



## **Quality in Gender+ Equality Policies**

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Integrated Project

Hannele Harjunen

## **Issue Histories Finland: Series of Timelines of Policy Debates**

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# 1. Review of equality policies and responsible institutional structures in Finland

## Introduction

Finnish women were the first in Europe to get the vote and the first in the world to get full political rights of both suffrage and eligibility (both in 1906). In the first elections for the unicameral Parliament in 1907, 19 women were elected to Parliament. Equality issues were already on the agenda of early women's rights activists and Members of Parliament, however, promotion of equality issues was slow due to the resistance of male MPs across the party lines. The first female Cabinet member, Ms. Miina Sillanpää, was appointed in 1926. She was the Minister of Social Affairs. Throughout the 20<sup>th</sup> century, social policy, social legislation, culture and education remained fields of special interest for women in Parliament. These were also considered as the 'softer' issues that were suitable for women. Only in the 1990s were the first women appointed to ministers of foreign affairs and defense for example. Finnish women have been relatively active in the field of politics and their significance in political decision-making has increased decade by decade. Finland elected its first female President of the Republic Tarja Halonen in 2000. In the parliamentary election of March 2007 84 women were elected (out of two-hundred), and 60% of the ministers in the cabinet are women.

Finland was a predominantly an agricultural country until the 1960s. Finland's economy and society modernized comparatively late, but the modernization process itself was very rapid and took place in the 1960s. At the same time as the modernization leap, Finnish politics, social policy, and economy were geared toward becoming a Nordic style welfare state. Sweden often served as a model for Finnish policy- and law-making, especially in the fields of social and family law (Bradley 1998), although there were also special national characteristics due to post-war differences in political culture. Relations with the Soviet Union did not only strain Finland's foreign policy (e.g. Finland was not allowed to join the Nordic Council and the Nordic Council of Ministers, vital organs of Nordic co-operation at the time, until 1956, because of Soviet fears of membership taking Finland too much towards the West), but domestic policies too. Finland had fought a bloody Civil War in 1917-1918 after which the Communist party was banned. After the Second World War, the Finnish political party map changed: the Communist party ban was lifted and together with Social democrats the left was getting stronger. However, there was not a social democratic ascendancy as in Sweden (Alestalo 1986: 114).

Finnish social policy was outlined in Pekka Kuusi's (1961) highly influential work "60-luvun sosiaalipolitiikka"(Social policy for the 1960s) in which he emphasized democracy, social equality, and economic growth as central societal goals. In Finland, similar to other Nordic countries, citizen's social rights are considered as the cornerstone of equality. It is thought that social rights, namely a right to a minimum income, education, health services, and employment, make citizens free and equal (Julkunen 2002). Today, Finland is a Nordic-style welfare state. The Finnish society is structured in line with the principles of the Nordic welfare model. The main features of this model are: the principle of universality (the right of all to

social protection regardless of where they live, their profession or economic position); a strong public sector; tax funding based on legislative rights of citizens/residents; equal treatment; and a relatively high level of social benefits. In Finland, the state finances and organizes most of the welfare benefits available to the citizens. This is made possible by a taxation system which has both a broad basis of taxation and a high taxation burden. The expenses of income protection come from payments collected from employers and insurance contributions, as well as from state finances. Services and income protection are guided by legislation.

Welfare state policies have often supported and facilitated gender equality. Development of gender equality and women's status in Finland have been tightly bound to and intertwined with the development of welfare state policy and the advances made in social legislation. It can be said that women's rights have developed and expanded hand in hand with the welfare state. Social legislation and extensive social services have enabled women to combine work and motherhood. In fact, because of the central role of the state policies in Finnish women's lives, the Finnish welfare state is often referred to as the 'women's ally' or as a 'woman-friendly' welfare state in social scientific texts (e.g. Anttonen et al 1994). The welfare state system still enjoys widespread public support. Furthermore, there is a general consensus across political party lines on the importance of the welfare state as well as on promoting gender equality.

#### Development of (Gender) Equality Law

It has been said that the modern debate on equality between women and men began in Finland in the 1960s. The women's movement and organisations such as the relatively short-lived (1966-1970) but influential students and academics' equality movement (Yhdistys 9) Association 9 in Finland were active in the mid-60s and demands for gender equality became greater from the 1970s onwards. Traditional gender roles were questioned by women's movement groups as they were seen to be based on the division of labour in an agricultural society. It was believed that these roles needed to be re-negotiated in an urbanized society and with a labour market that was not based on agricultural work. Working life had become a focus of equality policies already in the late 1960s. At the time, the wage gap between men's and women's salaries was significant (anything between 20-60%) and women's position and status in the labour market was considered secondary to that men, although women did work outside home. Also, structures that support women's labour market-participation were not fully developed: maternity leaves were short and day-care had not yet been systematically organised.

The women's movement emphasized that women and men should have equal roles in looking after the family, have a right to gainful employment and be able to have an influence in society on an equal basis. It was also stressed that it is the responsibility of the Government to provide social protection and services. The demands for reform appealed to both women and men and established the basis for the gender equality policies of the following decades. The Finnish women's movement orientated towards the state approach

relatively early, which was undoubtedly at least partly due to the simultaneous strong development of welfare state policy (Holli 1990). In 1966, the Social democrats won the election and a coalition government consisting of left-wing and centre parties was formed. This composition continued for the next 20 years and was responsible for the building of the Finnish welfare state during its formative years. The conservatives remained in opposition until 1987.

In 1966 the Government established the first official gender equality body **Committee on the Status of Women** (Naisten asemaa tutkiva komitea 1966-1970) to map out the position of women in Finnish society and to produce suggestions for the promotion of gender equality. Many of the members of the Committee were active members of Yhdistys 9 (Association 9), the members of which were both women and men (Holli 1990). At its height, Yhdistys 9 had almost 800 members (most of whom, but not all, identified with the political left). It promoted gender equality, and demanded better organised day-care, longer maternity leave and parental leave, among other things (Holli 1990).

**The Report of the Committee on the Status of Women** (1970) recommended that a permanent state organ for equality issues should be established. The recommendation was followed and **The Council for Equality** (Tasa-arvoasioiden neuvottelukunta or TANE), was founded by the parliamentary decree on 31<sup>st</sup> of May 1972 (455/72). The Council for Equality functioned first as a standing committee under the Prime Minister's office (from 1986 onwards it has resided under The Ministry of Social Affairs and Health and from 2001 onwards in the Equality Unit in the same Ministry). According to political scientist Anne Maria Holli (1990, 69-71), the founding of The Council for Equality was a seminal point of Finnish state gender equality policy. The Council of Equality's tasks involved research, and the proposition of reforms based on this research. Holli further says that the ideological base of both the committee and The Council for Equality were strongly influenced by the Association 9.

Finnish "Sixties Movements" as Holli calls them, were channelled into the state apparatus and state policies instead of, for example, NGOs or grassroots level work. This holds true also for gender equality movement. For this reason the most significant actors of gender equality policy can be found within the state apparatus or working jointly with it. For example, Finnish political parties represented in the Parliament each have women's organisations and these organisations, alongside other unaffiliated big women's organisations, have a joint umbrella organisation **NYTKIS** (Naisjärjestöt yhteistyössä/**The Coalition of Finnish Women's Associations**) which was founded in 1988. NYTKIS is a participant in the Council for Equality, it co-operates with the Network of Women Parliament Members and with various non-governmental organisations promoting women's rights, human rights and international development co-operation, and it publishes materials and organises seminars. NGOs, including women's organisations, assumed a more active and independent role in gender equality work during the recession of the early and mid- 1990s. 'State feminism' began to be complemented to a larger extent by the work and opinions of various domestic NGOs. The

role of the Nordic Forum and the UN Fourth World Conference on Women in Beijing were important in raising the level of activism in Finland.

The preparation of **The Equality Act** began in the late 1970s (1979). A committee and working groups were established, but progress was slow and attitudes were often anti-equality. In the publication "Twenty years of the Act on Gender equality" (Ministry of Social Affairs and Health 2007), it is noted that different interest groups did not have official status within the group, but could only state their opinions. It is said that the reason Trade Unions were left out of the preparation of the law was that at the time employer organisations had adopted a very negative stance towards gender equality as a whole<sup>1</sup>. The views of employee and employer organisations remained far apart for a long time. This lengthened the preparation phase of the law. Current Deputy Director of the Confederation of Finnish Industries (EK) Eeva-Liisa Inkeroinen states that the relations between the labour market parties really remained cool for a long time and they warmed to the extent that cooperation was possible only towards the end of the 1990s. When none of the working groups had succeeded, as a last resort a two-person expert group was appointed to work on the draft for an equality act. The first draft of the Act was written by Gerhard af Schultén together with Ulla Lång, who were both civil servants working for the committee. The Act on Equality between Women and Men (609/1986) was finally passed in 1986 and it came into force on the 1<sup>st</sup> of January 1987. Other Nordic countries had already passed gender equality laws, with Finland being the last of the Nordic countries to adopt a law on gender equality. The main objectives of the 1986 Act on Equality between Women and Men (609/1986) were: prevention of sex discrimination, promotion of equality between women and men, and improvement of women's status, especially in working life.

#### Significant amendments to the Act on Equality between Men and Women

1995

Since its passing in 1986, The Act on Equality between Women and Men (609/1986) has been amended a number of times to better respond to the needs of contemporary society and its various actors. The gender equality machinery within the **Ministry of Social Affairs and Health** has a key role in the preparation of amendments since they provide research, expertise as well as relevant contacts with the non-governmental actors (e.g. NYTKIS etc.). The first significant changes and amendments to The Act on Equality between Women and Men were made in 1995, the same year Finland became a member of the European Union. Some of the changes were made in order to harmonize Finnish legislation with that of European Union labour laws (HE 195/2004 The Government Bill to Amend the Act on

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<sup>1</sup> The position of trade unions has been strong in Finland due to the collective bargaining system and the so called Comprehensive Income Policy Agreement (tulopoliittinen kokonaisratkaisu/TUPO late 1960s onwards), which is a tri-lateral treaty by the Finnish government, employees' and employers' trade unions. It covers a wide range of economical and political issues, such as salaries, taxation, pensions, unemployment benefits and housing costs.

Equality between men and women). **The revised Act on Equality between Women and Men of 1995 (206/1995)** included significant amendments. It introduced the **quota system** and requirement of **Gender plans**, which means that in official committees and councils the proportion of representatives of either sex should not be below 40%. It emphasized goal-orientated and planned equality work. Another significant amendment was **the duty of employers with 30 or more regular workers to include measures to promote equality in annual staff and training programmes or in labour protection programmes.**

The purpose of the quotas and gender plans is to ensure that women and men have equal opportunity to participate in planning and decision-making processes in all sectors of society. **The quota means that the proportion of both women and men in Government committees, advisory boards, working groups, and other similar preparatory, planning and decision-making bodies, as well as in municipal and inter-municipal bodies must be at least 40 per cent.** The quota provision of the Act on Equality between Women and Men does not specify what is meant by a municipal body, except for stating that the quota requirement does not apply to municipal councils. The quota provision also applies to bodies established for the purpose of inter-municipal cooperation, such as the councils, meetings and boards of joint municipal authorities, and other joint municipal bodies such as boards, directorates, commissions and advisory boards on regional cooperation. The municipalities must ensure that the final composition of each body is in accordance with the quota provision of the Act on Equality between Women and Men. This means that if a body, agency or institution exercising public authority, or a company in which the Government or a municipality is the majority shareholder, has an administrative board, board of directors or some other executive or administrative body consisting of elected representatives, the body must comprise an equitable proportion of women and men.

The equitability provision also applies to executive and administrative bodies consisting of elected representatives in companies in which the Government or a municipality is the majority shareholder. Exceptions to the equitability and quota provisions of the Act can only be made for special reasons. The introduction of the quota system was discussed before its implementation both in the parliament and in the media. In the study conducted by Holli et al (2006) it was found that due to strong cultural support for gender equality and legalism in Finland, those who had misgivings did always not dare to voice them. Despite the successful implementation of the quotas, there were hidden conflicts and resistance to the quotas.

The discussion of quotas was heated during the preparatory phase (Holli, Luhtakallio & Raevaara 2003 & 2006), and it still continues. Tuula Haatainen, then Minister of Social Affairs and Health (who is responsible for equality issues), proposed in March 2006 in the paper Helsingin Sanomat that the gender quota system should be extended for boards of listed companies. Interest groups such as The Confederation of Finnish Industry (EK) were not enthusiastic about the possibility.

2005

The Equality law was further amended in 2005. The new revised **Act on Equality between Women and Men** came into force on 1 June 2005 (232/2005). Naisasialiitto unioni Ry (Women's organisation in Finland) gave a statement on the proposition of the Committee on amending the Act on Equality. They were critical, for example, of the fact that no sanctions were proposed for those workplaces and organisations failing to draw up gender plans as required by the amendment of 1995. (Naisasialiitto Unioni Ry:n lausunto tasa-arvolain uudistamisesta Naisasialiitto Unioni Ry (Women's Association Union) statement on the amendment of the Act on Equality between Men and Women 2.7.2003. <http://www.naisunioni.fi/tasa-arvolaki.htm> cited 21.6.2007.)

The objective of the law is to prohibit discrimination based on gender and to promote gender equality as well as to improve women's position, especially on the labour market. The act on gender equality also applies to discrimination faced by trans-people. According to a statement given by Government's **Committee for Employment and Equality** the discrimination regulations are to be interpreted in a way that they also cover discrimination against people who have gone through a sex-change.

**In the amendments to the Act introduced in 2005, promotion of gender equality was broadened to cover the availability and supply of services.** Supply of services means the services produced by both public authorities and the private sector that State and municipal authorities offer as public services, such as social, educational, training, cultural, employment, transport, and leisure-time services. The new provision applies to both statutory and discretionary services. With regard to the supply of services, equitable consideration must be given to the needs, preferences, and interests of both women and men.

The Act on Equality between Women and Men defines and prohibits both direct and indirect discrimination based on gender. The prohibition applies to the entire scope of application of the Act, in other words all sectors of society and all situations in which discrimination may occur. The Act also refers to a 'justification principle' in relation to indirect discrimination. Under this principle, an action is not deemed to constitute discrimination if it is aimed at achieving an acceptable objective, and the methods used are only applied on a temporary basis and must be deemed appropriate and necessary for achieving the objective.

The prohibitions concerning discrimination must be interpreted in such a way that they also apply to discrimination against transsexuals. To ensure that human rights principles are properly implemented, it is essential that protection against discrimination also covers transsexuals. The act states that authorities have a duty to promote gender equality in all their activities purposefully and systematically. Furthermore, they must create and consolidate administrative and operating practices to ensure the advancement of equality between women and men in the preparatory work undertaken on different matters and in decision-making.

## Other laws on equality and non-discrimination

There are other laws relevant to gender equality. Equality is also a cornerstone of the **Finnish Constitution** (731/1999), which prohibits discrimination. The Constitution was renewed in 1999 and the new constitution became effective on 1<sup>st</sup> March 2000 (The new Finnish Constitution 731/1999). According to the Constitution, everyone is equal before the law. It 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) of 2004 promotes equality and aims at strengthening legal protection for victims of discrimination. According to the Non-discrimination Act, public administrators have the duty in all their activities to promote equality systematically and target-oriented as well as to alter any circumstances that may prevent the realisation of equality. The law prohibits direct and indirect discrimination, harassment as well as the giving of an order or instructions to discriminate. The law considers the following grounds of discrimination: **age, ethnic or national origin, citizenship, language, religion, belief, opinion, health, disability, sexual orientation or any other ground in connection to the person.** The law requires that all authorities draw up an equality plan. The Ministry of Labour gave recommendations on the contents for an equality plan in September 2004. The Equality Act carries into effect the Race Equality act and Employment Equality Act of the European Council.

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## 2. History of the Gender Equality Machinery in Government and its Relationship with Governmental Institutions for Other Equalities

Governmental authorities

On the governmental level, gender equality issues are dealt with by the Ministry of Social Affairs and Health, with the Minister of Social Affairs and Health (currently Mr Stefan Wallin) having responsibility for equality issues. The bodies responsible for the practical implementation of equality in government are:

- The Council for Gender Equality (1972)
- The Ombudsman for Gender Equality (1987)
- The Gender Equality Unit (2001)

In addition, there is:

- The Gender Equality Board (1987)

The Equality Board acts as an independent body within the structure. All reside within the Ministry of Social Affairs and Health.

The Council for Gender Equality (TANE)

The Council for Gender Equality is a permanent body with advisory status within the state administration. The Council for Gender Equality works in conjunction with the Ministry of Social Affairs and Health aiming to promote social equality between men and women. **The Report of the Committee on the Status of Women** (1970) recommended that a permanent state organ for equality issues should be established. The recommendation was followed and The Council for Gender Equality (TANE) was founded by the parliamentary decree on 31<sup>st</sup> of May 1972 (Parliamentary decree 31<sup>st</sup> of May 1972 (455/72) on founding of The Council for Equality (TANE)) and thus it is the oldest part of the permanent state equality machinery.

The Council for Gender Equality functioned first as a standing committee under the Prime Minister's office, but in 1986 it was moved to The Ministry of Social Affairs and Health. The General Secretary of the Council for Equality works in the Gender Equality Unit of the Ministry of Social Affairs and Health. The Council has a chairperson, a vice-chairperson and eleven other members, each with a personal deputy. Representatives of the National Council of Women in Finland and the Coalition of Finnish Women's Association for Joint Action (NYTKIS) take part in the Council's activities as permanent expert members. The present Council was set up on 1 January 2005 at the start of the new parliamentary term. A new council will be formed in 2007.

The tasks of the Council of Gender Equality focus on the overall promotion of gender equality in Finnish society. The Council serves as an active societal discussion forum in the field of equality policy and promotes gender equality by, for example, taking initiatives and issuing opinions. It engages in equality discussions with authorities, public and municipal institutions, labour market organisations and other partners.

The Council of Gender Equality, continued:

The tasks of the Council of Gender Equality are: to monitor and promote the implementation of equality between women and men in society; takes initiatives and make proposals as well as issue opinions to develop legislation and other measures affecting gender equality; encourage co-operation between various authorities, social partners and other organisations and interest groups; and actively follow international development in the field of gender equality.

The Council of Gender Equality may set up subcommittees and working groups. Examples of such subcommittees include: a Subcommittee on Men's Issues, a Subcommittee for Women's Studies, and a Subcommittee on Women's and Men's Image in the Media. The subcommittee on Men's Issues has investigated ways of raising men's interest in gender equality, looked at men's particular problems from an equality perspective, and promoted men's studies. The Council for Gender Equality encourages men to participate in childcare. Topics include new fatherhood, violence, crises and new gender roles. Earlier the Council had a subcommittee against violence that discussed violence against women and tried to find ways of removing and preventing violence.

The Ombudsman for Equality

**The Ombudsman for Equality** works as an independent authority monitoring compliance with the Act on Equality between Women and Men. In addition to the Ombudsman for Equality, there is a separate Ombudsman for Minorities that also works within the field of non-discrimination. The post of the Ombudsman for Equality was founded to coincide with the coming into force of the Act on Gender Equality between men and women. So the first Ombudsman for Equality Mr. Paavo Nikula, began his work in 1987, the year the Act on Equality between women and men (609/1986) became effective. Mr Paavo Nikula's term continued from 1987 to 1991. It was important that the post of the Ombudsman for Equality as well as the Gender Equality Board were founded adjacent to the new Act on Equality since this meant that supervision of the application of the new Act was immediately in place. According to the publication "Twenty years of the Act on Gender equality" (2007), during the first years the Ombudsman gave about one hundred written opinions, advice and instructions a year, and orally several times a day. In 2005, the number of contacts the Office received amounted to more than 1200, of which almost all were dealt with.

Following Mr. Nikula, there have been four Ombudsmen for equality. The work of the Ombudsman (as well as gender equality work in general) has been greatly affected by the economy as well as changes in attitudes towards equality. For example, during the term of

the second Ombudsman, Ms Tuulikki Petäjaniemi's (1991-1994), equal pay was the primary issue of concern. However, Finland was in the midst of deep economic recession and consequently efforts partially fell through. The post was held by Ms. Päivi Romanov until 30<sup>th</sup> of April 2007. Currently it is held by Ms. Pirkko Mäkinen who started her term on the 1<sup>st</sup> of July 2007.

The duties of the Ombudsman for Equality are laid down in the Act on Equality between Women and Men. The tasks of the ombudsman are: to supervise the application of equality legislation and especially the prohibition of discrimination and prohibition of discriminatory advertising or publicity; promote initiatives, advice and guidance on the meaning of the equality legislation and provide information about its application; give information about the Equality Act and its application; and monitor the realisation of gender equality in different areas of society.

The Ombudsman for Equality may assist persons discriminated against in safeguarding their rights. The Ombudsman can be requested to issue an opinion on whether discrimination has occurred in a given case or give advice regarding equality planning and application of the quota provision. The Ombudsman, with the assistance from his/her Office, can initiate action and give advice, instructions and prepare statements for cases in contravention of the Equality Act. The Ombudsman has a wide authority to gain information both from authorities and employers and private people, along with the additional right to inspect workplaces if the employer appears to have acted against the Act on Equality or its obligations.

The Ombudsman may also assist a person who has been subjected to discrimination in the protection of his/her rights and, if necessary, assist the said person in judicial proceedings relating to indemnification or compensation, if the Ombudsman considers the matter to be of sufficient importance with regard to the application of the Act on Equality. It should be noted that *the decisions of the Ombudsman are legally binding*. Over recent years, the number of cases taken by the Ombudsman for Equality has increased. The Ombudsman handles several hundred cases annually. Half of the cases concern working life issues, and half other areas of life. Men raise around 30 percent of the cases, while women approximately 70 percent of the cases. Advice and statements are free of charge. In addition to private citizens, the County Administrative Courts, trade unions and various associations can ask for statements and advice from the Ombudsman for Equality.

The Ombudsman's Office publishes reports, research findings, brochures and bulletins. It has a wide reference and press library.

#### The Equality Board

The Equality Board was created in 1987, and it works in conjunction with the Ministry of Social Affairs and Health as an independent administrative unit. Its tasks include monitoring the application of the equality legislation and the handling and solution of related issues. The Government nominates the Equality Board members who serve for a period of three

years (the latest 1.1.2005 - 31.12.2007). The Equality Board consists of a chairperson and four members. The Board has the right to handle and decide on issues for which it has responsibility under the Equality Act. The Ombudsman presents the cases to the Board. The Equality board can give comments to the courts, which can request a comment from the Board in cases related to gender discrimination and demand compensation. The board can use administrative coercive means. The Ombudsman, the Central Organisation of the Employers' Association, or the Central Organisation of the Trade Unions can separately bring an issue violating the Act on Equality between Women and Men to the Equality Board. The Equality Board can impose a fine and thus deny the continued or renewed neglect against the Equality Act.

### The Gender Equality Unit

The organisation of gender equality affairs in the Government was restructured in 2001. A separate Gender Equality Unit was created on May the 1<sup>st</sup> 2001, located in the Ministry of Social Affairs and Health. Previously civil servants working with equality issues, namely the Ombudsman for equality and the General Secretary of the Council for Equality, were working without the support of a specific and specialized gender equality unit. Now the bodies that work with the Government's gender equality policy are concentrated in one unit and the Government budgeted for three new officials for the unit from the beginning of 2002 (they had asked for seven). The Gender equality unit prepares the government's gender equality policy. In addition, the Unit co-ordinates international issues related to the European Union, the United Nations, the Council of Europe, and the Nordic Council of Ministers.

The task of the Gender Equality Unit is to prepare the government's policy on gender equality and develop cooperation with other ministries, work on matters related to gender mainstreaming, deal with juridical and policy matters concerning EU equality issues and with other relevant international work. The Gender Equality Unit works in co-operation with the general secretary and departmental secretary of the Council.

### Employment and Equality Committee in the Parliament

Within the Finnish Parliament, there is an Employment and Equality Committee. The Committee has meetings four times a week during the parliamentary session. All of the Committee members are MPs representing different political parties. The Committee has a chair, a vice chair and 15 regular members. In addition, there are nine deputy members as well as a Committee Council Clerk and an administrative assistant.

The Employment and Equality Committee is responsible for handling matters related to:

- The work environment (including measures pertaining to radiation control and chemicals)
- The labour force
- Employment issues (including employment training for adults)

- Participation systems
- Gender equality
- Non-military service

### The Ombudsman for Minorities

The Ombudsman for Minorities resides in the Ministry of Labour. The office was founded in 2002 to fulfil the European Union requirement. The duties of the Ombudsman for Minorities were previously those of the Ombudsman for Foreigners. The present Ombudsman for Minorities has a wider field of work than the preceding Ombudsman for Foreigners. The Ombudsman for Minorities is an authority with the basic task of advancing the status and legal protection of ethnic minorities and foreign persons as well as equality and non-discrimination and good ethnic relations in Finland.

The jurisdiction of the Ombudsman only covers the supervision of ethnic discrimination. It does not cover discrimination based on language, sexual orientation, ideology or disability. Preventing discrimination on these grounds still belongs to other authorities, mainly the highest supervisors of legality and, in working life, to occupational safety and health authorities.

The current Ombudsman for Minorities is Mr Mikko Puumalainen, LLic. Administratively, the Office of the Ombudsman for Minorities works in connection with the Ministry of Labour, but the Ombudsman is an independent authority. The Office employs four senior officers and a secretary.

The task of the Ombudsman for Minorities is to:

- promote good ethnic relations;
- advance the status and legal protection of ethnic minorities and foreign persons in society;
- monitor the realisation of equality;
- supervise compliance with the prohibition of ethnic discrimination;
- provide information and reports.

The Ombudsman's duties also include the tasks formerly assigned to the Ombudsman for Foreigners. A further task is the general safeguarding of the status and rights of foreign persons.

The primary means used by the Ombudsman include recommendations, instructions and advice. The Ombudsman can also take initiatives related to the status of different ethnic groups or foreign people or social injustice. The Ombudsman enjoys an extensive right to access information.

Whenever necessary – although very exceptionally – the Ombudsman may also provide more extensive assistance to a person subjected to ethnic discrimination if the case is of

great consequence. In most cases, however, legal assistance is only provided in the form of legal advice.

The new Non-Discrimination Act strengthens the Ombudsman's mandate in addressing ethnic discrimination.

The Ombudsman for Minorities:

- provides guidance and advice to those contacting the office in issues related to ethnicity and being a foreign person in Finland;
- acts and encourages others to act on ethnic discrimination and the legal protection of foreign persons;
- promotes the status of ethnic minorities and foreign persons and good ethnic relations;
- provides information and training about ethnicity and the status of foreign people;
- seeks to make attitudes towards ethnic minorities and immigrants more positive;
- influences legislation and reports through statements and opinions;
- influences topical issues through methods including comments and initiatives;
- participates in public discussion through channels including granting interviews.

The Ombudsman's task involves the principle of cooperation on multiple levels. Many aspects of equal treatment irrespective of a person's origin are best achieved through cooperation between the various parties – not just the authorities.

Statistics Finland

Statistics Finland has a unit for Population and Gender Statistics. The unit has provided factual information used in the preparation of equality work. The first statistics from a gender equality and women's point of view were produced in the 1970s. Before then, a great deal of relevant information had been collected in various registers, but combining the pieces of information from a new perspective was something that was new at that time. The Gender Barometer has been published every three years since 1998 in collaboration with the Council of Equality. The latest Gender Barometer was published in 2004.

Government Action Plan for Gender Equality

Also in 2004 a Government Action Plan for Gender Equality began, which coordinated the Government actions to promote equality between women and men (On the Highway to Gender Equality - Government Action Plan for Gender Equality 2004-2007. Final report. Helsinki 2007. 92 pp. Publications of the Ministry Of Social Affairs and Health, Finland). The

Action Plan consists of nearly one hundred measures to be taken. The themes of the action plan are: gender mainstreaming in state administration; gender equality issues in working life such as employment, reconciliation of work and family life, wage differentials, segregation and women's entrepreneurship; promotion of gender equality in regional and local activities; women's position in economic and political decision-making; health policy; reduction of violence against women; early childhood education and care, pre-school education and education; cultural, physical activity and health policy; international cooperation; and media and women's studies. Mainstreaming the gender perspective into the entire state administration is the most extensive element in the Action Plan. All Government ministries have taken part in its planning and implementation. It is a continuous process, and its development must be continued. The second chapter describes in more detail the implementation of measures under the Action Plan.

### **Primary Sources:**

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[http://www.finlex.fi/en/laki/http://www.mol.fi/mol/en/01\\_ministry/03\\_organizati on/02\\_minorities/index.jsp](http://www.finlex.fi/en/laki/http://www.mol.fi/mol/en/01_ministry/03_organizati on/02_minorities/index.jsp) cited 19.4.2007
- **On the Highway to Gender Equality - Government Action Plan for Gender Equality 2004-2007. Final report. Helsinki 2007. 92 pp. (Publications of the Ministry Of Social Affairs and Health, Finland**
- **Parliamentary decree 31<sup>st</sup> of May 1972 (455/72) on Founding of the The Council for Equality (TANE)**

### **Secondary source:**

- **Tasa-arvoasioiden neuvottelukunta: Tasa-arvon tiennäyttäjä 1972-1997. (The Council for equality: On the way to Equality 1972-1997) Tasa-arvojulkaisuja 5/1997. Sosiaali- ja terveysministeriö.**
- **Tasa-arvolaki 20 vuotta 20 years of Gender Equality Law ) (2007) Ministry of Social Affairs and Health.**

### **The Actors:**

Committee on the Status of Women (Naisten asemaa tutkiva komitea 1966-1970)

Committee for Employment and Equality

The Confederation of Finnish Industry (EK)

The Government

The Ombudsman for Equality

The Ombudsman for Minorities

The Gender Equality Unit

The Council for Gender Equality (TANE).

The Equality Board

Ministry of Social Affairs and Health

Ministry of Labour  
Naisasialiitto Unioni Ry  
National Council of Women in Finland  
The Coalition of Finnish Women's Association for Joint Action (NYTKIS)  
Nordic Forum  
UN's Fourth World Conference on Women in Beijing  
Statistics Finland  
Yhdistys 9 (Association 9)

### 3. NON-EMPLOYMENT

#### 3.1 Introduction

There is a long tradition of women's labour market participation in Finland. Today, it could be argued that working full time outside the home is the norm in Finland. Part-time work is not widespread, although part-time work and a shortened working day is occasionally discussed as a solution to ease the workload of parents with small children. However, it is commonplace even for women with small children to work full-time. Because of the centrality of paid work in Finnish women's life, there is a long tradition of policymaking in this area concerning women's labour market participation, reconciliation of work and family, the wage gap, and general gender equality issues in the working life.

Finnish gender equality policy was in fact for a long time concentrated on women's position in working life and the reconciliation of work and family (or as it is nowadays often referred to in Finnish discussion "work and private life"). International debates, particularly in Scandinavia, and international agreements and movements have had a major impact in Finnish policy- and law-making during the Post-war era (Bradley 1998).

In Finland the proportion of women in the labour force reached 36% by 1880, and about 42% by 1940. In the 1960s and 1970s, the proportion of women in the working population had reached about 44% (Women in Finland 1999: 33-41). Finnish women's present prominence in the labor market was greatly influenced by the fact that Finnish society and political system were modernized very late. Finland remained an agricultural country well into the 20<sup>th</sup> century. Finnish women have worked alongside men long before World War II, which is the time when masses of women entered the workforce in most of the other countries of the Western world. Until the modernization leap of the 1960s, most people in Finland lived off the land. In an agrarian society, it was not possible to keep women outside the labor force. Men and women had to work together in order to survive. Partly due to this, home-making has not been an option easily available for Finnish women. The institution of the housewife has never been common in Finland. The number of women who could afford to do so was tiny. The country was poor and the middle-class was small, and both men and women were expected to work and do their share. When the industry modernized, country women moved to the cities to work in the factories. From the 1950s onwards, the level of women's education increased and women started to move to better paying jobs. Researchers have tried to explain why Finnish women are so eager to work outside home. One suggested reason is that the absence of the traditional male breadwinning role prevented the creation of strong patriarchal culture. It can therefore be claimed that a poor standard of living and delayed modernization prepared Finnish people for a more equal partnership in working life.

Policies that supported women's employment began to be developed in the 1910s. The first **maternity leave** (four weeks) was established for women who worked in factories in 1917. In 1919 women who worked in shops, offices or the public sector got a right to maternity

leave. In 1922, a law was passed **that prohibited termination of a woman's work contract during maternity leave. The Act on Maternity Allowance** was passed in 1937. In 1944, Acts were passed instituting **local government maternity and child health care clinics** and also **local government health visitors**.

Women were prohibited from working directly after giving birth in 1963 and the **Law on maternity leave for all women** came into force in 1964. Since 1971, it has been illegal to terminate the work contract on the basis of pregnancy or maternal leave. **The paternity law** (L 700/1975) came into force in 1975. The right for parents to share parental leave came into force in 1978. At the time, men were entitled to two weeks of paternity leave.

**The law on separate taxation** of the spouses was passed in Finland in 1974. The decision was partly a conscious one to support women's economic independence. The appropriateness of joint taxation or family taxation was being questioned in political discussion as early as the 1960s. As the structures and roles in Finnish family were changing, it was seen as discouraging women's labour market participation. Income taxation was individualized from 1976 onwards.

The 1980s were the golden times of the Finnish welfare state, and policies were extended and developed. Finland experienced an exceptionally deep economic recession in the early and mid-1990s, which meant significant cuts in the field of social policy both in terms of services and benefits. The cuts affected women especially hard since the public sector is a significant employer of women in Finland. Finnish women are quite dependent on the social services sector, both as an employer and a care provider. The public sector employs more than 40 percent of Finnish women compared to 16 percent of men (Statistics Finland 2000). It is therefore especially in the interests of women that the public services sector works well, is sufficiently funded, and that the care work done by women is appreciated.

## RECONCILIATION OF WORK AND PRIVATE LIFE

The day-care issue has been largely settled for the Finnish woman before the Quing period. There are extensive social services in the field of family and children's policy. Family policy issues and especially child-care were in focus in the 1970s in Finnish policy-making. Both maternity leave and the maternity allowance system were developed in the 1970s. The work on developing child-care systems for small children, which started in the first half of the 1970s, continued. In Finland, it is common that both parents in the majority of families with children below school age work outside home. Due to this, arranging a reliable, safe and affordable child care system was seen as a high priority. The Children's Day-care Act entered into force in 1973. It places responsibility for the day-care of children under school age on the municipalities. An extensive municipal day-care system has been established.

The municipalities can provide this day-care either at day-care centres or in the form of supervised family day-care. Families' options in relation to the form of day-care they prefer were increased in 1985 when the **Act on Home Care Allowance** was passed. In 1991 **an amendment (5.4.1991/630) to the day-care act** of 1973 was passed that guaranteed

children up to the age of 3 a municipal child care place. Parents have an unconditional entitlement to day-care for children under the age of three either in a day-care place provided by the municipality or by receiving child home care allowance if they care for their child at home. Child-care is the subjective right of the child too, so even if one or both parents are at home due to unemployment, for example, children have right to municipal child-care. This right has prompted public discussion from time to time. However, the majority feel that children should continue to have this right. Affordable day-care has widespread support, which was proved once again when in May 2007 the new conservative Government proposed the abolition of the so-called “zero-payment category” in day-care. Families in this category are mostly single parent families, students or other people with very limited financial means. It faced strong criticism from the public and backed down.

In recent years, men and women in Finland have been starting families at an increasingly later age. For many, the problem lies in reconciling starting a family with studies or with entering working life. However, increasing demands for efficiency at work and greater uncertainty about job security also put added pressure on parents. Work-related stress, pressure of time and unemployment are all factors that make the lives of families with children more difficult. It has been recently argued that the dual earner model needs to be completed with a dual carer model and this should be more aggressively promoted by the state. Women’s double work load has become a topical issue once again, since in addition to working outside home for as long as men, women still do most of the household duties. Equality at home is still far away, although progress has been made. Also, despite the fact that social legislation has made it possible for women to combine work and motherhood, discrimination based on gender has not disappeared from working life.

Reconciliation of work and family has also been recently discussed in terms of work-life balance and occupational well-being. It has been noted that women’s high employment rate and high fertility rate coincide in Finland. This has also promoted discussion of the dual carer model and how this could be implemented in practice. It is said that a more balanced participation of both parents in caring for children would encourage both women’s employment and have a positive effect on fertility rates. It has also been suggested that pension crediting for child care periods should be sufficiently good to promote gender equality in caring work and the pension benefits of both parents. It has been pointed out that the family leave schemes carry with them an inherent equality paradox. They have been created to support women in combining employment and family, but the practical realisations of the schemes are sometimes contradictory from the point of view of gender equality in Finland (Opportunities to reconcile family and work. Ministry of Social Affairs and Health's report 2007:16)

Perhaps the most relevant issue currently is the settling of costs of parental leave. It has been noted that while paternity and parental leaves increase equality on one level, their costs tend to concentrate on female-dominated areas. This has caused criticism on the part of employers and concerns on the part of employees that the mothers of small children (and women of child-bearing age) find it difficult to get a job. The Second Government of Prime

minister Matti Vanhanen has taken the issue of **sharing the cost of parental leaves more equally between the employers of both parents**. The government started its work in the spring of 2007, so changes can be expected within next four years. The change, if implemented, would be a big step toward equalizing the women's position in the labour market. For example, Mannerheimin lastensuojeluliitto, uudenmaanpiiri (The Mannerheim League for Child Welfare) and the Family Federation of Finland have taken a stance for developing the parental leave system further. If successful, sharing the cost of parental leave will have a major effect on promoting work-life equality.

## EQUAL TREATMENT

Access to labour market in the traditional sense of fighting the obstacles to women's labour market participation, or increasing women's labour market participation, does not exist as a problem in Finland *per se*. Finnish women's level of education as well as their labour market participation are, according to the most recent EU Stat figures, among the highest within EU. 41.8 % of Finnish women aged between 25-59 have got a tertiary education level degree. This is the highest figure in the EU. Women's employment rate is 68.1% (men 71.7%). The number of women employed part-time as a share of total employment is relatively low at 18%. The unemployment rate for women is 7.4 and for men 6.7 respectively.

The accessibility problem for women in Finland is not so much at the entry level to the labour market, but more within the labour markets, as in access to permanent jobs. Women's position in the labour market has changed quite radically over the past fifteen years largely due to recession and the structural changes within the labour market that accompanied it. Currently, educated women in particular face the challenge of so-called 'atypical' work i.e. temporary, short term work. The prevalence of temporary/short term contracts was supposed to be a short-term solution in the aftermath of the economic recession of the early and mid-1990s; however, it has become a semi-permanent fixture (Haataja et al 2000). The public sector as an employer holds great significance for women, since the majority of women work within this sector in Finland, in education, social and health services. It was especially the public sector that was severely down-sized during the 1990s and, in terms of employment policy, it has not fully recovered. This has led to the vicious circle of 'atypical' work for women. Women have short term contracts more often than men. As a result, their job security has decreased, and women's work careers have more "gaps" than before (Nätti 1997). This shows also in the latest EU figures. Although Finnish women's employment rate is high, so is the rate of women as temporary employees- 21.8, compared to the rate for men of 14.1.

There is, however, genuine accessibility problems for immigrant women in Finland mainly due to language problems, lack of qualifications and, to smaller extent, cultural differences regarding to woman's role. Workers in Finland are very highly educated and it is very difficult to become employed without qualifications (even for native Finns), or command of Finnish language. However, the situation of immigrant women varies widely, as well as their reasons

for immigration. The unemployment rate for immigrant women (24%) in Finland is higher than for native Finnish women (8%) (Migration statistics and diagrams 31.12.2006).

The Population Research Institute's "Equality and Multiculturalism at the Workplace" project is currently being carried out (from May 2005 to December 2007). The aim of the project is to promote the participation of women with an immigrant background in work life. The target groups are workplaces which recruit immigrants and their personnel. Public authorities and other relevant institutions (e.g. trade unions) are also important partners. The government adopted the Migration Policy Programme in October 2006, one of the main goals of which is to increase the efficiency of integration systems and provide for individual integration plans.

**The principle of equal pay for work of equal value** is established both in the public and private sectors. However, in practice, equal pay and the wage gap have remained the most persistent gender equality issues between men and women. Progress in the issue of equal pay has been slow. Although the wage gap between men and women has diminished, it has remained at about 20%. Female-dominated fields of employment are less well-paid than male-dominated ones. Equality in pay is one of the most important aims of equality policy, but its implementation has proved the most difficult thing of all.

The latest focused efforts to diminish the pay gap began in 2004. A working group was assigned by the Ministry of Social Affairs and Health in 2004-2005 to prepare a general equal pay programme promoting equal pay for women (Working group proposal for a programme to promote equal pay for women and men. Working Group Memorandums of the Ministry of Social Affairs and Health 2005:7). The starting point of the working group's work was to aim at diminishing and ultimately abolishing the wage gap between women and men in the labour market. The goal was to implement the equal pay principle in accordance with the Act on Equality between Women and Men.

The Equal pay programme was picked up by the Government Programme of Prime Minister Matti Vanhanen. The Government adopted the **Equal Pay Programme** in February, and the Minister of Social Affairs and Health Tuula Haatainen appointed a high-level monitoring group for the period from 1 April 2006 to 31 March 2007 (until the term end of the parliament). This tripartite group was assigned to monitor the implementation of the Equal Pay Programme and the related action programme.

The main aim of the Equal Pay Programme is to narrow the pay gap between men and women from the present level of about 20 per cent by at least five percentage points by the year 2015, calculated on the basis of earnings for regular hours of work. The Equal Pay Programme incorporates objectives regarding the payroll systems, segregation in the labour market and women's career development, pay and collective agreement policies, the development of statistics and statistical cooperation, family and work, corporate social responsibility and gender equality planning and, other related measures totalling approximately 30 measures in all. Some of the measures demand actions by the Government, others require joint measures by both the Government and the labour market

organisations, and some demand actions by the labour market organisations (Equal Pay Programme. Helsinki, 2007. Reports of the Ministry of Social Affairs and Health).

In 2006, a study was published commissioned by the Ministry of Social affairs and Health on the need for a pay system project to promote equal pay (Report by Rapporteur ad int. Sosiaali- ja terveystieteiden tutkimuskeskus 2006:80). The Rapporteur considers that a pay system project for promoting equal pay is necessary. It proposes starting a research and development programme on the effectiveness of different pay systems from the point of view of their incentives, equal pay, and fairness and the impact of the systems is included as one measure in the joint equal pay programme of the Government and social partners. The task of the Rapporteur (ad int.) was to survey the need for a pay system project and its content from the perspective of equal pay. The research and development programme regarding pay systems 2007-2010 would be an umbrella project aiming to promote equal pay.

## CARE AND INFORMAL WORK

Currently, various possibilities exist for the care of children, the elderly, sick and disabled and their nature varies from institutional, semi-institutional, assisted home care, to home care. If an individual wants to take care of a family-member at home, there are different home-care allowances and support services in place for the care-giver that are regulated by legislation: **The law on the care for a family member** (Laki omaishoidon tuesta 2.12.2005/937). However, women are not automatically expected to stay at home and do the caring work, since they are normally employed full-time, and the state and municipalities can usually provide these services.

The majority of social welfare tasks are taken care of by the state or local authorities, such as municipalities, although over the past fifteen years or so the so-called third sector (NGOs and other actors) has been on the rise in Finland. This development was accelerated by the recession of the early and mid-1990s, when it became obvious that many citizens needed more support, or a different kind of support, from that offered by state and municipalities. According to the 2006 report on Social Affairs and Health, about one quarter of social service providers in social services and almost one fifth of health services are produced by the private sector. Services provided by the municipal NGOs complement the municipal services for small service provision for special target groups as well as in areas where no service provision based on entrepreneurship has emerged. NGOs produce the major part of private social services, and companies provide the major part of private health care services. Currently, the number of companies and their share of service provision is growing. It has been noted recently that the increased number of service providers makes it necessary to intensify their supervision (Report on Social Affairs and health 2006).

Since 1997 domestic work done by people other than household members themselves has been tax deductible in Finland. It became a permanent policy in 2001. The tax deduction system was created in the aftermath of the recession as part of policies attempting to decrease unemployment. It has become very popular and the number of small businesses that produce these services is steadily growing. However, it has been also criticized for being

a means to externalize work (e.g. care of the elderly) that was previously the responsibility of the state or municipalities. The tax deduction system has nevertheless had a positive effect on women's employment and the number of female-owned businesses has grown as a result. Domestic work is considered normal legitimate work and is usually done by skilled people, to whom all employment laws and regulations apply. Consequently, there has not been debate on the acceptability of employing people to do domestic work (cf. Sweden's "Maid debate") from the point of view of gender equality, class, nor immigration (there is no large reserve of unskilled migrant workers in Finland).

## BENEFITS AND TAXES

The Finnish Constitution guarantees economic, social and educational basic rights for all people living in Finland. From the standpoint of social policy, the right to comprehensive social protection is one of the key fundamental rights. Residence in Finland and eligibility for social security benefits are defined by the **Act concerning Residence-Based Social Security** (Laki asumiseen perustuvan sosiaaliturvalainsäädännön soveltamisesta; 30.12.1993/1573). Social protection is made up of preventive social and health policy, social welfare and health services, as well as sickness, unemployment, old age and other benefits. Most of the services and benefits are given to the individual (not the family unit). This means that married people have rights to benefits independently of their spouses. However, the level of some benefits depends on the overall income of the household. Sometimes this causes problems, since it is not always clear-cut who comprises a family unit. Social legislation and policy area is extensive and many of the 'gender equality policies' or policies that have a direct or indirect effect on gender equality are embedded within this structure.

The Social security system has been well established and developed for over thirty years. However, major changes are expected in the Finnish social security system over the next ten years. In June of 2007, the 2<sup>nd</sup> Government of Matti Vanhanen set up a Committee to explore change in the 'citizen's wage' system, so that every citizen of Finland would have the basic State guaranteed income, which would replace the system that now comprises of separate benefits (e.g. unemployment benefit, social assistance). The Committee's work and a proposal for action should be finished in 2011. This proposition has floated around in Finnish politics for years, but it is only now being explored as a plausible way of organizing social security.

Family benefits (Information on all the benefits listed here comes from the Finnish Social Security Institution 2007)

There is a large number of benefits available for families. KELA, The Social Security Institution of Finland provides for the following benefits (The Social Insurance Institution of Finland website <http://www.kela.fi/in/internet/suomi.nsf>)

- Maternity Grant
- Maternity, Paternity and Parental Allowances and the Special Maternity Allowance

- Child Benefit (Family Allowance)
- Benefits in connection with the illness of a child
- Adoption Grant

#### Maternity benefit and parental leave

Mothers are entitled to a **maternity allowance**. Compensation for the costs arising from pregnancy, childbirth and medical care is also available, though not for hospital charges. Maternity allowance is paid for the first 105 days of entitlement (not including Sundays and other holidays). Mothers are entitled to a **special maternity allowance** if they are exposed to a chemical substance, radiation, or infectious disease in performing their work or at their workplace that is considered to endanger the health of the unborn baby or the course of the pregnancy, and if suitable alternative work cannot be found.

Entitlement to a **parental allowance** begins immediately after payment of the maternity allowance ends. The mother and the father can take turns receiving the parental allowance. Parental allowance can be paid to either the mother or the father, but generally not to both at the same time. Parental allowance is normally paid for 158 weekdays. In the case of multiple births, the payment period is extended by 60 weekdays for each additional child born. The extension, or part of it, can be inserted anywhere into the maternity or parental allowance eligibility period or be tagged onto the end of such a period. Parental allowance is paid also to the parents of a child adopted before age 7. If the parents agree, parental allowance can be paid also to the father while he is caring for the child. Special cause must be shown to have the allowance paid to the father for less than 12 weekdays. Parents of a small child who are working part-time are entitled to a **partial parental allowance**. This means that they can take turns in caring for their child by working split shifts as arranged with their respective employers. Such an arrangement must be made for a period of at least two months.

Fathers living in Finland who take leave from work to participate in child care are entitled to a total of up to 18 week-days in up to 4 segments during the maternity or mother's parental allowance period. In addition to the **paternity leave**, fathers can take the last 12 or more days at the end of the parental allowance period (in which the allowance would otherwise be paid to the mother) and combine them with an extended paternity leave of 1-12 workdays. This is called **the father's month**. It can range between 13 and 24 workdays. The father's month need not be taken immediately when the parental allowance period following payment of the maternity allowance ends, but can instead be moved to a later date. It must, however, be taken within 180 days of the last day of payment of parental allowance immediately following the maternity allowance. Parents of an adoptive child are entitled to **care leave** until the child starts school. The leave must be taken within 2 years of adoption.

**Family allowance** is paid for children under 17 who are living in Finland. Its amount depends on the number of eligible children in the household. Single parents get a supplement for each child. The supplement is awarded if the family allowance recipient at the beginning of the month during which payment of the family allowance begins is not married or cohabiting, or who lives legally separated from his or her spouse. Regarding Family allowance, same-sex

partners who have registered their partnership are considered equivalent to a married couple. Family allowance is free from tax and not liable to garnishment.

## Sickness and disability

### Sickness allowance

**Sickness allowance** represents a compensation for income lost due to temporary incapacity for work. It is payable to persons between ages 16 and 64 who on account of an illness are unable to perform their regular job duties or any other similar job. The allowance depends on the applicant's taxable earnings, or in the case of self-employed persons, pensionable earnings under **the Self-Employed Persons' Pensions Act**.

- If work incapacity lasts 55 days without interruption, the applicant may qualify for a minimum-rate sickness allowance.
- Sickness allowance can be awarded to employed and self-employed persons who began their current occupational activity at least 3 months before the onset of work incapacity, as well as to those involuntarily unemployed.
- Self-employment may take the form of e.g. running a business or independent farming, forestry or household work. Research and studies are recognized as well.

Where the employer continues to pay wages or salary during temporary work incapacity, the allowance is paid to the employer. If this is not the case, it is normally paid to the incapacitated employee. If the allowance is larger than the continued wages or salary, the difference is paid to the employee. If the employee both works and is self-employed, the allowance is divided between the employer and employee in proportion to the amount of sick pay and different earnings.

## General social security

Social assistance (Toimeentulotuki) is complementary to all other subsistence allowances and is provided as a safety net, as the last resort. The assistance is given when a person or family is temporarily unable to meet the necessary costs of living, over a shorter or longer period. A living allowance is provided by municipalities and subsidised by the state. In general, the conditions for access are uniform, although procedures and benefits may vary according to region. The social assistance is in principle an individual right, but the situation of the household (married or unmarried couples and minor children) is considered as a whole. All the applicant's resources are taken into account, including all earnings and other assets (there are some exceptions.). Even the Family allowances are considered as family income when determining the amount of social assistance. No age condition exists (in practice however, allowance is seldom given to children under 18 years of age because parents are obliged to support them).

There is a general income-tested and wealth-tested housing allowance for low income families that depends on housing expenses, the size of household, the location and size of

apartment (up to 80% of housing costs, and welfare recipients can receive remaining the 20%). In addition, there are separate housing allowance schemes included in social security benefits, and separate housing allowances for the elderly and pensioners, military draftees and students.

## Pensions

**The public flat-rate pension system** is financed by contributions (employees: none, employers: 2.4% to 4.9% of payroll, self-employed: 21%,) and a state subsidy (about 36% in 1996). The level of a pension reflects other income support benefits. The eligibility age is 65 for both men and women. Eligibility requirement for full pension is 40 years residence. There is no public earnings-related pension, but the compulsory occupational pension scheme (see below) has a certain "public" status and is often classified as a public earnings-related pension.

**The occupational pension scheme** is compulsory for everyone who is employed. It is financed by contributions from Employees: 4.7 % of taxable income; Self-employed: 21.0%; and Employers: 10.34% to 24.35% per employee depending on age and sex of employee as well as on size of company. This pension scheme is privately managed and partly based on capital funding. However, part of the pension scheme for the self-employed and farmers is covered by state subsidy. The eligibility age for pension is 65 for both men and women. Individuals may retire between the ages of 60- 64 (or as early as 55 if certain contribution and age-cohort requirements are met), but there are income losses in terms of actuarially adjusted pensions.

## Unemployment benefits

Unemployment benefits are paid according to two schemes. Members of unemployment funds are paid an **earnings-related allowance**. The maximum earnings-related allowance may not exceed 90% of daily wage (including child supplements). **The basic allowance** is about 25€ a day. **Child supplements** are also available. Both the earnings-related and basic allowance are taxable and paid for a maximum 500 days of unemployment. All unemployed persons residing in Finland and who enter the labour market for the first time or who no longer receive unemployment benefits qualify for **labour market subsidy**. There is no time limit on the payment of labour market support. The full amount equals the basic allowance but with lower child supplements. Furthermore, workers over the age of 43 who are made redundant by production-related or financial reasons and are not offered new jobs or placed in training are entitled to a **redundancy payment** for loss of earnings. The size of the redundancy payment depends on the length of employment and pay.

Benefits paid in respect of unemployment include the following:

- training subsidy for persons whose employment office has directed them to a labour market retraining course

- training allowance
- unemployment allowance (basic or earnings-related) for persons who on becoming unemployed meet the condition regarding previous employment (see below)
- labour market subsidy for persons who do not qualify for unemployment allowance
- unemployment pension for the long-term unemployed aged 60 or over
- pension assistance for long-term unemployed born in 1941-1947

In order to qualify for unemployment allowance from Kela, unemployed persons must satisfy a condition relating to the length of their previous employment. After a specified waiting period, unemployed persons who meet this condition can get unemployment allowance in the form of either a basic allowance (from Kela) or an earnings-related allowance (from an unemployment fund). Unemployed persons who do not satisfy the employment condition or have received unemployment allowance for the maximum period can get labour market subsidy from Kela.

**Wage security** refers to the cash benefits employees can get if their employer due to bankruptcy or insolvency is unable to pay their regular wage, salary or other compensation. Wage security covers (up to a limit) the liabilities that employers under the terms of the employment contract have towards their employees. It must be applied for within three months of the date on which the payment became due. Application forms are available from and must be returned to the employment office.

Unemployed persons can, provided they satisfy the employment condition, contact an employment office to enter **labour market training**. There is also a cash benefit linked to participation in such training. Unemployed persons with a long history of employment can get a training allowance if they undergo training that they have sought out for themselves. Elderly workers who have been unemployed for a relatively long time may qualify for **unemployment pension**. There is also special assistance for immigrants (pension).

### **3.2 Actors:**

The Council for Equality

Finnish social security office (KELA)

Mannerheimin lastensuojeluliitto, uudenmaanpiiri (The Mannerheim League for Child Welfare)

Monitoring group for equal pay programme

The Government

The Family Federation of Finland

The Inland Revenue

The Ministry of Justice

The Ministry of Labour

The Ministry of Social Affairs and Health

The Parliament

The Ombudsman for Equality  
The Social Insurance Institution of Finland  
The employer and employee labour market organisations

### **3.3 Timeline**

The Quing-period

1996

**Right to day care was guaranteed for all pre-school children in 1996.** The parents of all children under school age have been entitled to municipal day-care for their children. Since 1996, all pre-school children have access to municipal day care. Prior to 1996, it was provided to children who needed day care on social grounds.

1997

Domestic work done by people other than household members themselves is tax deductible in Finland. The household work tax deduction was first tried in 1997. It became a permanent policy in 2001. A household or a group of households can employ persons or companies to do the household chores such as cleaning, cooking, various maintenance jobs, and gardening. Nowadays a household can also buy certain social and health sector (care) services from individuals or companies, and deduct 30-60% of the cost in taxation.

2002

**Law on job alternation** (Vuorotteluvapaalaki 30.12.2002/1305). An employee can take time off work from between 90 and a maximum of 359 days. This is a measure to improve occupational health, but it is also a way to improve employment, since the employee is required to hire an unemployed person as a substitute for the duration of the period of job alternation. Job alternation has been especially popular in socially and psychologically intensive fields such as social and health care where the majority of the workers are women.

2003

**Amendment to Health Insurance Act** that entitles fathers to an extended paternity leave came into force in 2003. The State has consciously promoted the increase of men's use of paternity leave as well as campaigning to share the cost of the parental leaves more equally between the employers of both parents. A Paternity Leave Campaign was organised in 2002 – 2003. The aim of the paternity leave campaign was to encourage fathers to assume more responsibility for child care and upbringing and to make use of the rights and possibilities

offered to them to increasingly support the growth of their children. The aim was to bring about a change in the attitudes of both the parents of small children and of various organisations, labour market partners, workplace communities and the media. The paternity leave campaign provided information about the amendment to the Health Insurance Act that has entitled fathers to an extended paternity leave since the beginning of 2003.

2003

Discussion on equal pay continued. The Equality Ombudsman who keeps close contact with the labour market organisations invited Labour market leaders for a visit to discuss equality issues in working life in November 2003. The representatives of the organisations emphasised that pay issues belong to the core activities of the labour market organisations. All participants of the meeting agreed that the labour market organisations are the primary implementers of equal pay. The persistent issue of temporary employment and the ways in which gender equality policy supports the renewal of the work force were discussed in the meeting.

2004

The latest focused efforts to diminish the pay gap began in 2004. A working group was assigned by the Ministry of Social Affairs and Health in 2004-2005 to prepare a general equal pay programme promoting equal pay for women (Working group proposal for a programme to promote equal pay for women and men. Working Group Memorandums of the Ministry of Social Affairs and Health 2005:7). The starting point of the working group's work was to aim at diminishing and ultimately abolishing the wage gap between women and men in the labour market. The working group proposed that the Ministry of Social Affairs and Health appoints a tripartite group to monitor the implementation of the equal pay programme.

2006

**The Equal pay programme** was picked up by the Government Programme of Prime Minister Matti Vanhanen. The Government adopted the **Equal Pay Programme** in February, and the Minister of Social Affairs and Health Tuula Haatainen appointed a high-level monitoring group for the period from 1 April 2006 to 31 March 2007. This tripartite monitoring group was assigned to monitor the implementation of the Equal Pay Programme and the related action programme. If it becomes obvious that the achievement of the objectives of the programme is not progressing as planned, the monitoring group undertakes measures, as necessary, to achieve the agreed objectives. The monitoring group consists of the leaders of the labour market central organisations, representatives of the Government and politicians. The main aim of the Equal Pay Programme is to narrow the pay gap between men and women from the present level of about 20 per cent by at least five percentage points by the year 2015, calculated on the basis of earnings for regular hours of work. The Equal Pay Programme incorporates objectives regarding the payroll systems, segregation of the labour market and women's career development, pay and collective agreement policies, development of

statistics and statistical cooperation, family and work, corporate social responsibility and gender equality planning and, related measures totally approximately 30 measures altogether. Some of the measures demand actions by the Government, others joint measures by both the Government and the labour market organisations, and some demand measures by the labour market organisations (Equal Pay Programme. Helsinki, 2007. Reports of the Ministry of Social Affairs and Health).

2006

In 2006, a study came out commissioned by the Ministry of Social affairs and Health concerning **the need for a pay system project for promoting equal pay**. (Report by Rapporteur ad int. Sosiaali- ja terveystieteiden ministeriön selvityksiä 2006:80). The Rapporteur considers that a pay system project for promoting equal pay is necessary. It proposes starting a research and development programme on the effectiveness of different pay systems from the point of view of their incentives, equal pay, and fairness and the impact of the systems is included as one measure in the joint equal pay programme of the Government and social partners.

2007

The Second Government of Prime minister Matti Vanhanen has taken up the issue of **sharing the cost of parental leaves more equally between the employers of both parents**. The government started its work in the spring of 2007, so changes can be expected within the next four years. The change, if implemented, would be a big step in equalizing women's position in the labour market. For example, Mannerheimin lastensuojeluliitto, uudenmaanpiiri (The Mannerheim League for Child Welfare) and the Family Federation of Finland have taken a stance for developing the parental leave system.

2007

There were some changes to social benefits effective from the beginning of the year 2007. Namely:

- Maternity allowances were increased for the first 56 days of payment.
- Parental allowances for fathers and mothers and paternity allowances for the "father's month" were increased for the first 30 days of payment.
- Greater flexibility was allowed in timing the beginning of the "father's month".
- Eligibility for the parental allowance for adoptive parents was lengthened to 200 days.
- Persons living in a registered partnership can share the eligibility for parental allowance.
- Decisions concerning family benefits can be appealed to the Social Security Appeal Board.

Discussion on the shared costs of parental leave began in 2007.

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## 4. INTIMATE CITIZENSHIP

### 4.1 Introduction

The first equality policies concerning Finnish women can be dated to the early 19<sup>th</sup> century. In Finland, as well as other Nordic communities, unmarried women were freed from guardianship by the 1860s. They could work outside home, control their own income and property. Married women's income and property remained under control until the 1880s. The Finnish women's movement grew in importance in the late 19<sup>th</sup> century. This period was marked by a struggle for the vote and eligibility, which was granted in 1906 in Finland. This was a nationalistic period in Finnish politics. At the time, Finland was autonomous grand duchy of Russia and became independent in 1917.

**The marriage act (324/29)** that was implemented in 1929 made spouses equal in the eyes of law. The Marriage Act was issued in 1929 and it decrees on contraction and dissolution of marriage and spouses' legal relationship and distribution of property. Abortion was illegal until 1950. In 1950 abortions were decriminalized and allowed if certain conditions were fulfilled: abortion was allowed if it was done to preserve the physical or mental health of the woman, if it was known that the child would be disabled, or if the pregnancy resulted from rape. Finnish women's reproductive rights were strengthened when the **Abortion law (24.3.1970/239)** came into force in 1970. This law is rather permissive in nature. Finnish law on abortion was further liberalized from this date, with abortion permitted for social reasons if the woman was younger than 17 or older than 40, if the woman already had four children, or if, owing to disease or mental disturbance, one or both parents would be unable to raise the child. According to the law of 1970, abortions could be performed up until the sixteenth week of pregnancy. A 1978 amendment to the abortion law allowed abortions to be performed at any point in cases of disease or physical defect in the woman. In 1979, the week limit was changed from sixteen to twelve weeks of pregnancy. A 1985 bill allowed abortion up to 20 weeks of pregnancy for underage women and up to the 24th week if an amniocentesis or ultrasound found serious impairment in the fetus. Abortion is provided by the public health care service and it is available after a consultation with a doctor. The abortion rate is very low in Finland, among the lowest in Europe. It has been said that the question of abortion was treated more as a class related or a public health issue than a matter of women's bodily rights in Finland. Consequently, there has not been any big controversy around the issue of abortion.

**The New Surname Act (694/1985)** was passed in 1985 and came in to force in 1986. It permits spouses to take the surname of either partner or to retain their original surname. Children are entitled to use the surname of either parent. **The Marriage Act** has been amended several times. The most significant amendment took place in 1987 when granting of divorce became easier. It is no longer necessary to identify a guilty party to obtain a divorce, or agree to several compulsory sessions of attempted reconciliation. Today, all that is needed for a divorce is an application by one of the spouses. Also, the application can be

done by just one of the partners, and the other partner has no means to prevent the divorce from taking place. After six months from the date of the application, i.e. a period of reconsideration, the divorce becomes official.

## **The Quing period**

### Marriage, Separation and Divorce

Finnish couples marry relatively late; women who marry are on average 30 and men 32 years old. It is common that couples live together before marriage, and many have children. Many couples never marry and common-law marriages are increasing in number. In 2006, more than half the women giving birth to their first child were not married (Statistics Finland 2006). The number of children has gone up recently, but also simultaneously the number of childless women is increasing. Fewer women have now more children. Finnish couples get their first child relatively late. The average age of the first time mother is over 29 years.

The divorce issue is currently not debated in Finland. Divorce is largely considered as an individual's own choice. The Amendment of the Marriage act in 1987 raised the number of divorces and the divorce rate has remained on a high level. Finland ranks highly on the divorce rate in Europe. Marriages end sooner than before, but it is hard to say whether this is an actual change, since many of the married couples had lived together in a "marriage-like" relationship before marriage for several years. For heterosexual women, entering into marriage, separation, and divorce are issues that have been settled in Finland before the Quing period; there is no current debate on these issues, nor are there any plans to renew the legislation or policies connected to it in the near future. The only issue that has been debated in connection to divorce is the custody of children, and especially father's rights.

### International families

The new Aliens act came in to force in 2004. It was heavily criticized soon after and revisions were demanded. The amendments made to the temporary residence permit system (also known as the B-permit) in particular were considered a failure. The B-permit can be granted to an applicant who is ineligible for asylum but cannot be deported. The terms of the permit say that one cannot work or study, nor is one included in the social security system in Finland. The person holding a B-permit is not recorded into the Population Information System kept by Finland's Population Register Centre. This means that they cannot be given a social security number, and consequently they do not qualify for social security that is tied to residence. The problem arose when the law-makers did not anticipate the relatively large number of asylum seekers who are not eligible for a residence permit but who cannot be deported. The unsuccessful law created an unbearable situation. A large number of residence permits given are namely B-permits. The B-permit holders cannot do anything in Finland; they are only granted a small maintenance subsidy along with necessary health care. In addition, many municipalities refuse to let the children of holders of B-permits go to school if they do not manage in normal classes. The only solution to the dilemma is leaving

the country, which many cannot do for various reasons (e.g. family relations). In other countries in Europe and in the Nordic region, these applicants have often stayed in the country illegally without any permits. Finnish authorities have wished to give such persons at least some kind of official status. The majority of B-permits have been issued to people of Somali, Afghan, or Iraqi origin. In addition to the asylum seekers, the officials of municipalities and reception centres are frustrated with the situation. A B-permit is normally granted for one year, but can be prolonged by another permit. If a B-permit holder still cannot be deported after two years, he or she will be granted a permit of residence.

Family reunification became a topic of discussion after the new Aliens Act was passed in 2003. According to the Finnish Aliens act, a residence permit may be granted to a near relative, by which is meant a husband, wife (or common-law husband, common-law wife), as well as unmarried children under the age of 18. EU directives concerning family members are applied only to family members of an EU-citizen. Normally a residence permit may be granted only to members of the "nuclear family". Concerning cohabitants, a requisite for family reunification is that the persons concerned have lived together for at least one year. The duration of the previous common life has to be established. If cohabitation has lasted less than one year, permits are granted only exceptionally. Unmarried people who intend to marry can get a fixed-term residence permit.

Children must be unmarried and under 18 years old. The definition of a minor child is determined in accordance with domestic laws. Concerning adoptive children, a residence permit is issued if the adoption is legal and the adoptive parent(s) is (are) Finnish national or from a Nordic country residing in Finland or third country nationals residing in Finland by virtue of a residence permit of a permanent nature. An adoption carried out in Finland is confirmed by a court of Justice. With the application for a residence permit, an adoptive parent of a minor child has to enclose his/her own official certificate bearing an entry of the adoptive relationship.

As a rule, parents are not normally granted family reunification with grown up children but, under specific circumstances, exceptions and evaluations on an individual basis are made. Adult siblings are normally not granted family reunification in Finland. The right to family reunification does not depend on such considerations as the ability of the family member in Finland to bear the cost of living for the other members or the period of time that member has resided in Finland. However, according to the Aliens Act there is no absolute right to receive a residence permit even for members of the nuclear family. When decisions are made on residence permits, deportation and refusal of entry, the interest of the persons concerned versus that of the State needs to be assessed.

#### Registered partnerships

In the 1990s and 2000s, the most notable discussion on partnership in Finland has revolved around the legislation concerning registered partnership and children in registered partnerships. Since March 2002, same sex couples have had the right to register their

relationship with a magistrate. According to the statistics Finland, during the first year, 450 couples registered, half of them men. The number of registered partnerships has now settled to the level of approximately 200 couples per annum.

At the end of 2006, according to the Statistics Finland, there were 950 registered partnerships, and male and female couples were almost equal in number. 120 of the people in registered partnerships had dependent children. The legal consequences of the registered partnership are the same as with marriage unless otherwise specified. Most provisions concerning married couples or spouses apply to registered partners. There are however, notable differences. For example, the **Adoption Act** does not apply to registered partners. In Finland, same sex families do not yet have the right to adopt children, and the issue is currently being debated. The Marriage Act is applied to the dissolution of a registered partnership. This unequal situation has continued to be discussed in the Parliament.

### Reproductive rights

The issue of abortion was settled in Finland in the 1970s. The most important discussion of reproductive rights in Finland over the past decade concerned the legislation on fertility treatment. Up until 2006, there was no legislation on fertility treatments in Finland. Since there was no legislation on fertility treatment, the selection of those for treatment was made by the health care personnel. The law passed in 2006 was subject to heated debates between 2002 and 2006. The issue became a political hot topic and the question of lesbian and single women's rights to receive fertility treatment became the centre of the debate.

The development that finally led to the law on fertility treatment began in 2002 when the government brought a bill on fertility treatment before Parliament. The purpose of the bill was originally to set some ground rules for the fertility treatments. Conservative Members of Parliament opposed the possibility that lesbian and single women would be allowed fertility treatment by law. This had been possible previously when the health care personnel made the decision.

Government originally proposed a bill that included the right of lesbian and single women to get fertility treatment. In 2002, the Legal Affairs Committee of the Finnish Parliament voted to change the Government's bill by adding a provision that would forbid women who are not in a heterosexual relationship from getting fertility treatment. Government considered intervention, either by bringing its own bill directly before Parliament, or by withdrawing its bill "in order to avert a hasty and arbitrary result". The Government's original proposal allowed fertility treatments for single women on the condition that the sperm donor can be confirmed as the child's father, and that the donor gives his consent in advance. The Parliament's Legal Affairs Committee decided to reject this model and to allow artificial insemination treatment only to women who have a husband, or who live with a male partner.

In effect, this would have meant that fertility treatments for lesbian and single women would have been criminalized and violators would have been subject to a fine or up to a year in

prison. All of those on the Legal Affairs Committee who voted against fertility treatment for single women and lesbian couples were men. The argument for this proposal that would have put women in a highly unequal position was the 'benefit of the child'. The bill on fertility treatments moved to the full Parliament in 2003.

In February, it was decided that the bill should be sent to the Grand Committee, which would restore a section permitting artificial insemination for single women as well as women living in a lesbian relationship. The Minister of Justice made it clear that if Parliament did not pass the bill with the Government's wording, the Government would withdraw the whole proposal. The Government believed that the Grand Committee would have revised the bill so that it more closely resembled the Government's original proposal. However, Parliament voted 92 to 86 to reject a proposal to send the bill to the Grand Committee for revision.

The bill on fertility treatment, which was withdrawn from Parliamentary debate before the 2003 election, was prepared again in 2004. The bill was almost identical to the one drafted by the previous Parliament. Fertility treatment was yet again allowed for single women and lesbian couples on the condition that the sperm donor gives his consent to being named the father of the child that results from such a procedure. There would be no such condition attached to fertility treatments for heterosexual couples. A bill for on fertility treatment was brought again before Parliament in spring 2005 after having been on hold for two years. The wording of the bill was almost identical to the original proposal. The need for legislation on fertility treatment would become more apparent in March, when the so-called treatment guarantee came into effect, setting maximum waiting times for medical treatments in public health care. After years of delays the Parliament voted to allow fertility treatment for single women and lesbian couples 13.10 2006. The vote in Parliament was 105 to 83 in favour of the proposal. Surrogacy (practice of carrying someone else's child) remained illegal.

**Same-sex couples do not have the right to adoption in Finland.** The situation of children in registered partnerships is yet to be settled. On 17th April 2002, the Ministry of Social Affairs and Health set up a **Committee to Examine Special Issues Related to Registered Partnerships**. The committee on special issues regarding registered partnerships submitted its report in 2003. The Government anticipated the formation of the committee working group when it gave the proposal of the Act on Registered Partnership (HE 200/2000 vp). The aim was to investigate social and legal issues related to the status of children in families of registered couples, as well as to put forward proposals for law amendments if necessary. A special question to be deliberated was whether provisions should be issued to enable inter-family adoption in registered relationships. The Committee studied the status of children of partners in a registered relationship under the present legislation, gathered research data on the status of children in these families, studied the status of these children from the point of view of human and fundamental rights, as well as surveying judicial developments in this area in other countries. The most important proposal of the Committee is giving the right to inter-family adoption in registered relationships. Accordingly, a registered spouse could adopt a child of his or her spouse with such legal consequences that the child is considered a common child of the registered couple. The implementation of this proposal would solve

most problems in the present status of children of parents in a registered relationship. The Committee also proposes that registered couples should be entitled to adopt a child together cases such as where it is a child in the couple's immediate circle of relatives or friends whose life has to be rearranged (e.g. because of the death of the child's parents). The Committee proposed that when revising the instructions for adoption counselling, the new situations emerging with the implementation of the Committee's proposals should be taken into account. Also, if the best interests of the child so require, meeting rights between the child and his or her parent's registered spouse should be officially determined in case the couple is separated. The Committee further proposes revision of the legislation on parental leaves and benefits under the Health Insurance Act to the effect that families of registered couples will be in the same position as those of married or cohabiting couples. The feedback from different actors (child protection agencies, trade unions, international adoption organizations, municipalities and so on) was not unanimous, although was for the most part positive. Also, the organization representing Finnish rainbow families Sateenkaariperheet-Regnbågnfamiljer ry gave a statement in favour of Committee's proposals. However, there is to date still no legislation concerning visitation rights, adoption and family leaves of persons in registered partnerships.

## **4.2 Actors:**

The Council for Equality  
Finnish social security office  
The Government  
The Parliament  
The Ministry of Justice  
The Ministry of Labour  
The Ministry of the Interior  
The Ministry of Social Affairs and Health  
The Ombudsman for Equality  
Seta (the Finnish organisation for LGBT people)

## **4.3 Timeline**

1984-2002

**Legislation on fertility treatment.** The first proposal for legislation on fertility treatment was made in 1984, but the proposed bill was not passed at that time. Since the mid 1980s, the issue has emerged every few years. The possibility of legislation for fertility treatment was also examined in the late 1980s and early 90s, but the legislation process did not proceed further at the time.

1992- 2001

The discussion on **registered partnership** began in the Finnish parliament in 1992 when the first inquiries were made about arrangements for the legal position of people in different relationships. It was taken up for the first time by an MP for the Green Party. The first proposal for a law on registered relationships was put forward in 1993, but it fell through. The Registered Partnership Act was accepted in Finnish parliament 28<sup>th</sup> September 2001. SETA, the Finnish national organisation for LGBT people, lobbied actively for the law to be passed.

2002

**The Act on Registered Partnership** came into force at the beginning of March 2002. Partnership registration is open to two persons of the same sex, both of whom have to be 18 years old. There is no requirement for specific sexual orientation. The Marriage Act is applied to the dissolution of a registered partnership. This unequal situation continues to be discussed in the Parliament, and there have been sporadic attempts to start the process of amending the Act on Registered Partnership with regard to this. During the first year of the law, 450 couples registered, half of them men. At the end of 2003, family statistics reported 550 same sex couples living together, with male and female couples almost equal in number.

In 47 such families, there were dependent children of one of the partners. The number has risen steadily.

2002- 2006

**The law on fertility treatment** was passed in 2006. It gives the right to treatment also for single women and lesbian couples in registered partnerships.

2003

**The position of children in registered partnerships.** On the 17th April 2002, the Ministry of Social Affairs and Health set up a Committee to examine special issues related to registered relationships. The committee on special issues regarding registered partnerships submitted its report in 2003. The most important proposal of the Committee was giving the right to inter-family adoption in registered relationships. The Committee suggests that a registered spouse could adopt a child of his or her spouse with such legal consequences that the child is considered a common child of the registered couple, and registered couples should be entitled to adopt a child in common in cases such as where it is a child in the couple's immediate circle of relatives or friends whose life has to be rearranged (e.g. because of the death of the child's parents). The Committee proposed that when revising the instructions for adoption counselling, the new situations emerging with the implementation of the Committee's proposals should be taken into account. The Committee further proposes revision of the legislation on parental leaves and benefits under the Health Insurance Act to the effect that families of registered couples will be in the same position as those of married or cohabiting couples.

2003

The new Aliens Act came into force on May 1st 2004. It introduced a new residency permit system, which greatly limits the residence of people from outside the EU. The Act has made getting residency permits for family members/spouses who come from outside the EU and family reunification difficult. It has also had a major impact on family reunification policy.

2003

According to the Finnish Aliens act, a residence permit for family reunification may be granted to a near relative, by which is meant a husband, wife (or common-law husband, common-law wife), as well as unmarried children under the age of 18. EU directives concerning family members are applied only to family members of an EU-citizen. Normally a residence permit may be granted only to members of the "nuclear family". Concerning cohabitants, a requisite for family reunification is that the persons concerned have lived together for at least one year. The duration of the previous common life has to be established. If cohabitation has lasted less than one year, permits are granted only exceptionally. Unmarried people, who intend to marry can get a fixed-term residence permit.

Adult siblings are not normally granted family reunification in Finland. The right to family reunification does not depend on such considerations as the ability of the family member in Finland to bear the cost of living for the other members or the period of time that member has resided in Finland. However, according to the Aliens Act there is no absolute right to receive a residence permit even for members of the nuclear family. When decisions are made on residence permits, deportation and refusal of entry, the interest of the persons concerned versus that of the State needs to be weighed.

2007

In the spring of 2007, the newly elected government takes up the internal adoption of (non-biological) children in registered partnerships into its programme. This indicates that the issue will be discussed in the government and parliament during the next four-year-term. According to a poll undertaken during the election, a majority of the current Members of the Parliament are in favour of a registered partner being able to adopt a biological child or children of the other partner. Popular opinion also seems to support acknowledging parental/children's rights in registered partnerships. According to a poll conducted by the Taloustutkimus research centre (commissioned by Seta, the Finnish organisation for LGBT people), a majority of Finnish people would improve the position of children in registered partnerships by legislation. 80% of participants in the poll (out of a total 1017) would want to guarantee by legislation that children have the possibility to continue living with their other parent in case of the biological parent dying.

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## 5. Gender-based Violence

### 5.1 Introduction

Gender-based violence was identified as a social problem in Finland in the late 1970s. However, in the 1970s and still in the 1980s violence against women was largely framed as 'domestic violence' and as such a matter of the 'private sphere'. The first women's shelters for victims of domestic abuse were founded in the 1980s, but violence against women continued to be discussed and treated as a somewhat gender-neutral issue in public, although it was known that the abused were for the most part women. Researchers have pointed out that in Finland there have been three major approaches to violence, namely those of forensic psychiatry, criminology, and the study of psychological aggression. Violence against women as a distinctly gender-based problem became a target of more widespread public discussion in Finland only from the early 1990s onwards. It has been suggested that the gender-neutral approach was in part a result of the Finnish feminists' concentration on equal opportunity policies in the public sector (e.g. in working life) instead of for example relations in private life and sexuality. Gender relations within the family (or society) were not addressed. Partly because of this emphasis, Finnish research, discussion and legislation on gender-based violence has lagged behind that of other Nordic countries. Laws to protect women from violence, services for victims of violence, and gender-sensitive approaches for their treatment, were relatively late in being established. Despite this slow start, Finnish legislation and policies to counter domestic violence and violence against women have developed rapidly from the mid 1990s onwards. This has been supported by an upsurge of interest in the research on violence against women, specifically as a gender-based issue. Researchers have been actively filling the gaps in the literature, thus supporting developments in policy-making in the area. The research has provided a basis for numerous recent reforms in legislation, and development in criminal proceedings, services and treatment practices as well as attitudes towards the issue of gender based violence. In Finland, the term gender-based violence is not in wide use in either governmental or public discussion. Instead, the terms 'intimate violence', 'domestic violence' and 'violence against women' are used.

#### International Influences

According to Johanna Niemi-Kiesiläinen (2001), Finland was pressurized to pay attention to violence against women by the international human rights discourse. Finland is committed as a state on the UN, Council of Europe, and EU -level to monitoring the occurrence of violence affecting women and to developing measures for preventing it. Most notable amongst the international influences have been the United Nations *Declaration on the Elimination of Violence Against Women* (1993) as well as international conventions that have dealt with violence against women, namely the United Nations 4th World Conference on Women in Beijing in 1995 and The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). These have had a significant effect in terms of making gender-based violence a high

profile issue and have accelerated social and legal reforms related to the issue in Finland prior to 1995.

According to Niemi-Kiesiläinen, the women's conference in Beijing in 1995 and its plan of action for the eradication of the violence against women, which required states to take an initiative and take concrete action, had a particularly notable effect in Finland. After the conference, the Finnish government accepted an equality plan that included for the first time provisions concerning violence against women. After Beijing, a national project within the social sector was set up to eliminate violence against women. In addition, there is a long-standing tradition of co-operation between the Nordic countries, the official part of which is channeled through the Nordic Council and the Nordic Council of Ministers. The Nordic Council was formed in 1952 and is the forum for Nordic parliamentary co-operation. These bodies have worked also in the field of violence against women. Finland joined the European Union in 1995.

#### DOMESTIC VIOLENCE (in Finland it is most often referred to as intimate violence)

The laws concerning domestic violence have been created or amended during the mid-and late 90s. The first of these was the Law criminalizing Rape in Marriage (L 316/1994). The parliamentary debate on rape within marriage had started in the early 1970s, but at that time a majority of the members of the parliament were opposed to criminalization. It was argued that the cases were rare, that criminalization would be misused, and that proof of non-consent would be difficult to acquire. At the time, it was also believed that the criminal law was not the appropriate means to regulate spousal relationships (Pohjonen 1993). Rape within marriage was seen as belonging to the private sphere and thus the general need for protection was not acknowledged. The debate on the law continued for two decades. As a result, Finland was the last Nordic country in which rape within marriage was criminalized in 1994.

Battery that takes place in private became a crime under public prosecution (prosecution despite the victim's report or request) (L 578/1995) in 1995. Until the mid-nineties, an assault occurring in a private place (i.e. a domestic violence situation) only came under prosecution if the victim requested it. In 1997, victims of sexual and intimate violence obtained the possibility of getting state-sponsored legal aid and support for the prosecution (L 689/1997). A law on restraining orders was passed in Finland in 1998 (Laki lähestymiskiellosta 4.12.1998/898). According to the law, police or the victim may seek a restraining order from the court. The law does not require full proof of prior violence or violent behaviour, but the applicant of the restraining order must be able to show a probable cause. According to Niemi-Kiesiläinen (2001), during the first year of the law, over five-hundred orders were sought. The most recent addition to the law is from 2004 (711/2004) and it contains a section on intra-family restraining order, which means that members of the same family, living in the same household, can now also be restrained and removed from the home.

In 2004 guidelines for identifying and preventing intimate partner violence at maternity and child health clinics were published. The guidelines were based on a research project carried out by the National Research and Development Centre for Welfare and Health STAKES, 1998-2002. The research was a part of the project to prevent violence against women and prostitution financed by the Ministry of Social Affairs and Health. A national programme to prevent intimate partner and domestic violence was launched in 2005. A working group was set up to produce a survey of how the agencies and institutions in which knowledge and skills related to violence reduction are concentrated nationally could efficiently support regional and local work to reduce violence. It was also assigned to examine how support for local work to prevent intimate partner and domestic violence could be strengthened by gathering and networking national knowledge and skills in the field. In its report, the Working Group dealt with, on the one hand, intimate partner and domestic violence and, on the other hand, violence at work. It has examined the prevalence and costs of violence, and international guidelines and central government actions to reduce violence. The Working Group has consulted agencies and institutions, as well as major NGOs working in this field. The Working Group proposed the establishment of a permanent national unit responsible for the prevention of intimate partner and domestic violence. According to its proposal, the unit should be linked to either the National Research and Development Centre for Welfare and Health (STAKES), or the National Public Health Institute, which are research institutions under the Ministry of Social Affairs and Health.

Increasing attention is now paid to the fact that a growing number of victims of violence (domestic and otherwise) are immigrant women (Kyllönen-Saarnio, Eija and Nurmi, Reet 2005). Professionals such as employment and social authorities who have contact with immigrants in the integration phase play a central role in prevention. The Ministry of Social Affairs and Health published a handbook for social welfare and health care professionals. The purpose of the handbook is to support the basic services in social welfare and health care in helping immigrant women who have experienced violence. According to practical experience, violence against immigrant women remains at present often undetected, with only the more serious violence situations most likely to become uncovered. Barriers for immigrant women to seek help are, in many ways, related to lack of language and civic skills in that women are not necessarily familiar with the Finnish legislation and service system.

## PROSTITUTION AND TRAFFICKING

Prostitution and trafficking became the focus of political debate and intensified policy-making in Finland in the late 1990s. International discussion has had a major impact on Finnish discussion and tackling of the issue. The Ministry of Social Affairs and Health started a five-year long national Programme for the Prevention of Prostitution and Violence against Women in 1998 (1998 - 2002) in compliance with the obligations set by the United Nations. The programme was chaired by the Minister of Social Affairs and Health, Mr. Osmo Soininvaara. The administrative group on the Prevention of Prostitution comprised experts from the Ministry of Social Affairs and Health, the Ministry of the Interior, the Ministry of Labour, the Ministry for Foreign Affairs, the National Public Health Institute, the Mannerheim League for Child

Welfare, the Helsinki Police Department, the Social Services Department of the City of Helsinki, and the Prostitute Counselling Centre of Helsinki. The project gathered and disseminated information and followed up on discussions of prostitution and different forms of commercialized sex at the international and national levels. At the national level, there has been a lack of reliable information on the phenomenon, and one task of the project was to promote research both in applied and theoretical areas.

In most considerations of the sex trade, the focus has been limited to women selling sex. The project aimed at drawing attention to other initial partners in the sex trade who maintain it and benefit financially from it. Clients, procurers, and indirect profiteers were in focus. A further task of the project was to produce different kinds of operative models in order to create a basis for social decision-making and to promote cooperation with authorities and NGOs in striving to prevent prostitution and to reduce the disadvantages connected to the phenomenon. Promotion of equal, positive, and non-violating modes of sexuality is a main goal of the project.

Trafficking in women and children is not a new phenomenon in the Nordic-Baltic region. However, the magnitude, forms and impact are more alarming than before. The Nordic-Baltic Campaign Against Trafficking in Women was carried out in 2002 in the Nordic and Baltic countries. The countries involved in the campaign have over the years experienced serious problems with trafficking in human beings, especially for the purpose of sexual exploitation. In recent years, the countries have put great efforts into developing national legal, policy, and practical measures to counteract trafficking in human beings.

The report also includes a summary of the national legal frameworks of these countries as of the end of March 2003 and the statement and recommendations from the informal meeting of Nordic and Baltic ministers for Gender Equality, Justice and Interior in April 2003.

In 2003 a working group was set up by the Ministry of Justice, which made a proposal to criminalize the buying of sexual services. The proposal included the marketing of sexual services as punishable act. Furthermore, new provisions on aggravated pandering, trafficking in persons and aggravated trafficking in persons were proposed. The working group has submitted the first part of its Report to Minister of Justice, Mr Johannes Koskinen. The purpose of the proposed amendments was to improve the opportunities to prevent trafficking in persons, as well as pandering and prostitution. These proposals are partly based on international agreements to which Finland has acceded. The provision would apply to buying of sexual services in a public or a private place and all ways of buying of sexual services in general. The punishment would be a fine or imprisonment for at the most six months. In addition, the attempt to buy sexual services would be punishable. At the time of the proposal, the buying of sexual services is not punishable. It was argued that the increase in organised crime associated with pandering had created a need to criminalise it. According to the working group, criminalisation would decrease the demand for these services and crimes relating to pandering.

The group based its opinion on the Swedish experience in prohibiting the purchase of sexual services. The working group assumes that the buying of sexual services would be investigated mainly in connection to severe crimes relating to trafficking in persons and pandering. The maximum punishment for the buying of sexual services from a person under the age of 18 years would be raised. The offender could be sentenced to imprisonment for at the most one year, whereas the current maximum punishment is imprisonment for six months. According to the proposal, the buying of sexual services would be punishable regardless of place, and this would make the separate penal provision concerning buying of sexual services in a public place recently ratified Finnish Public Order Act unnecessary. The working group did not propose criminalisation of the selling of sexual services. However, according to the Finnish Public Order Act, offering of sexual services for payment in a public place became punishable in October 2003.

The working group also proposed that giving out contact information for sexual services should be made punishable as pandering. This proposal means that publication of announcements or other comparable advertisements in newspapers or on the Internet would be punishable. The reasoning behind the proposal was that criminalisation of marketing of sexual services would make prostitution more difficult and make it easier to intervene in exploitation of prostitution. A new penal provision on aggravated pandering would be included in the law. Aggravated pandering would mean cases where the intent is to make considerable economic profit through pandering, where the crime is committed in a very organised manner, where the crime causes very considerable distress or when it concerns a child under the age of 18. Furthermore, the offence as a whole should be deemed as aggravated. For aggravated pandering, the offender would be sentenced to imprisonment for at minimum four months and at the most six years. The new provision is necessary because the maximum punishment for pandering is relatively lenient, considering that pandering has become more and more systematic and organised. The law would also include provisions on trafficking in human beings. The current legislation in Finland is not sufficient in relation to international agreements on trafficking in human beings. The provision on kidnapping includes most of the regulations on trafficking in persons, but does not cover all of the measures used in connection to trafficking. According to the proposal, a person who, for example, by means of deception or abuse of a position of dependence delivers or transports persons for the purposes of sexual exploitation, forced labour or the removal of organs for commercial purposes, would be punished for trafficking in persons. The punishment for trafficking in persons would be imprisonment for at minimum four months and at maximum six years. The offender would be sentenced for aggravated trafficking in persons if the trafficking involves violence or threats, if the trafficking causes very considerable distress, if the act is directed at a person younger than 18 years of age, or if the offence is committed by an organised group. The punishment for aggravated trafficking in persons would be imprisonment for at minimum two years and at the most ten years.

The working group report contains two dissenting opinions. Some of the members of the group are of the opinion that buying of sexual services should not be criminalised. However, if the group decides to criminalise this activity, it would be limited to situations where the

seller is likely to be a victim of trafficking in persons or pandering. According to the other dissenting opinion, buying of sexual services should not be criminalised and selling should. The working group still has to put forward a proposal for the national implementation of the Protocols that supplement the United Nations Convention against Transnational Organised Crime. The Protocols concern suppression of smuggling of migrants and prevention of trafficking in persons, especially women and children.

In 2004, new criminal provisions on trafficking in human beings and aggravated trafficking in human beings were incorporated into the Penal Code of Finland. There were also other new provisions on the aggravated forms of pandering, distribution of child pornography and arrangement of illegal immigration. In addition, the marketing of sexual services became a criminal offence. The law entered into force on 1 August 2004. An operative age limit of 18 years will be adopted in the provisions concerning child pornography. Hence, it is punishable to distribute obscene pictures of a child under 18 years of age. A person will be considered a child also if his or her age cannot be determined, but there is justifiable reason to believe that he or she is under 18. At present, the legislation does not contain any definite age limit relating to the persons pictured in child pornography. There will be a new criminal provision on aggravated distribution of obscene pictures of a child. An offender may be convicted of this aggravated offence in cases where, for example, the child is notably young. The penalty scale runs from imprisonment for four months to imprisonment for six years. The maximum penalty for possession of child pornography will be raised to one year imprisonment (from six months).

The marketing of prostitution and other comparable sexual services (e.g. by the provision of contact details) will be criminalised as pandering. Also, the provision of accommodation to a prostitute may be considered pandering, if essentially conducive to prostitution and an established part of the business of the provider. The amendment is intended as a more effective tool against pandering in hotels and other accommodation. The maximum penalty for the purchase of sexual services from a person under 18 years of age will be raised to one year of imprisonment (from six months). There will be a new criminal provision on aggravated pandering. An offender may be convicted of this aggravated offence e.g. if the prostitute is under 18 years of age. The penalty scale runs from imprisonment for four months to imprisonment for six years.

Provisions on trafficking in human beings were also incorporated into the Penal Code. A person who, for example, by deception or the abuse of another's dependent position, delivers or transports him or her for purposes of sexual exploitation, forced labour or the removal of body organs for commercial gain, shall be convicted of trafficking in human beings. The penalty scale runs from imprisonment for four months to imprisonment for six years. An offender may be convicted of aggravated trafficking in human beings in cases where, for example, violence or threats are employed in the trafficking in human beings. The penalty scale runs from imprisonment for two years to imprisonment for ten years. There will be a new criminal provision on aggravated arrangement of illegal immigration. An offender may be convicted of this aggravated offence if, for instance, it has been committed in the

context of the operations of organised crime. The penalty scale for aggravated arrangement of illegal immigration runs from imprisonment for four months to imprisonment for six years. The provisions on arrangement of illegal immigration will be amended so that they are applicable to such activity also when its sole intent is transit through Finland to some other country.

## **5. 2 Actors:**

CEDAW

The Council for Equality

The European Union

Finnish social security office

The Government of Finland

The Parliament of Finland

The Ministry of Justice

The Ministry of Labour

The Ministry of the Interior

The Ministry of Social Affairs and Health

Mannerheimin lastensuojeluliitto, uudenmaanpiiri (The Mannerheim League for Child Welfare)

Multicultural Women's resource centre Monika

The Nordic Council of Ministers

The Ombudsman for Equality

Seta (the Finnish organisation for LGBT people)

The United Nations

## **5.3 Timeline**

The Quing period

1994

Law criminalizing Rape in Marriage (L 316/1994) was passed after a long discussion. Finland was the last country in Scandinavia to pass such legislation.

1995

Battery that takes place in private becomes a crime under public prosecution (prosecution despite the victim's report or request) (L 578/1995). Until the mid-nineties, an assault in a private place (i.e. a domestic violence situation) only came under prosecution if the victim requested it.

1997

Victims of sexual and intimate violence obtain the possibility of state-sponsored legal aid and support for the prosecution (L 689/1997)

1997

The Government of Finland launched its programme for equality between women and men, "From Beijing to Helsinki", in 1997. This national programme fulfils the obligations of the Beijing Platform for Action.

1998

A law on restraining orders was passed in Finland. According to the law, the police or the victim may seek a restraining order from the court. The law does not require full proof of prior violence or violent behavior, but the applicant of the restraining order must be able to show a probable cause. According to Niemi-Kiesiläinen (2001), during the first year of the law over five-hundred orders were sought.

1998

The Ministry of Social Affairs and Health began a five-year national Programme for the Prevention of Prostitution and Violence against Women (1998 - 2002). The programme was chaired by the Minister of Social Affairs and Health, Mr. Osmo Soininvaara.

1999

Until 1999, the prosecution of rape was dependent on the victim's will. This meant that prosecution of these offences was not systematic and many cases were never prosecuted. With the revision of the sex crimes law, rape is given three classifications depending on the gravity of crime. The classes are rape, aggravated rape, and forcible rape. The most important revision was making almost all sex crimes offences come under public prosecution (L 563/1998). In addition, acquiring sexual services from a minor (under 18 years of age) became punishable. According to Lappi-Seppälä and Hinkkanen (2004), the revision of the penal code on sex crimes has resulted in longer sentences in rape cases.

2002

The Nordic-Baltic Campaign Against Trafficking in Women

Trafficking in women and children is not a new phenomenon in the Nordic-Baltic region. However, the magnitude, forms and impact are more alarming and devastating than before.

The Nordic-Baltic Campaign Against Trafficking in Women was carried out in 2002 in the Nordic and Baltic countries. The countries involved in the campaign have over the years experienced serious problems with trafficking in human beings, especially for the purpose of sexual exploitation. In recent years, the countries have put great efforts into developing national legal, policy, and practical measures to counteract trafficking in human beings.

The report includes a summary of the national legal frameworks of these countries as of the end of March 2003 and the statement and recommendations from the informal meeting of Nordic and Baltic ministers for Gender Equality, Justice and Interior in April 2003.

2003

A working group set up by the Ministry of Justice made a proposal to criminalize buying of sexual services in 2003. The proposal included marketing of sexual services as punishable act. Furthermore, new provisions on aggravated pandering, trafficking in persons and aggravated trafficking in persons were proposed. The working group does not propose criminalisation of selling of sexual services. However, according to the Finnish Public Order Act, offering of sexual services for payment in a public place become punishable in October 2003. The working group also proposed that giving out contact information for sexual services should be made punishable as pandering.

2004

In 2004, new criminal provisions on trafficking in human beings and aggravated trafficking in human beings were incorporated into the Penal Code of Finland. There were also other new provisions on the aggravated forms of pandering, distribution of child pornography and arrangement of illegal immigration. In addition, the marketing of sexual services became a criminal offence. The law entered into force on 1 August 2004.

2004

Guidelines for identifying and preventing intimate partner violence at maternity and child health clinics were published in 2004. The guidelines were based on a research project carried out by the National Research and Development Centre for Welfare and Health STAKES, 1998-2002. The research was a part of the project to prevent violence against women and prostitution financed by the Ministry of Social Affairs and Health. The project aimed to find a good method of identifying, meeting and taking up for discussion intimate partner violence against women. The mother and child health clinics in the towns of Vantaa, Porvoo, and the municipalities belonging to the Palokka joint municipal board, took part in the project. The midwives and public health nurses obtained job supervision and training in order to be able to identify partnership violence and take the matter up with their clients. The interviewed women and public health nurses found it important to ask about possible violence, and their experience of taking up the subject was positive. The starting point for the

operational model is that it is important for mother and child health clinics to be able to identify risk groups in relation to intimate partner violence, to develop various supportive measures, particularly for young pregnant women and mothers of small children, as well as to inform them about partner violence and its impact. It is useful to discuss with the women their experiences in intimate partner relationships, particularly in situations where men's controlling behaviour occurs. Asking about partner violence at the mother and child health clinics should be systematic and be included in the clinics' follow-up programmes. All women should be asked about partner violence at the maternity clinic at least once during the first six months of pregnancy, and at the child health clinic (at the latest by the half-year-check-up of the baby and after that, at the yearly check-ups). Use of the series of questions developed within the project for the screening of partnership violence is recommended; the questions are included in the guide published in 2004 that is distributed to families at child health clinics. Instructions have been prepared to help staff identify and discuss intimate partner violence and for co-operation with the authorities.

2004

Mannerheimin lastensuojeluliitto, uudenmaanpiiri (The Mannerheim League for Child Welfare) began a project on honor-related violence. The aims of the project are educating, promoting discussion, and giving support to immigrant families in matters relating honor-related violence.

2005

National programme to prevent intimate partner and domestic violence

A working group was set up to produce a survey of how the agencies and institutions in which knowledge and skills related to violence reduction are concentrated nationally could efficiently support the regional and local work to reduce violence. It was also assigned to examine how the support for the local work to prevent intimate partner and domestic violence could be strengthened by gathering and networking national knowledge and skills in the field. In its report, the Working Group dealt with, on the one hand, intimate partner and domestic violence and, on the other hand, violence at work. It has examined the prevalence and costs of violence, and international guidelines and central government actions to reduce violence. The Working Group has consulted agencies and institutions, as well as major NGOs working in this field.

The Working Group proposed the establishment of a permanent national unit responsible for the prevention of intimate partner and domestic violence. According to its proposal, the unit should be linked to either the National Research and Development Centre for Welfare and Health (STAKES), or the National Public Health Institute, which are sectoral research institutions under the Ministry of Social Affairs and Health. The aim of the unit would be to coordinate work to prevent intimate partner and domestic violence, to reinforce the knowledge and skills basis related to it, and to be responsible for maintaining the best

expertise in the field. Permanent structures and coordinated cooperation at all levels are necessary to support the regional and local work to prevent violence. The Working Group proposes strengthening the role of the Finnish Institute of Occupational Health in the coordination of research, expertise, training and dissemination of information regarding violence at work.

2005

The purchase of sexual services was not yet criminalised. A separate Government Bill to the Parliament came in 2005. The proposal is to make the buying of sexual services punishable in general. The Government adopted the proposal and the purpose is to give it to Parliament in the Presidential session on 22 December 2005. The proposal is based on the estimate made by the Government in its proposal in 2004 on the necessity to criminalise the buying of sexual services. Due to conclusions made on the basis of the previous proposal, the general criminalisation of the sale of sexual services has no longer been considered in this context. A person would make himself guilty of the buying of sexual services either by promising or giving compensation to make another have sexual intercourse or related sexual act. Also, anyone using sexual services compensated for by another would be sentenced for buying of sexual services. Punishment for the buying of sexual services would be a fine or a maximum imprisonment for six months. An attempt to buy sexual services would also be punishable. If the case involves buying of sexual services from a young person (a person younger than eighteen years of age), this would be subject to a more severe punishment which may at most be one year of imprisonment. The provision on the buying of sexual services from a young person would be supplemented so that also anyone using sexual services compensated for by another would be sentenced also for this crime. At present the sale and buying of sexual services in a public place is punishable as a violation of general order subject to a summary fine or fine. The new provision on punishment would relate to the buying of sexual services irrespective of the place. It would apply both to the buying of sexual services in a public or private place and, for example, by means of a mobile phone or through the Internet. The present ban on buying sexual services in a public place would be removed from the Public Order Act. The general criminalisation of the buying of sexual services aims at decreasing prostitution and thereby promoting sexual autonomy, social equality and the equality between the sexes and to weaken the preconditions of crimes in human trafficking and pandering criminality.

The proposal was also made to Parliament to adapt the additional protocols on human trafficking and the smuggling of immigrants relating to the UN Convention against Transnational Organised Crime implemented in Finland in 2004.

The additional protocols have an important significance both in policy and in practice in terms of combating human trafficking and the smuggling of immigrants as well as helping the persons subject to these crimes. A large number of countries have already adopted these protocols including the majority of the European Union Member States. The national

implementation of the additional protocols did not require legislative amendments, because the criminalisation obligations required by them were implemented in 2004.

2005

Increasing attention is paid to of trafficking. The objective of the Non-Discrimination Act is important in considering the fact that increasing number of victims of violence are immigrant women (Kyllönen-Saarnio, Eija and Nurmi, Reet 2005). International agreements provide that women and girls who have experienced violence should be helped and supported. Violence against immigrant women and girls can, in addition to intimate partner violence, include honour-related violence, forced marriage, genital mutilation of girls, discrimination, and racist violence. Women and girls may have experienced violence in wars or conflicts prior to arriving in Finland or they may have fallen victims. The Act is to ensure ethnic equality. Accordingly, minorities must be taken into consideration when local operations models are designed for combating violence. The victim has the right to receive information on her juridical position and possibilities. In order to secure the client's legal protection, the violence against her must be documented. Also, an interpreter must always be present in matters concerning violence. Professionals such as employment and social authorities who have contact with immigrants in the integration phase play a central role in prevention. The Ministry of Social Affairs and Health published a handbook for social welfare and health care professionals. The purpose of the handbook is to support the basic services in social welfare and health care in helping immigrant women who have experienced violence. According to practical experience, violence against immigrant women remains at present often undetected and only the more serious violence situations are most likely to become uncovered. Barriers for immigrant women to seek help are, in many ways, related to lack of language and civic skills in that women are not necessarily familiar with the Finnish legislation and service system. The handbook includes a set of questions, which can be used to identify violence as early as possible as a part of the basic work in social welfare and health care.

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## 6. Conclusion

The relevance of sub-issues

The most relevant sub-issues regarding non-employment (i.e. the most debated issues, or where most development or shifts have occurred) in Finland, fall into the categories: the reconciliation of work and private life (day-care and parental leave); access to the labour market in the sense of “atypical work and flexibility of the labour market” (i.e. on the one hand, the occurrence of women’s atypical work and its effects on women’s labour market participation (temporary and short-time contracts), and on the other, development of various means to negotiate between employment and non-employment whilst within the labour market e.g. job alteration, study leaves, part-time work, training systems etc.); and equal pay. The category of taxes and benefits is important, but since the tax and social benefit system (albeit included here) is highly developed, continuously updated, and exhaustively researched, studying the fine-tuning of this system seems, though by no means irrelevant, slightly redundant. The same applies to pensions and, in the case of Finland, the category of care work and domestic/informal work overlaps with the category of taxes and benefits to such an extent that I would suggest that if studied in future, it might be sensible to combine them.

A major shift is expected after 2010 when a newly appointed Committee that explores the option of the so-called “citizen’s wage” as a means to re-organise the Finnish social sector presents its report. However, there is no discussion on this yet.

The most relevant sub-issues in terms of Finnish debate during the Quing period in the category of gender-based violence are domestic/intimate violence, trafficking, and prostitution. Domestic violence continues to be a problem and there are currently various major programmes to prevent and inform of its consequences, and the services for victims of violence are being developed. There has been a long debate on the criminalizing of prostitution and on trafficking in Finland, which is ongoing. Violence against immigrant women as an issue has been increasingly recognized over recent years (5-10 year period), and steps are being taken to tackle it in social services, child welfare and other instances. Honor-based violence has so far been a marginal phenomenon, as well as forced marriages, however, there are projects carried out by both NGOs and state actors relating to the issue. The EU and other international actors have had the biggest influence on the discussion and policy-making in the field of gender-based violence.

The most relevant sub-issues for intimate citizenship during the Quing-period (i.e. the most debated, or where the most development or shifts have occurred) in Finland fall into the categories of registered partnerships and reproductive rights. Major questions concerning marriage, divorce, and separation in the heterosexual partnership were settled during the 1970s and 1980s. The issue of divorce/separation/marriage has mostly been discussed in relation to registered partnerships during the Quing period. The discussion on reproductive

rights has concentrated on fertility treatments and adoption rights of partners in registered partnerships in Finland.

Civil society actors (or the third sector as it is called in Finland) work together and often in accordance with politicians and the gender equality machinery. The third sector gained in importance in Finland after the Recession of the early and mid-nineties. Civil society actors are asked for their opinions in the preparation stage of policies. Often civil society actors are incorporated into the policy making process to such an extent that it makes it difficult to find important 'civil society texts' if this means something other than the policy related documents. This is a consequence of the corporative welfare state model as well as state cooptation of the demands from social movements. A further consequence of this system is that actors are part of the policy making process making it difficult to distinguish between the government and other actors.

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