). The guide contains vivid examples of violence that women with disabilities face in Finland — at school, at work, at home and in institutions. It guides and encourages women with disabilities to use public services and suggests several measures to develop the current situation. The guide is aimed at women and girls with disabilities and at professionals working with persons with disabilities.

54. In June 2013 the National Institute for Health and Welfare published national quality recommendations for shelters (*Turvakotipalvelujen kansalliset laatusuosituksen*). The recommendations state that accessibility and the needs of special groups must be taken into consideration in the planning of shelters. However, more attention must be paid into making shelters that operate today and their services accessible to persons with disabilities as at the moment none of the shelters are wheelchair accessible.

55. In 2012 the National Institute for Health and Welfare published an updated guide on safety skills for young people (*Turvataitoja nuorille — Opas sukupuolisen häirinnän ja seksuaalisen väkivallan ehkäisyyn*). The guide is aimed at professionals working with young people and its purpose is to prevent violence, abuse and harassment through education and awareness raising. The guide has a human rights based approach and it addresses young people with disabilities in a separate section but also throughout the guide.

56. Disability as a motive of crime is defined as an aggravating circumstance in the Penal Code (39/1889). The Penal Code deals with sexual crimes, where a special consideration is taken in situations when the perpetrator abuses persons who due to their disability, illness or other vulnerable situation are not able to defend their sexual self-determination. Sexual crimes against children are defined, also specifically in situations where the victim is dependent on the perpetrator, when the crime has taken place at hospital, school or other similar situations.

57. Finland has adopted a National Plan to Reduce Corporal Punishment of Children 2010-2015 titled “Don’t hit the child!”. Children with disabilities and their parents are one of the target groups of the plan, owing to their higher vulnerability. The Plan proposes that the State increase availability of home services especially for families with small children, many children or disabled or chronically ill children, and single-parent households.

58. All action plans, guides and websites have been designed and produced in direct cooperation with different disability organisations and representatives such as the Disability Forum (Vammaisfoorumi), the DPO women's network (Vammaisjärjestöjen naisverkosto), The National Council on Disability (VANE) and the Network of organisations of parents of disabled children (Vammaisten ja pitkäaikaissairaiden lasten ja heidän perheidensä yhteistyöryhmä YTRY).

#### *Education and Employment*

59. The level of education and employment of persons with disabilities is lower than the average of the whole population.

60. Finland has pushed to improve the accessibility of education, study materials and student selection through various measures. Persons with severe disabilities are entitled to personal assistance and transportation services which can be crucial in accessing education or employment. Interpretation services are provided for people who have a hearing impairment, visual and hearing impairment (deaf blindness) or speech impairment. Services must be organised in the extent needed.

61. Study materials are available in alternative formats for students with disabilities. Celia is a Finnish state-owned special library which produces and provides literature in accessible formats for people who are unable to read standard printed books, due to illness or disability — including visually impaired persons, persons with dyslexia and learning disabilities, developmental disabilities and muscular diseases. Assistive technology for studies or work is provided for by Kela (The Social Insurance Institution of Finland) and municipalities. The Recommendation for an Accessible Student Selection was published 2009.

62. The Finnish Register of Visual Impairment is maintained by the Finnish Federation of The Visually Impaired and is subject to the National Institute for Health and Welfare (THL). According to the Register the level of education and employment of persons with visual impairments is lower than that of the whole population.

Table — level of education

#### **Registered visually impaired 15-64 years old persons in Finland according to National Census in 2005 and 2000 compared with the whole population**

<i>Level of education<sup>a</sup></i>	<i>The duration of education</i>	<i>Registered visually impaired %</i>		<i>Whole population %</i>	
		<i>2005</i>	<i>2000</i>	<i>2005</i>	<i>2000</i>
Basic education	up to 9 years	40.6	44.0	29.0	33.0
Secondary education	10-12 years	42.6	41.2	42.8	40.9
Higher education	13 years+	16.8	14.8	28.2	26.1
<b>Total</b>		<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>
N (the registered visually impaired persons in this study)		3 744	3 667		

<sup>a</sup> The Finnish Standard Classification of Education.

Table — main type of activity  
**Registered visually impaired 15-64 years old persons in Finland according to National Census in 2005 compared with the whole population**

	<i>Registered visually impaired persons %</i>	<i>Whole population %</i>
Fully employed	21.6	68.0
Partially employed	22.3	
Unemployed	1.9	6.3
Students	3.2	
Pensioners	49.3	25.7
Other or unknown	1.8	
<b>Total</b>	<b>100.0</b>	<b>100.0</b>
N (the registered visually impaired persons in this study)	3 774	

63. A study on factors affecting the studies of young disabled and deaf persons showed that the factors hindering educational paths are, in particular, attitudinal barriers within the institution, and the inadequacy of social services for the disabled. Inaccessibility of ICT systems in institutions is also a barrier to some disabled students. The student's personal resources can have great significance in compensating for deficiencies in the studying environment or in the organisation providing services. The research shows that structural factors outside the education system also play a central role in the participation of disabled and deaf young people in education — or in marginalising such participation.

#### *Right to vote*

64. Every Finnish citizen, aged 18 or older on the day of the election, has the right to vote in parliamentary elections. There are no limitations on the basis of psychosocial or intellectual disability, or any other condition. There are, however, the exclusions to the right to stand for elections for persons under guardianship (a number of persons with intellectual disabilities). The limitations for standing for election are based on the Constitution of Finland (731/1999, Section 27) and the Local Government Act (365/1995, Section 33).

65. Attention has been paid to enable persons with disabilities to practice their right to vote. Information on the local elections has been available in several minority languages including in Finnish Sign Language on the Elections website (vaalit.fi). Information is also available in plain Finnish for people who use Finnish or Swedish as a foreign language or who have difficulties in reading regular language. Transportation costs of disabled voters to and from polling stations can be covered by the state. The legislation requires a dedicated assistant to be present at each polling station, to facilitate voters unable to mark their ballots alone for reasons of disability. Candidate lists are now available in Braille. The Ministry of Justice has issued guidelines requiring polling stations to be accessible, but not all municipalities have implemented this requirement.

66. The OSCE Office for Democratic Institutions and Human Rights observed the parliamentary elections in Finland the 17th April 2011. In its report OSCE paid

attention to the accessibility of polling stations. In the report OSCE noted that not all polling stations were wheelchair accessible and not all polling stations had special voting booths. Also ballots or other method of independent voting for the blind are not accessible: “The vote for blind people is currently compromised as they continue to be dependent on an assistant to mark their ballot. Full compliance is therefore yet to be reached with various international and Finnish legal documents that require every citizen to be guaranteed the right to a secret ballot and the prohibition of discrimination on the basis of disability.”

*Persons with disabilities within minorities*

67. Persons with disabilities belonging to minority groups constitute a minority within a minority. It is important that the needs of persons with disabilities within minorities are identified and that services are adapted to them. According to the Constitution, persons whose native language is Swedish, Sami, Romani or Sign Language must be provided with services in their own language. The situation of persons with disabilities speaking the Romani language is not known well. Disability services in the Sami language are inadequately available. The number of people speaking Sami is small and they live scattered over a wide area, which renders the provision of equal services particularly challenging. Since 2000, the Sami Parliament in Finland has had an appropriation for ensuring social and health care services in the Sami language, and some municipalities in Lapland have also used it for improving services for Sami-speaking persons with disabilities.

*Roma women*

68. For information on gender equality for Roma women, please refer to the answer to question 17.

69. During spring 2013 the Ministry of Employment and the Economy carried out, jointly with the Family Federation of Finland, a training package focusing on the special features of preventing violence against immigrant women. The training was organised in different parts of Finland, on 7 occasions. It dealt with such issues as multicultural partnership and family work in general, the special features of violence against immigrant women, and means to prevent the mutilation of female genitals and violence of honour.

## **Violence against women**

### **Response to paragraph 7**

70. The National Action Plan to Reduce Violence against Women is implemented according to a yearly plan. The implementation is monitored annually. The monitoring for the year 2013 is under way. All measures are not implemented simultaneously. Some have already been implemented, some are ongoing and some are waiting for implementation or further funding. Although no budget was allocated to the Action Plan, some funding has been allocated to the programme from the ministries in charge of the measures, such as the Ministry for Social Affairs and Health. Some of the measures can be implemented without separate funding and those, for which there is no funding, are sought to be carried out within the framework of other programmes aimed at improving the service structure in Finland, such as the National Development Programme for Social Welfare and

Health Care (Kaste). However, considering the current and recent financial situation, it is expected that some measures will not be able to be carried out.

71. Finland signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) on 11 May 2011. The Convention is the first European Convention on women's rights seeking to establish a comprehensive legal framework protecting women from all forms of violence. A working group appointed to analyse the measures required for ratifying the Convention, with a view to completing ratification during the term of the present Government, submitted its report to the Ministry for Foreign Affairs in March 2013.

### **Response to paragraph 8**

72. The Action Plan for the prevention of circumcision of girls and women 2012 — 2016 was published by the Ministry of Social Affairs and Health in August 2012.<sup>3</sup> The purpose of the Action Plan is to create permanent national and regional structures to prevent circumcision of girls and women. Therefore, the aim is to ensure the preservation of the existing expertise and the long-term development of the preventive work. Other goals of the Action Plan include more effective collaboration, clearer division of work and better coordination between different authorities and other actors.

73. No separate National Action Plan against Disciplinary Violence in immigrant families has been adopted in Finland, but the working group in charge of drawing up a proposal for the National Plan to Reduce Corporal Punishment of Children 2010-2015 investigated the matter of corporal punishment in particular from the point of view of immigrants, inter alia. In the course of its work the working group consulted, among others, the Migration Department of the Ministry of the Interior as well as religious, multicultural and immigrant organizations. Immigrant families are one of the key target groups of the action plan as immigrants often come to Finland from countries where corporal punishment is not prohibited by law.

74. The Action Plan proposes as one of the measures to reduce corporal punishment of children including the human rights perspective in integration services and liaising with immigrant organisations. More particularly the Action Plan proposes informing immigrants immediately on arrival about the rights of the child, positive upbringing and the prohibition of corporal punishment; producing materials in minority languages; ensuring that there are nationally uniform materials and policies in place for providing information for immigrants on arrival. According to the Action Plan every immigrant must receive this information. The Action Plan also proposes recruiting representatives of immigrants and ethnic communities for social welfare and health care services and use them as trainers for integration services as well as increasing publicity about child welfare services in minority languages to breed confidence. The Action Plan further proposes encouraging religious organisations working among immigrants to highlight the themes of opposing corporal punishment and supporting positive upbringing and encouraging youth services in local authorities to provide immigrant children and adolescents information about their rights and about national legislation.

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<sup>3</sup> Available at [http://www.stm.fi/en/publications/publication/-/\\_julkaisu/1822114](http://www.stm.fi/en/publications/publication/-/_julkaisu/1822114).



**Response to paragraph 9**

75. The National Institute for Health and Welfare is also piloting a project (Multi-Agency Risk Assessment Conference, MARAK) to decrease serious violence in relationships and to support victims. The aim of the project is to identify high risk victims and ensure better protection for them from further abuse through multi-agency coordination. The multi-agency approach is found essential when combating domestic violence. In accordance with the method, risk assessment is conducted in meetings of local inter-professional groups, involving the police, social and health care workers, child welfare authorities and other authorities if needed.

76. An assessment has been made of the initial one year MARAK pilot phase which ended in 2011. The conclusions of the assessment single out certain critical points in the process that need to be developed in the future. Recommendations include providing further training on violence in relationships and the MARAK-method and steering and financing the project on a nationwide level. To that effect, the minister group for the Third Internal Security Programme 2011-2015 will be steering the project from the beginning of 2014 onwards. The Ministry for Social Affairs and Health will be responsible for Government level cross-sectional coordination of the project. The National Institute for Health and Welfare will continue to implement the MARAK method in different parts of the country. A variety of professional groups and administrative levels are involved in the work.

77. As the number of victims included in the pilot project was small and only a part of them were interviewed for the assessment, and as the initial results were positive and suggestive, it has been decided to continue piloting the project more widely until the end of 2014.

78. In 2012 the police recorded six per cent more offences involving homicide and attempts of such offences than in 2011. This means a numerical increase by 23 cases (from 420 to 443 cases). The number of committed homicides declined by 25 cases from 2011 (from 116 to 91 cases). It is noteworthy that the number of committed homicides was smaller than 100 for the first time in 30 years.

**Response to paragraph 10**

79. In February 2012 the National Research Institute of Legal Policy completed a report on rape crimes (Selvityksiä raiskausrikoksista). One of the main findings in the report was that the numbers of rape crimes known to the police and resulting in sentences have doubled during the last 10 years. This development is attributable, above all, to the overall increase in the inclination to report crimes and to those legislative amendments which have expanded the right to bring charges.

80. The normal punishment imposed for a crime fulfilling the basic constitutive elements of rape (Chapter 20, Section 1 of the Criminal Code) is unconditional imprisonment for about two years. Slightly less than one third of all perpetrators are sentenced to conditional imprisonment for an average of one and a half year, and every seventh perpetrator is sentenced to a combination of conditional imprisonment and community service. The average punishment for aggravated rape (Chapter 20, Section 2 of the Criminal Code) is unconditional imprisonment for 3-4 years. Coercion into sexual intercourse is usually punished by conditional imprisonment for slightly less than a year. Every sixth perpetrator is sentenced to unconditional imprisonment for an average of slightly more than a year. An analysis of the

grounds for the rulings indicates that the sentences seldom take account of mitigating circumstances. The stated reasoning mostly indicates aggravating factors.

81. The above-mentioned report of the National Research Institute of Legal Policy shows that in 2006-2010 the police referred to the prosecutor 94 per cent of all rape crimes they had cleared up. In 2010, prosecutors waived prosecution in 25 per cent of all rape crime cases referred to them. In 2009, lower courts rejected the charges in 20 per cent of all rape crime cases.

82. When comparing the situation regarding rape crimes in 1994-1998, on one hand, with that in 2005-2009, on the other, the report shows a clear increase in the percentage of prosecuted and sentenced cases among the cases known to the police.

83. The Government has continued to draft amended provisions on rape crimes, and the related draft government proposal has been circulated for comment. The proposal will be submitted to Parliament during 2013.

#### **Response to paragraph 11**

84. The Government Action Plan for Gender Equality 2012-2015 lists limiting the use of mediation in offences involving intimate partner violence as one of the measures to combat intimate partner violence, domestic violence, violence against women and sexual violence, pursuant to the Government Programme. For example, national guidelines will be applied to ensure that practices throughout the country are in line with the limits set by law with respect to mediation and referral to mediation in cases involving intimate partner violence or domestic violence.

85. Act on Conciliation in Criminal and Certain Civil Cases (1015/2005), section 3, subsection 1, states that conciliation may deal with crimes that are assessed as eligible for conciliation, taking into account the nature and method of the offence, the relationship between the suspect and the victim and other issues related to the crime as a whole. Crimes involving underage victims must not be referred to conciliation if the victim needs special protection because of the nature of the crime or because of his/her age. If a crime cannot be referred to conciliation, issues related to compensation of the damage caused by it must not be referred to conciliation either.

86. According to section 13 of the Act:

(1) Conciliation may be proposed by the crime suspect, the victim, the police or prosecuting authority or some other authority. If the suspect or the victim is underage, his/her custodian or other legal representative has the right to propose conciliation. In cases involving a legally incompetent adult, the person supervising his/her interests may also propose conciliation.

(2) However, only the police or prosecuting authority has the right to propose conciliation if the crime involves violence that has been directed at the suspect's spouse, child, parent or other comparable near relation.

(3) When the police or prosecuting authority assesses that a case at hand is eligible for conciliation as laid down in section 3(1), it must inform the suspect and the victim of the crime of the possibility of conciliation and refer them to conciliation, unless otherwise provided in subsection 2 of this section. If the suspect or the victim of the crime is underage, the information on the possibility of conciliation must also be given to his/her custodian or other legal representative. In

cases involving a legally incompetent adult, the information must always be given to both the person him/herself and the person looking after his/her interests.

87. Out of all the criminal and civil cases referred to mediation, just over 50 per cent were violent crimes in 2011 and 2012 (53.4 per cent). In 2011 the share of violent crimes of all mediated criminal and civil cases increased by around 6 percentage points, and by 1 per cent in year 2012. In 2012 total amount of cases referred to mediation decreased 7 per cent.

88. Domestic crimes are increasingly referred to mediation, which is partly due to an amendment to the Penal Code under which also petty assaults in domestic settings are offences under public prosecution. Year 2012 the share of domestic crimes was 17 per cent of all violent crimes.

89. Year 2012 the total number of criminal and civil cases referred to mediation decreased 7 per cent compared to year 2011, amounting to 12,306 cases. The total number of mediated cases included 11,908 criminal cases and 398 civil cases.

### **Response to paragraph 12**

90. In the division of work within the Government, the Ministry of Social Affairs and Health is responsible for issues related to shelters. Under the second Internal Security Programme, the Ministry prepared a report on the situation of shelters in Finland. The report was completed in 2010.

91. The Government made a decision-in-principle on the third Internal Security Programme on 14 June 2012. One of the expert groups set up to prepare the programme examined the position of crime victims and the services available to them. At the initiative of the Ministry of Social Affairs and Health, issues related to shelters were excluded from the preparation. Based on the preparations by the expert group, the Government's decision-in-principle on the Internal Security Programme contains three measures to improve the services available to crime victims. The most important measure is to ensure crime victims' access to sufficient services with comprehensive regional coverage by preparing alternative models for sustainable financing of the services, including the founding of a fund for crime victims. A proposal to this effect will be completed at the end of 2013 and considered by the Ministerial Group for Internal Security before the end of the year. Sufficient financing must be ensured before it is possible to increase the services available to crime victims and make these services cover better both the various regions and the various victim groups. As determined in the Internal Security Programme, organisations providing crime victim services have increased their cooperation to ensure services for those victim groups which need special expertise. In addition, the Government has submitted to Parliament a proposal for supplementing the Criminal Investigations Act with a provision that obligates authorities to refer crime victims more actively to support services (Government Proposal for Acts to amend the Criminal Investigations Act and the Coercive Measures Act and for certain related Acts; HE 14/2013 vp).

92. In 2010 the Ministry of Social Affairs and Health mapped the access to shelters. In Finland there were 21 shelters, most of which are non-profit associations. However, the number of shelters is still low compared to the population and the funding for shelters is unstable. For victims of intimate partner and domestic violence, there are 123 family shelter places in Finland. The provision

of shelters is being considered in an ongoing work preparing ratification of the Istanbul Convention of the Council of Europe as well as in the process of reforming the Act on Social Services. An amendment to the Act on Social Services is under preparation. The proposed amendment would include setting out the responsibility of the municipalities for organizing shelter services. The proposal will be presented to Parliament in September 2014.

93. The National Institute for Health and Welfare (THL) published National Quality Guidelines for shelters in June 2013. The guidelines define the guiding principles for customer work at shelters, describe the process of customer work and define the objectives and criteria of the work.

94. The Ministry of Social Affairs and Health is launching a project in November 2013 to draw up a plan for a nationwide shelter network. The aim of the project is to build a comprehensive shelter network in Finland, including the rural areas, taking account of the National Quality Guidelines.

95. For information specific to women with disabilities, please refer to the answer to question 6.

### **Response to paragraph 13**

96. Some services exist but they remain insufficient. The Finnish social and health care system is undergoing broad and deep structural changes in the near future. These changes will also affect the way the provision of services.

## **Trafficking and exploitation of prostitution**

### **Response to paragraph 14**

97. The Government Action Plan for Gender Equality sets the following objective: "A comprehensive assessment of the legislation on buying sexual services will be conducted and further action outlined. Sweden's experiences of the implementation of legislation on buying sexual services will be taken into account in the assessment."

98. In 2013 the Ministry of Justice commissioned researchers at the University of Helsinki to assess the functioning of the current prohibition of purchase of sexual services, as planned in the Action Plan for Gender Equality. In their report, submitted in September 2013, the researchers recommended primarily that the purchase of sexual services be prohibited entirely in Finland, too.

99. The Ministry of Justice is considering possible further measures.

### **Response to paragraph 15**

100. The mandate of the Steering Group appointed by the Ministry of the Interior was to assess the implementation of the Revised Plan of Action against Trafficking in Human Beings and to prepare recommendations for developing the anti-trafficking legislation and measures. In February 2012, on the basis of the Steering Group's findings, the Ministry set up a project to prepare a proposal for more detailed regulation of the assistance system for victims of trafficking. The project takes account of the recommendations of the Steering Group.

101. The mandate of the project group is

- to examine and assess the current status and functioning of the existing legislation concerning victims of trafficking (especially the Act on the Reception of Persons Seeking International Protection and the Aliens Act), and to analyse the various alternative means of regulating the assistance for victims of trafficking, incl. the effects of the means, in order to improve the assistance system,
- to compare the legislations on assistance and support for victims of trafficking in those industrial countries which are most important from the project perspective, and
- drawing on the findings from the examination, to prepare a proposal for more detailed regulation of the assistance and support for victims of trafficking.

102. A report describing the current situation and supporting the proposal will be completed in autumn 2013. The government proposal to be drafted on the basis of the report will be submitted to Parliament at the beginning of its autumn session 2014 at the latest.

#### **Response to paragraph 16**

103. Since 1 January 2011, the Ministry of Employment and the Economy has been responsible for the legislation and measures to support the integration of workers in massage parlours into Finnish society. Relevant provisions are attached to these replies to the list of issues.

104. According to Section 7 of the Public Order Act (612/2003), (“Other activities causing disturbance”), it is prohibited to purchase sexual services or offer sexual services against payment in a public place. For the purposes of the Act, sexual services mean sexual intercourse and equivalent sexual acts as defined in Chapter 20, Section 10, subsection 1 of the Criminal Code (39/1889). Provisions on penalties for abusing a victim of prostitution and for purchasing sexual services from a young person are laid down in Chapter 20, Sections 8 and 8(a) of the Criminal Code (744/2006).

105. Section 148, paragraph 6 of the Aliens Act (301/2004) provides that an alien may be refused entry into the country if there are reasonable grounds to suspect that he or she may sell sexual services.

### **Participation in political and public life**

#### **Response to paragraph 17**

106. The Personal Data Act prohibits the processing of sensitive personal data. Therefore, it is not possible to compile statistics on data describing e.g. a person’s ethnic background, race or disability.

107. When encouraging active voting in elections and developing different means of civic participation on the web, authorities have paid attention to the opportunities of special groups, e.g. the young and immigrants, to participate and influence in society. A key target in developing the web-based participation has been to ensure equal opportunities for different groups with disabilities to participate and influence.

108. The Democracy Ambassador project, carried out before the municipal elections in 2012, was a new form of cooperation between the Government and non-governmental organisations in encouraging active voting. The training arranged for immigrants under this project in autumn 2012 attracted approx. 300 persons. Some training sessions included a party panel, where the local political parties presented themselves for immigrants. All the panels had a large audience. The training was arranged by the Ministry of Justice and the Advisory Board for Ethnic relations (ETNO). The national training course for the Democracy Ambassadors, which lasted nearly two months, was held in six localities. In addition, the Ministry of Justice and the Ministry of the Interior have trained 41 Democracy Ambassadors in the Helsinki metropolitan area under the iCount project funded by the EU.

109. One of the projects (project no. 43) under the National Action Plan on Fundamental and Human Rights promotes the equal implementation of participation rights of immigrants and persons with disabilities. It aims to establish which legislative and other measures are required to secure the equal implementation of rights to civic participation for all. In particular, the project seeks solutions for the various challenges related to the practical implementation of participation rights.

110. The first National Policy on Roma was published in December 2009. The general objective of the Policy is to promote equality and inclusion of the Roma in different areas of life. One of the priorities of the Policy focuses on developing the Roma Policy and strengthening the possibilities for participation of Roma. In December 2010, on the basis of the National Policy on Roma, the Government approved a decision-in-principle on guidelines for the Policy. A mid-term report on the implementation of the Policy will be submitted in 2013.

111. The Finnish Advisory Board on Romani Affairs, the Finnish Council for Gender Equality and the Council of Europe organized jointly an international conference for Roma women in Finland in September 2013. The purpose of the conference was to improve the strategic development and monitoring of the rights and position of Roma women at political level. Another purpose was to increase the co-operation of equality instruments and women's organizations with Roma women's organizations. The objective was to make existing mechanisms and women's organizations, in their own activities, pay more attention to the position of Roma women and to the implementation of their rights, both nationally and internationally. National and international Roma women's organizations, other women's organizations and equality instruments participated in the conference. The preparation process itself, too, is intended to empower Roma women's organizations and help them network with other equality instruments.

112. For information on the participation of persons with disabilities, please refer to the answer to question 6.

## **Employment**

### **Response to paragraph 18**

113. The main objective of the Equal Pay Programme is to narrow the gender pay gap to 15 per cent by 2015. It aims at realizing the objective of the "equal pay for equal work"-principle. Other objectives include decreasing unfounded fixed term

employment, decreasing gender based segregation of work, strengthening the career development of women, improving the quality and quantity of equality planning and pay surveys and so forth. The means taken to achieve the goal include: contract policy, decreasing of the gender-based segregation of occupations, development of pay systems and support for women's career development. The programme is running actively and is producing notable research and development programmes such as a research project on the structural changes of working life, a programme on the strengthening of equality in wage and contract policies, as well as a programme supporting women's careers. The Ministry for Social Affairs and Health will increase knowledge on wages with a broad communications programme to be launched early autumn 2013. In addition to development measures, actions aimed at directly influencing the pay gap are essential.

114. Please also note the answer to question 2 concerning the reform of equality planning in workplaces.

115. An employer who has violated the discrimination prohibitions referred to in Section 8 of the Equality Act (609/86) is liable to pay compensation of a minimum amount of EUR 3,470 to the affected person as stated in Section 11 of the said Act. The discrimination prohibitions in working life in Section 8 include pay discrimination and discrimination based on pregnancy. Neither pregnancy nor family leave are valid reasons for allowing a fixed-term employment contract to lapse when the work would otherwise continue. Compensations are sentenced by the court.

116. The equality board may, according to Section 21 of the Equality Act, prohibit anyone who has acted contrary to the provisions of Section 8 from continuing or repeating the practice, under the threat of a penalty if necessary. The board may also, by threat of a penalty if necessary, impose an obligation on the employer that has neglected the obligation under the Section 6 and 6a to prepare a gender equality plan within a defined period.

117. Chapter 47 Section 3 of the Criminal Code includes criminal provisions on work discrimination. According to the provisions an employer, or a representative thereof, who, when advertising a vacancy or selecting an employee or during employment, without an important and justifiable reason places a applicant or an employee in an inferior position e.g. because of gender or family status shall be sentenced for work discrimination to a fine or to imprisonment for six months at the most.

#### **Response to paragraph 19**

118. The Ministry of the Interior has collected information about the position of immigrant women and men when conducting a gender impact assessment for the "Future of Migration 2020 Strategy" under the Government Programme. This information indicates that the financial position of immigrant women is often weaker than that of immigrant men and that although the financial difference between the sexes within the non-immigrant population is similar, it is less pronounced. Employment statistics show that in 2009 women with a foreign native language in Finland earned approx. 77 per cent of the amount earned by men with a foreign native language, whereas the proportion within the non-immigrant population was 82 per cent in favour of men. The taxable income of women with a foreign native language amounted to only 73 per cent of the income of men with a

foreign native language, whereas the proportion within the non-immigrant population was 77 per cent. Immigrant women have an inferior position also in the labour market, enrolment in education, and societal participation and influence.

119. Among the different employment measures, development projects are funded either from the national budget for employment, through employment policy subsidies, or from the European Social Fund. Such projects can influence the situation of Roma in the labour market in many ways. A development project may influence the situation of the target group directly: for instance unemployed Roma attend such projects. Furthermore, the projects may influence the situation of Roma through upper secondary level education or through different Roma actors. A project engaging employees with Roma background is even better placed to influence the whole Roma community and to take account of special factors related to their culture. Regarding Roma women, such factors include their tendency to set up a family at a young age, and their dress (the Roma costume).

120. The Tempo job-creation project, supported by the national employment policy subsidy, was aimed to promote the employment of immigrants and Finnish Roma in the Helsinki metropolitan area. The project produced a model for coaching job-seeker clients and a model for supporting employers in recruiting these clients and integrating them into workplace communities. In practice, the Tempo project offered job seekers working-life training, linguistic and culture-related training, career and study guidance, service-based guidance and psycho-social support. The project aimed at promoting the employment of the target groups in the open labour market. Many clients found their paths to working life through e.g. studies or on-the-job-training. The project was funded by Uusimaa Employment and Economic Development Office and carried out by Helsinki Deaconess Institute in 2008-2012.

121. The nation-wide Roti 2 project, funded by the European Social Fund (ESF), was implemented in 2008-2011 under a programme (Paremmat arjen taidot ja opintojen kautta töihin) set up by the Finnish National Board of Education to improve the everyday life skills of young Roma and to promote their employment through studies. The project was carried out in the Helsinki metropolitan area and five other cities, and it provided support to individual young persons in some other localities, too. The target group consisted, inter alia, of young Roma who had completed basic education but were not engaged in working life or vocational education. The project particularly endeavoured to include these young persons in its activities in order to prevent them from being excluded. In addition, the project was targeted at young Roma in the upper grades of basic education and in vocational training. The target group also included families, staff of educational institutions, and support persons, some of whom were of Roma background. The project was attended by a total of 136 persons, who were mainly of Roma background.

122. Under the nation-wide development programme for the intermediate labour market, funded by the European Social Fund (ESF), the Ministry of Employment and the Economy carried out a pilot project to train persons with Roma background in guidance of job seekers. The training aimed to promote the recruitment of Roma as support persons guiding job seekers or to help them engage in vocational studies in employment guidance. Uusimaa Employment and Economic Development Office carried out the training between November 2012 and June 2013. Of all 13 participants in the training, 12 could start further studies, most of them also in fields other than employment guidance.



123. One example of activities to influence ‘Roma influencers’ within the Roma community is the Kaaleet kouluun project, supported by the European Regional Development Fund (ERDF). This project, carried out by Helsinki Deaconess Institute, targeted actors who work in the Helsinki metropolitan area to improve structures promoting the education and employment of Roma.

124. The project tested different models for providing additional support and guidance to students with very weak study capabilities and/or in difficult life situations. The challenges in applying for and pursuing studies encountered during the two project years show that various alternative ways of studying are needed in upper secondary education. Time and resources are needed for individual guidance of students to help them start studies and make progress in them. Participation in preparatory training helped best to strengthen individuals’ basic capabilities and study capabilities. For more efficient work-based learning and improved chances of employment, students need guidance in the rules of working life and opportunities for on-the-job-training in different fields. Introduction into different fields of activity at workplaces facilitates and supports an individual’s choice of a field and career.

125. A major part of all anti-discrimination measures are taken under Equality is Priority (YES) projects, co-financed by different ministries. In 2012, a campaign entitled *Asenne meininki — Attitude solution*<sup>4</sup> was launched to encourage employers to recruit young persons representing different minorities. The campaign aimed, in particular, to promote the recruitment of young Roma but also to foster a more positive climate of attitudes towards all other groups at risk of discrimination in the labour market. Among other measures, the campaign produced information material on practices at work places and in working life.

126. In 2011, the Ministry of Employment and the Economy funded a new edition of the guide on recruiting Roma (*Palkkaisinko romanin*). The guide has been distributed e.g. to the Employment and Economic Development Offices and published on the Internet.<sup>5</sup>

127. The intention is to ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol during the term of office of the present Government. The Ministry for Foreign Affairs has set up an interdepartmental working group for the term 16 May 2011-31 December 2013 to prepare a report which includes a draft for a government bill for ratification. The working group consists of members representing the relevant authorities and civil society, including disability organisations. Necessary measures for the ratification mainly relating to new provisions on the right to self-determination are being prepared by the Ministry of Social Affairs and Health and the aim is to complete those in the spring 2014.

128. The Government has analysed the prospects for ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in 1992, 2004 and 2011. Based on comments received, the Government concluded that ratification of the Convention is not expedient. Migrant workers and other immigrants are not differentiated in Finnish legislation, but enjoy

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<sup>4</sup> [http://www.yhdenvertaisuus.fi/welcome\\_to\\_equality\\_fi/campaigns/asenne-meininki-attitude-solutio/](http://www.yhdenvertaisuus.fi/welcome_to_equality_fi/campaigns/asenne-meininki-attitude-solutio/).

<sup>5</sup> [http://www.tem.fi/files/33394/palkkaisinko\\_romanin\\_julkaisu\\_120612.pdf](http://www.tem.fi/files/33394/palkkaisinko_romanin_julkaisu_120612.pdf) (available only in Finnish).

the protection of the same constitutional rights and the same ratified international human rights instruments as other immigrants. With some exceptions, the Convention is largely congruent with national social security legislation. However, the Convention contains some unclear and undefined concepts with regard to national labour law. The status of alien workers is not only affected by national social security law, but also by social security agreements concluded by Finland and by the social security legislation of the European Union, which include a duty of equitable treatment.

## **Health**

### **Response to paragraph 20**

#### *Migrant women*

129. According to the legislation in force it is forbidden to collect statistics on ethnic grounds. Therefore, special surveys have to be commissioned in order to acquire information on access to services of migrant groups.

130. In 2012 the National Institute of Health and Welfare (THL) commissioned a large study on the health and welfare of three migrant groups, namely persons of Russian, Somali and Kurdish origin, in six big cities in Finland.<sup>6</sup> An extensive interview was supplemented with a health examination. The study provided extensive information on the health status, access to health services as well as aspirations of persons belonging to these three groups. The results have been widely disseminated and the municipalities in charge of organising the services have been urged to take note of the results.

#### *Sami women*

131. A special survey on the life and welfare services of Sami people was commissioned by the University of Lapland in 2013. The report will soon be available online. The results are based on an interview with 118 Sami speaking people in the Sami homeland area in the north of Finland. The results show that access to and satisfaction with social and health services is lower than that of the major population. Long distances to services are a major factor hindering access. Differences between municipalities are considerable.

132. In September 2013 the Ministry of Social Affairs and Health together with the Sami Council organized an event where municipalities and other stakeholders were invited to discuss the above survey and possible measures to develop the quality of social and health services in Sami.

#### *Roma women*

133. The National Institute of Health and Welfare (THL) are currently commissioning a pilot survey on the health and welfare of the Roma population in Finland. The pilot survey includes an interview and a health examination of 30 persons of Roma origin. The full survey will be carried out in the coming years, if funding for it is secured.

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<sup>6</sup> An English summary of the report is available on <http://www.julkari.fi/handle/10024/90907> (pages 309-12).

*Women with disabilities*

134. No general studies have been done on the access to health care of persons with disabilities. In the upcoming years information on the health situation of persons with disabilities will be available through the Regional Health and Well-being Study (ATH). ATH provides municipalities and municipal federations with the necessary prerequisites to monitor their residents' health and well-being together with the factors affecting them. Precise information on residents' health and well-being makes it easier to plan services in the area and evaluate the influence of actions promoting health. The research material from the study is also to be used for general investigation purposes. The ATH-study will become national during the period 2012-2014 covering up to 150,000 Finns. Furthermore, the research is extended to cover ethnic groups. ATH is funded by the National Institute of Health and Welfare (THL), Ministry of Social Affairs and Health, municipalities, regions and hospital districts.

135. Also the research data from the Health, Functional Capacity and Welfare Study (Terveys 2011) carried out by the National Institute for Health and Welfare (THL) will be analysed from the perspective of disabled citizens. The research data has indicators on different functions (e.g. seeing, hearing, cognition). However, cross examination is required in order to produce information on the health situation of persons with disabilities. At the moment such information is not available.

136. A system for grading the accessibility of services (palveluiden esteettömyysluokitus) is currently under preparation and will be completed by the end of 2013. It will be complimented with a web service (Palveluvaaka.fi) enabling people to choose between different service providers in social and health services. The system will allow service providers to report on the accessibility of their service location online in the national social and health services index. The citizen using the service index can then choose an accessible service location and provider. The index also provides information to service providers on how they can further develop their accessibility. The service will be piloted during 2014 and will be available online by 2015.

137. Children with disabilities learn about reproductive health at school in classes with other children as part of sexual education. The National Institute for Health and Welfare (THL) produces material on sexual education and distributes it openly on its website.

138. The National Institute for Health and Welfare has revised its national recommendations for maternity services which will be published in October 2013. The new recommendations include a section on disabled persons and pregnancy. Disabled persons should have access to comprehensive maternity care services that take into account their individual circumstances. Their need for condition-specific support from health and social care professionals (as well other professionals) should be identified and suitable services such as longer appointments, extra visits, and different kind of educational material should be offered. Special needs in communication should be taken into account and necessary equipment and interpretations services should be offered.

139. A Finnish study by Noramaa et al. (2013) from the Käpylä Rehabilitation Centre on the experiences of women with spinal cord injury (SCI) during pregnancy, delivery and child care showed that in 7 cases out of 18 the hospital did not have

accessible facilities. Most of the respondents were satisfied with the services of health care, but they felt that they themselves had to be aware of their own specific needs concerning SCI. They felt that the physicians in charge of the delivery need to become more familiar with the general principles of SCI care. The support from other mothers with SCI was considered essential among the respondents.

140. People who have a hearing impairment, visual and hearing impairment (deaf blindness) or a speech impairment are entitled to free interpretation services offered by the government (Kela — The Social Insurance Institution of Finland). Kela organises on-call interpretation services for pregnant women to ensure that an interpreter is present during the delivery. Also the Act on the Status and Rights of Patients (785/1992, Section 5) entitles patients with sensory or speech impairments to receive interpretation services in order to be understood or to understand issues relating to their state of health, care options and the effects of care.

141. Sterilisations are performed in accordance with the Sterilisation Act (283/1970). Section 1 of the Act stipulates that a sterilisation can be performed on a persons' own request if their illness or other condition seriously restricts their ability to care for children. In 2011 this indication was used in only 4 cases of a total of 1148 sterilizations on women and in only 1 case of 529 sterilisations on men (The National Institute for Health and Welfare, Official Statistics of Finland). According to Section 2 of the Act, if a person is unable to understand the meaning of sterilisation, sterilisation can be performed from the request of their legal representative. There are no statistics on whether this Section has been applied. There is no programme or policy concerning the sterilisation of women with disabilities.

142. The guide on adoption counselling is currently being drafted. One aim of the guide is to improve the equality of families in the adoption process.

## Appendix

### The Criminal Code of Finland

#### Chapter 20 — Sex offences

##### Section 8 — Abuse of a victim of prostitution (743/2006)

(1) A person who, by promising or giving remuneration involving direct economic benefit induces a person referred to as victim in section 9 or 9a or in chapter 25, section 3 or 3a to engage in sexual intercourse or in a comparable sexual act shall be sentenced, unless the act is punishable pursuant to section 8a, for abuse of a victim of prostitution to a fine or imprisonment for at most six months.

(2) Also a person who takes advantage of the remuneration referred to in subsection 1 promised or given by a third person, by engaging in sexual intercourse or a comparable sexual act with the victim referred to in said subsection, shall be sentenced for abuse of a victim of prostitution.

(3) An attempt is punishable.

##### Section 8(a) — Purchase of sexual services from a young person (743/2006)

(1) A person who, by promising or giving remuneration, induces a person younger than 18 years of age to engage in sexual intercourse or to perform another sexual act shall be sentenced for purchase of sexual services from a young person to a fine or imprisonment for at most two years. (540/2011)

(2) Also a person who uses the sexual services referred to in subsection 1 for which another person has promised or given remuneration shall be sentenced for purchase of sexual services from a young person.

(3) An attempt is punishable.

##### Section 9 — Pandering (563/1998)

(1) A person who, in order to seek financial benefit for himself or herself or for another person,

(1) provides a room or other facilities where sexual intercourse or a comparable sexual act or a manifestly sexually offensive act performed by a child younger than 18 years of age are offered for remuneration,

(2) as an established part of his or her business harbours a person engaging in such an act and thereby substantially promotes such an act,

(3) provides contact information of or otherwise markets another person engaging in such an act knowing that his or her actions substantially promote the performance of such an act,

(4) otherwise takes advantage of the fact that another person engages in such an act or

(5) tempts or pressures another person to engage in such an act, shall be sentenced for pandering to a fine or imprisonment for at most three years. (650/2004)

- (2) An attempt is punishable.

**Section 9(a) — Aggravated pandering (650/2004)**

- (1) If, in pandering,
- (1) considerable financial benefit is sought,
  - (2) the offence is committed in a particularly methodical manner,
  - (3) grievous bodily harm, a serious illness or a state of mortal danger or comparable particularly grave suffering is inflicted intentionally or through gross negligence on another person or
  - (4) the object is a child younger than 18 years of age and the offence is aggravated also when assessed as a whole, the offender shall be sentenced for aggravated pandering to imprisonment for at least four months and at most six years.
- (2) An attempt is punishable.

**Section 10 — Definitions (563/1998)**

- (1) For the purposes of this chapter, sexual intercourse refers to the sexual penetration, by a sex organ or directed at a sex organ, of the body of another.
- (2) For the purposes of this chapter, a sexual act refers to an act which, with consideration to the offender, the person at whom the act was directed and the circumstances of commission, is sexually significant. (540/2011)

**Chapter 25 — Offences against personal liberty (578/1995)**

**Section 3 — Trafficking in human beings (650/2004)**

- (1) A person who
- (1) by abusing the dependent status or vulnerable state of another person,
  - (2) by deceiving another person or by abusing a mistake made by that person,
  - (3) by paying remuneration to a person who has control over another person, or
  - (4) by accepting such remuneration takes control over another person, recruits, transfers, transports, receives or harbours another person for purposes of sexual abuse referred to in chapter 20, section 9, subsection 1(1) or comparable sexual abuse, forced labour or other demeaning circumstances or removal of bodily organs or tissues for financial benefit shall be sentenced for trafficking in human beings to imprisonment for at least four months and at most six years.
- (2) Also a person who takes control over another person under 18 years of age or recruits, transfers, transports, receives or harbours that person for the purposes mentioned in 10(12) subsection 1 shall be sentenced for trafficking in human beings even if none of the means referred to in subsection 1(1)-(4) have been used.

- (3) An attempt is punishable.

**Section 3(a) — Aggravated trafficking in human beings (650/2004)**

- (1) If, in trafficking in human beings,
- (1) violence, threats or deceitfulness is used instead of or in addition to the means referred to in section 3,
  - (2) grievous bodily harm, a serious illness or a state of mortal danger or comparable particularly grave suffering is intentionally or through gross negligence inflicted on another person,
  - (3) the offence has been committed against a child younger than 18 years of age or against a person whose capacity to defend himself or herself has been substantially diminished, or
  - (4) the offence has been committed within the framework of a criminal organisation referred to in chapter 17, section 1a, subsection 4 and the offence is aggravated also when considered as whole, the offender shall be sentenced for aggravated trafficking in human beings to imprisonment for at least two years and at most ten years.
- (2) Also a person who enslaves or keeps another person in servitude, transports or trades in slaves shall be sentenced for aggravated trafficking in human beings if the act is aggravated when assessed as whole.
- (3) An attempt is punishable.
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