



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

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### **Report Analysing Intersectionality in Gender Equality Policies for Finland and the EU**

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## 1. Introduction

### Gender+ equality policies in Finland: an overview

The ideal of (gender) equality has become deeply imbedded in the Finnish (welfare state) legislation and policies over the past forty years. The ideal and promotion of gender equality is widely accepted in Finnish society: there is a general consensus across the spectrum of political parties and other societal key actors over the necessity to promote gender equality. Gender equality policy-making and gender mainstreaming are supported by vigorous research activity on gender and gender equality and widespread co-operation of women's NGOs and governmental agencies. All in all, the gender equality discourse is strong, and rhetoric and work around gender equality is reasonably well developed in Finland.

The legal frame for equality policies in Finland comprises the Act on Equality between Women and Men (8.8.1986/609), which came into force in 1986 and has been amended twice, in 1995 (206/1995) and 2005 (232/2005). After becoming a member of the European Union in 1995, Finland has taken up, among other legislative and policy reforms required by the EU, the principle of gender mainstreaming, which is being increasingly applied to and required in policy-making, and state- and municipal administration. An example of this development is the Government's Action Plan for Gender Equality<sup>1</sup> that each government draws up for the duration of its term. The programme covers gender mainstreaming in state administration, and various key fields of life<sup>2</sup>.

In addition to the Act on Equality between Women and Men, there are other relevant laws in respect to equality. Firstly, equality is a cornerstone of the Constitution (731/1999), which was renewed in 1999 and became effective on March 1<sup>st</sup> 2000. 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 reasons that concern her/his person. Alongside the Constitution, the Penal Code and Work Contract Legislation prohibit discrimination. A more recent addition to the palette of equality/discrimination legislation is specific non-discrimination legislation in the form of Non-discrimination Act (660/2004) that came into force in 2004, transposing the Racial Equality Act and Employment Equality Act of the European Council. In addition to the laws that directly address gender equality or anti-discrimination issues in general, a number of laws and adjacent policies that promote gender equality are embedded within the larger frame of the welfare state policies: for example social and health policy, and various tax benefits. Welfare state policies and gender equality policies have often developed hand in hand in Finland.

Although gender equality legislation, policies, structures and the machinery that supports and implements them have been in place for thirty to forty years, and legislation that prohibits discrimination on other grounds has existed for a number of years, discussion on intersectionality, "multiple discrimination" or other "inequalities" than gender is relatively new and so far undeveloped in Finland, in the academic world, in legislation, and in policy-making. This means that firstly, the principles or practices concerning multiple discrimination have not yet been transferred into legislation or policies to any significant degree. As Timo Makkonen,

a Finnish expert in non-discrimination legislation, notes in his report from 2007, so far, Finnish legislation does not explicitly address multiple discrimination, nor has this issue been addressed in case law<sup>3</sup>. So far, there has been a tendency in Finnish research, legislation and policy-making to view different “inequalities” separately. Although the situation is slowly changing, this tendency to compartmentalise issues is strongly reflected in Makkonen’s report.

### **Cultural Context**

This lack of attention towards multiple inequalities and multiple discrimination can perhaps be, to a certain extent, explained by a culture that remained ethnically homogenous for a long time. Up until the 1980s economic boom, Finland was a country of emigration. As a result, there is a sizeable ethnically Finnish minority in neighbouring Sweden (quarter of a million), but mass-immigration and its effects did not reach Finland before the early 1990s when Somali refugees, refugees from the Balkan conflict, and people from ex-Soviet Union-nations, started to arrive into the country in larger numbers. Finland practiced an extremely restricted refugee policy up until the early 1990s. The annual number of refugees received could be counted in tens rather than hundreds. Despite this, immigration, refugees, racism, and multicultural issues and multiculturalism have been researched, and discussed in Finnish academia and society since the late 1980s/early 1990s (Liebkind 1988<sup>4</sup>&1994<sup>5</sup>; Dahlgren et al 1996<sup>6</sup>). The preparation of the Aliens Act of 1991 brought immigration issues more visibly on to the policy-making agenda. However, and quite likely at least partly due to there not being any substantial immigrant/refugee communities in Finland, there was relatively little pressure towards designing more inclusive policies regarding for example race and ethnicity and the discussion many times remained fairly abstract.

Immigration to Finland is still relatively small in numbers, albeit on the rise. According to the Ministry of Labour Migration Statistics and Diagrams 2006<sup>7</sup>, there were 121 739 foreigners living in Finland (out of the total population of 5.3 million). In addition, even today immigration is regionally concentrated. 45% of the foreigners living in Finland live in the greater Helsinki capital area. The year 2007 was the first year in Finland when the number of immigrants was larger than the number of babies born in Finland<sup>8</sup>. Compared to neighbouring Sweden for instance, most of Finland is still, after nearly twenty years of increasing immigration, nearly ethnically homogenous.

There is some home grown minority groups in Finland, largest of which is a linguistic one, namely the Swedish-speaking minority. However, Swedish-speaking Finns who nowadays comprise around 5% of the population have historically been a privileged minority with extensive rights in the case of which it is not realistic to speak of “inequality”. Finland is officially a bilingual country and Swedish-speaking Finns have the right to education and services in their mother tongue and learning Swedish at school is obligatory for all Finns. Nowadays there are no major divisions between Finnish and Swedish-speaking Finns, although historically the language question was a contested one and a marker of class and privilege up until the Second World War, albeit the meaning of the Swedish speaking upper-class had by then already significantly diminished. There is an established Swedish people’s party that has been present in parliament and government for a long time<sup>9</sup>.

Smaller minorities of Sámi and Roma people stayed for a long time in the fringes of policy-making until separate structures and institutions to promote their respective rights were established. These minorities have been in genuinely disadvantaged positions in many ways, for example regarding schooling and services in their own language. However, more recently separate structures, focused policies, and services have been established for these minority groups. Nowadays, Sami people have their own political organ named Saamelaiskäräjät or Sámediggi, which was established in 1996. It uses the highest power in matters concerning Sami peoples self-governance that is guaranteed by the Finnish Constitution<sup>10</sup>. Roma people's issues have been put on the agenda and are nationally promoted by the Committee of Roma People (RONK) that works under the Ministry of Social Affairs and Health<sup>11</sup>.

Other intersecting equality grounds such as sexuality/sexual orientation and disability have been studied, there are organisations that promote their rights and visibility, and there is protective legislation in place concerning discrimination of these groups. In any case, they have been mainly dealt with as "separate" or grounds independently of each other (as opposed to intersecting issues) and legislation and policies relating to them are usually bunched together under discussions on general non-discrimination.

This report addresses the range of meanings (or frames) of gender equality, the range of forms and meanings (or frames) of intersectionality, and the implications of intersectionality for gender equality in the current Finnish context. Since the discussion on multiple discriminations or inequalities as well as intersectionality is fairly recent in Finland and material is scarce, I have, in some parts, extended the discussion outside of the sampled documents.

## **2. Literature review**

### Origins of the Concept of Intersectionality

The principle of intersectionality was initially born out of black feminists' criticism of the mainstream feminist movement of the 1960s and 70s. At the heart of the criticism lay the perceived essentialism of the Second Wave feminist movement and lack of attention paid to differences between women and their different circumstances of living. It was pointed out that women do not make up a uniform group and that women's experiences of oppression are not only based on gender (Crenshaw 1994<sup>12</sup>). Sexism interconnects with racism, homophobia, able-ism, and class-based discrimination for example, and thus, women can be oppressed in a number of ways simultaneously. Black feminists claimed that the Second Wave feminist movement was primarily a white, middle-class women's movement, and as a consequence, the struggles faced by for example black and women of colour, lesbians, and working-class women were not addressed adequately or went unrecognised.

American researcher Kimberle Crenshaw originally coined the concept of intersectionality. Patricia Hill Collins (1998<sup>13</sup> and 2000) is one of the researchers who has taken up Crenshaw's work and developed it further. Collins shares Crenshaw's idea that cultural patterns of oppression are not only interrelated, but are bound together and influenced by the intersectional systems of society, such as race, gender, class, and ethnicity. They conclude

that from a black feminist and feminist of colour point of view, experiences of class, gender, sexuality, etc. cannot be adequately understood unless the influences of racialisation are carefully considered (Crenshaw 1994<sup>14</sup>).

It is not enough to improve women's rights if those rights are not accessible to all women. Often this is the case, since mainstream rights do not always pay attention to differences between women. If we neglect that women's as people are multi-dimensional and they live in multi-dimensional world, we will fail those women who do not fit the description of the "normative woman". Feminists have argued that an understanding of intersectionality is a vital element to gaining political and social equality and improving our democratic system. In many cases it is impossible to tackle some social problem unless we consider it intersectionally. A famous example concerns domestic violence against women of colour in the US. It was noted that women of colour reported domestic violence cases less often than white women. Before it was understood that in addition to violence, race played a role, women were out of reach of help. Lesser reporting was partly due to the history of racially-motivated police brutality in the USA.

### **Intersectional theory**

Although the concept of intersectionality was initially applied to the study of interrelations of gender, race/ethnicity, during the past decade it has spread to the study of many other social (power) relationships. The typical intersections analysed are between those of gender, ethnicity, disability, sexuality and class, (e.g. Phoenix 2006; Yuval-Davis 2006). The idea of intersectionality is in itself fascinating, however, one of the most important contributions of intersectional theory is that it seems to enable understanding that both identities and prejudice and discrimination may be multi-layered and linked to one or more categories/identities simultaneously. Some of these we identify more frequently, they are more central to us than others, but these identifications might also change.

Intersectional theory aims at studying the ways in which various socially and culturally constructed categories such as gender, class, race and ethnicity, disability, sexual orientation etc. interact and can become grounds for social, political and economical inequality and oppression. It is often said that intersectional theory studies so-called "multiple inequalities" or multiple forms of discrimination". Being aware of this can benefit not only research, but practical solutions in the fields of social work, psychology, health care and so on. Today intersectionality as a concept and as a paradigm is mainly used in social sciences and cultural studies. For example Leslie McCall (McCall 2006) who is one of the contemporary leading intersectionality theorists, has said that the introduction of intersectionality theory has been vital to the development of sociology and the study of experiences of people who are subjected to multiple discriminations.

According to de los Reyes et al (de los Reyes et. al. 2002), intersectionality is a theoretical approach that enables the analysis of how socially constructed differences are intertwined and changing in different locations and in different times. I share this view and see that intersectional theory provides for a means to frame many "inequalities" as such, and break the monopoly of the "master inequality" of gender within feminism and society in general. The

main contribution on intersectional theory is, in my opinion, the understanding of power and power relations inside the group of “women” (e.g. Mulinari and de los Reyes 2004).

Some researchers have seen intersectionality as an answer to the problems related to the notion of “difference” within feminist studies. Namely, how the difference discourse renders understanding of women as a collective, if not impossible, very tricky. For example Erica Burman (2003) has criticised the notion of “difference” and sees intersectionality as a way to a more fruitful therapeutic and political practice (Burman 2003, 297<sup>15</sup>). Burman lists three specific problems in the use of the notion of difference. Firstly, she claims that difference exists only in relation to the norm that excludes it. This means that difference is often associated with groups that have been marked within the dominant discourse as somehow deviant or defective. Secondly, Burman sees that the notion of difference encourages fragmentation. Issues become separated from each other and are reduced to lists of differences that can go on endlessly. Burman also sees that there is a political hierarchy of oppression that in turn become oppressive in silencing those without apparent claims to such (now supposedly re-valued ) differences. The separation and specification of differences make the communication or relationship between positions impossible. How do we decide what the relevant axes of difference are? The third problem, according to Burman is the question of power. Enabling difference seems the way to lever out inequalities. Burman says that paternalism and colonialism are embedded in empowerment. Empowerment presumes the power and privilege of the giver (Burman 2003, 295-296). According to her, enabling difference can be self-defeating, only reinstating the power hierarchies or relationships of privilege it is supposed to change. Specifying difference beyond the possibility of communication or relationship leads back to asocial, essentialist ontology (297).

### **Application of Intersectionality**

Despite its seemingly simple idea, the application of intersectional thought has been diverse and there is no agreement on its application either to research, politics or policy. Difficulties arise due to the many complexities involved in making "multidimensional conceptualisations" that explain the way in which socially constructed categories of differentiation interact to create a social hierarchy.

For example, intersectionality holds that knowing that a woman lives in a sexist society is insufficient information to describe her experience; instead, it is also necessary to know her race, her sexual orientation, her class, etc. The theory of intersectionality also suggests that discrete forms and expressions of oppression actually shape, and are shaped by, one another. Thus, in order to fully understand the racialisation of oppressed groups, one must investigate and examine the ways in which racialising structures, social processes, and social representations (or ideas purporting to represent groups and group members in society) are shaped by gender, class, sexuality, etc. While the theory began as an exploration of the oppression of women within society, today sociologists strive to apply it not only to woman but to discussions of all peoples.

The challenge of an intersectional approach is that every social category and every combination of social categories have different kinds of effects. For example, Beverley

Skeggs (2006) has argued that the logics by which social divisions are organised differ and because of this they should be analysed differently. Mieke Verloo<sup>16</sup> (2006) has pointed out the need to pay attention to both similarities and distinctions of inequalities when analysing them. Nira Yuval-Davis (2006, 199) points out that social divisions, as different as they may seem, have a tendency to have some factors in common. Nira Yuval-Davis<sup>17</sup> (2006) observes that it is important to separate the analytical levels in which social divisions need to be examined...“the ways social divisions are constructed by and intermeshed in, each other in specific historical conditions”. Yuval-Davis says that some social divisions are relevant ‘in specific historical situations and in relation to specific people there are some social divisions which are more important than others in constructing specific positionings whereas some social divisions are relevant to most people in most locations. In my view, Yuval-Davis, in a sense, suggests some kind of “network” of social divisions based on the axis of “common-uncommon” (not by any means to the axis of relevant-irrelevant) that is at the same time spatially and temporally localised. This I find helpful upon understanding the relations between different inequalities and social divisions

What I gather from both Verloo’s and Yuval-Davis’ approaches, is the possibility of analysis of multiple discrimination/inequalities, and the importance of contextualisation. This would suggest that although the source and manner of discrimination may differ, and there are an endless number of differences that may be seen as contributing to it, it would be possible to recognise some similarities or patterns of discrimination that would help further analysis of discrimination as a whole.

### **3. Research material and context for the analysis**

#### **General Gender Equality**

- Gender + Equality Legislation

The documents sampled for Gender + Equality Legislation include: the latest amendment of the Act on Equality between Women and Men (232/2005)<sup>18</sup>, which is complemented by a Government Bill on the Amendment of the Act on Equality between Women and Men. The Policy report/Plan chosen is the final report of the Government program 2004-2007 for gender equality<sup>19</sup>. The Parliamentary debate relates to the amendment process of the Act on equality between women and men<sup>20</sup>. The civil society text is a statement by a Women’s Association Union on the amendment of the Act on equality between women and men<sup>21</sup>.

- Gender + Equality Machinery

The requirement for establishing gender machinery (The Council for Gender Equality and the Ombudsman for gender Equality) was laid down at the same time as the Act on Equality between Women and Men. Included here is the amended version from 2000<sup>22</sup>. The policy report is the final report of the Government Action Plan for Gender Equality 2004-2007<sup>23</sup>, the

debate concerns a written question to the Ministry of Basic Services concerning the field of work of the Ombudsman of Equality and the answer of the Minister of Basic Services<sup>24</sup>. The civil society text included here is a statement by the Coalition of Finnish Women's Associations on the Government's equality programme<sup>25</sup>.

Three of the documents in the category of general gender equality (law, parliamentary text, and civil society text) deal with the 2005 amendment of the Act on Equality between Women and Men. In addition, the policy plan document is the government's programme for equality that is based on the principles of the Act on Equality between Women and Men and includes the amendment of 2005. These documents have great similarities. The obvious basis for all the documents is the previous amended Act on Equality from 1995 and the 2004 Government Bill on the Amendment of the Act on Equality.

The focal point of the amendment is in its aim to speed up the process of gender mainstreaming and promote gender equality in the working life. The main focus of the equality legislation has been on working life. This is the case of the 2005 amendment and this is reflected in the documents. However, other important fields where **problems** exist are identified: *state administration, 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, violence against women; early childhood education and care, pre-school education and education; cultural, physical activity and health policy, international cooperation, and media.*

The documents in the category of gender machinery mainly deal with the office of the Ombudsman for equality and specifically the resources, responsibilities and jurisdiction of the Ombudsman. The Ombudsman is responsible for monitoring that the Act on equality is complied with, so the documents in both categories are intricately linked.

Diagnosis and Prognosis are in that sense balanced that pre-amendment situation is identified as the **problem** (whether explicit or implicit) and the amendment aims to offer **solutions** to the identified problems. The documents focus on equality legislation, legal change, and implementation of the said laws. The problem in the diagnosis is most often insufficient legislation concerning gender equality and the prognosis offers a solution to the identified problem by suggesting legal change and/or more active promotion of gender mainstreaming. There exists a certain consensus on the need of legal regulation, active promotion of gender equality, and better implementation of the laws. In other words, legal change and gender mainstreaming in all levels of society are seen as the path to increased gender equality.

Some parliamentary speeches and civil society texts in both categories are more critical and demand stronger means to monitor compliance and combat non-compliance of the act. They propose that clear sanctions must be installed for the breach of the Act. In addition, the scope of the law is deemed insufficient. Although the discussion predominantly remains in the realms of gender equality, and intersecting inequalities are rarely mentioned, the relationships of gender equality and other inequalities are occasionally taken up. It is mentioned that sexual minorities should be mentioned in the Act on Equality. However, the amendment of 2005

applies to discrimination faced by people who have gone through a sex-change. In addition the question for the need of an Ombudsman for other inequalities than gender in a situation when there was no existing structure for them was taken up (the post of the Ombudsman for Minorities was established in 2003 in conjunction with the passing of the Non-discrimination Act).

**Active actor** named in Diagnosis is overwhelmingly the Government. Furthermore, the state is named four times, society and parliamentary law reform group once, and municipalities six times. Actors in the general gender equality are mostly institutional actors. Even the documents that come from NGOs places demands on the government, thus identifying it as the source of the problem as well as the possible agent of change. In addition to the institutional actors, employers and labour market are mentioned as active actors relatively frequently. **Passive actor** mostly referred to is “women”. Women are mentioned as passive actors thirty times, in addition “girls” are mentioned once. Men are mentioned three times as well as employees. Passive actors are overwhelmingly people, namely women. Responsible actors are institutional and target groups are people i.e. women. None of these groups is constructed in an intersectionalised way. Government and other institutional actors are mostly identified as **responsible actors** in the general gender equality and gender machinery super texts. This is understandable due to the nature of the texts discussing with each other (for example government action plan, parliamentary debate on amendment on legislation etc). **Target group** most often identified are employers. This reflects the laws’ emphasis on achieving gender equality on the labour market. Other target groups mentioned are mostly institutional actors: state, municipalities, educational institutions, and civil servants. Women as a target group is mentioned a few times and discriminated people in general a couple of times.

**Location** given is most often civil society, polity, or economy (16). In the documents analysed within General Gender Equality Policies, the most common location of the problems is a combination of the “civil society” and “polity” categories”, or “polity”, “civil society”, and “economy” categories . The combination of polity and civil society reflects the strong bond between policy-makers and civil society actors in Finland.

Since most of the documents deal directly with the gender equality legislation, gender machinery and gender mainstreaming, it is understandable that the main **underlying norm** regarding both problem and solution is equality (31) or equal treatment (4).

The voices in the category of general gender equality are to a large extent consensus spirited. Government and parliament are mentioned, a minister and two MPs as well as civil society voices, here the Coalition of Finnish women’s organisations (both political and NGOs), and Women’s association Unioni ry, all agree on the relevance and need of gender equality and the gender machinery. One MP further voices the need of widening the job description of the Ombudsman for Equality to include other inequalities to which the Minister of Basic Services responds. The debate took place prior to the establishment of the post of Ombudsman for Minorities. In this issue all the voices seem to share a common goal of promoting equality, mostly gender equality and a couple of voices mention intersecting. The Finnish political language tends to be gender neutral to the extent of gender blind. This is the case in most of

the documents. Gender is dealt with in a fairly abstract manner and many times the gender remains implicit. Intersectionality is not very present in these texts. It is present in the discussion concerning the Minority Ombudsman. Intersecting inequalities are not included in the gender equality legislation. There is a separate Non-discrimination Act that includes all the other inequalities.

## **Non-employment**

- Tax-benefit policies: Parental leave

The Finnish government has tried to encourage men to use more of their allotted share of the parental leave. In order for this to happen, the work contract legislation has been changed, which is included here. I have complemented the analysis of the law with an information sheet from the Finnish Social Insurance Institution concerning financial assistance and child care leaves. The policy plan I have included is the campaign from 2002-2003 that targeted fathers. One reason for the uneven distribution of using the parental leave is that women's salaries are lower than men's, yet a larger part of the costs of the parental leave fall on women's employers. One of the most actual issue concerning tax-benefit policies in Finland is the re-settling of the 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 fields in the working life and they have a negative effect on women's labour market participation. The documents (parliamentary debate and civil society text) chosen illustrate this process. They include Work contract legislation, (Amendment 29.6.2006/533)<sup>26</sup>, + clarifying parts from The Social Insurance Institution of Finland (KELA) Financial assistance and child care leaves<sup>27</sup>, a policy report/plan "Take advantage of your right to a paternity leave: The Paternity leave campaign!"<sup>28</sup>, a parliamentary debate concerning the Government Bill on amending legislation concerning parental allowances and compensating for employer costs<sup>29</sup>, and a society text that is a Service Union United's proposal to the Central Organisation of Finnish Trade Unions (SAK) to divide the costs of parenthood between parents' employers more equally 27.2.2006)<sup>30</sup>.

- Care-work: Care for a family member

Currently, there are various possibilities to arrange for the care of the children, elderly, sick and disabled and their nature varies from institutional, semi-institutional, assisted home care, to home care. I have chosen documents relating to the law on the care for a family member (937/2005), since childcare issues (home and institutional) were largely settled already in the late eighties and early nineties, prior to the Quing-period. The documents include: the law on of the family member home care allowance<sup>31</sup> + clarifying parts from The Government Bill on amending the law on the family member home care allowance, A policy report/plan on the law on the family member home care allowance<sup>32</sup>, the parliamentary debate chosen concerns the Government Bill on the law of the family member home care allowance<sup>33</sup>, and a civil society text by Home carers' Association's demands for the Government Programme<sup>34</sup>.

- Reconciliation of work and family life: atypical work

At the moment educated women in particular face the challenge of so-called 'atypical' work, i.e. temporary, short term work, in Finland. There is no specific law yet, but work contract legislation<sup>35</sup> regulates temporary work contracts, thus it is chosen for analysis. It is accompanied by a memorandum from the Central Organisation of Finnish Trade Unions (SAK) on improving the position of temporary workers<sup>36</sup>. The policy report document is a report that explores the need for legislation in this area instead of a law<sup>37</sup>. The report is accompanied by a parliamentary debate on improving women's position on the labour market per temporary work contracts<sup>38</sup>. The civil society text by the Union of Health and Social Care Professionals<sup>39</sup> (TEHY) demands weeding out of redundant temporary/short term work contracts in the field of health and social care.

- Gender pay gap and Equal treatment in employment: wage gap

Pay discrimination continues to be an issue in Finland. Even though the first piece of legislation on equal pay was passed as far back as in 1963 (it established equal pay for civil servants) the implementation of equal pay has proved difficult. The Act on Equality between Women and Men and the Work Contract Legislation<sup>40</sup> prohibit discrimination in the working life based on gender, but it is still an issue. Here are included the most recent focused efforts by the Finnish government to diminish the pay gap. The policy reports deal with the Government Programmes on equal pay<sup>41</sup> and the parliamentary debate chosen concerns the wage gap between women and men<sup>42</sup>. The two civil society texts are by two employee organisations<sup>43</sup>.

Two of the sub issues in Non-employment concern the intersection of care and labour market; namely parental leaves and care for a family member, while two sub issues concern labour market; namely atypical work and wage gap. The latter two are intricately interwoven, since atypical work in essence deals with working conditions, equal treatment at the work place, and improving women's position at the labour market, all of which are related to the wage gap. The main **problems** mentioned in relation to parental leave are: unequal distribution of the costs of parenthood between employers, and the low number of men who use their allotted paternity or parental leave. These are understood as problems per se, but they also indirectly affect women's position on the labour market. **Objectives** concerning paternity leave are: to encourage fathers to take more responsibility for childcare, change attitudes of both the parents and of various organisations, labour market partners, workplace communities and the media concerning paternity and parental leave. The **objective** of a more equal division of the costs of parenthood between employers of both parents is shared by the government, MPs in parliamentary debate texts, and civil society actors. Recently, the Finnish government has aimed to tackle both these issues simultaneously. A government bill on amending the legislation concerning parental allowances and compensating for employer costs was supported by Parliament. The bill proposes that fathers would be paid on top of the regular parental allowance a bonus if they take time off work to take care for the child.

The **problems** regarding the home care law that are mentioned in the documents (policy reports, parliamentary debates and civil society texts) are: insufficient legislation, number of days off is too small, municipalities do not provide for enough support services, rehabilitation is not always available, compensation for the home carer's work is not sufficient. **Objective** is to develop services, to maintain and promote the caregivers' physical, emotional and social functional capacity, increase co-operation between actors.

Atypical work, namely fixed term work contracts, became common in Finland in the 1990s. The **problem** concerning atypical work mentioned is that women have short-term contracts more often than men, even when they are highly educated. As a result, women's job security has decreased and their position on the labour market has suffered. The use of fixed term work contracts is widespread in the private as well as the state and municipal sectors despite change in work contract legislation in 2001 that aimed at reducing their number by limiting back-to-back short-term contracts only to exceptional circumstances. The Government and trade unions have recently initiated measures, the **objective** of which are to change the situation. There has been pressure from the opposition for the government to act more effectively. More resources to oversee the situation are needed for e.g. employee trustees, and work safety officials, more research on the concentration of fixed term work to certain fields are suggested. There is a need to examine the position of temporary workers (so-called "hired workers") as well. Some of the solutions to the atypical work and wage gap dilemmas are addressed by the government in its "Equality Programme" for 2004-2007, and jointly addressed with employee- and employer organisations in the "Equal pay programme". Furthermore, the act on equality between women and men was amended in 2005 in order to better fight discrimination in the labour market

The **problem** of gender wage gap has been identified as a problem at least since the 1960s; however, the gap persists and is currently estimated to be about 20%. The problem is enhanced by the gender segregated labour market and the use of fixed term contracts when hiring women. The government and trade unions have launched programmes to reduce the wage gap. The main **objective** of the government's "Equal Pay Programme" is to reduce the wage gap between men and women from the present about 20 per cent by five per cent by the year 2015. Methods by which the objective is reached include development in payroll systems, deconstruction of the segregation of the labour market, encouragement of 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 to them, altogether approximately 30 measures. Some of the measures demand measures by the Government, others joint measures by both the Government and the labour market organisations, and some of them measures among the labour market organisations.

The most often mentioned **active actor** is the government or the state, followed by employers and trade unions and municipalities. All the active actors, employers notwithstanding, are institutional. Trade unions in Finland have had a very close relationship with the state due to the collective bargaining system and the so called Comprehensive Income Policy Agreement (tulopoliittinen kokonaisratkaisu/TUPO), which is a tri-lateral treaty by the Finnish government, employees' and employers' organisations. So it is perhaps fair to

include them in the group of institutional actors. **Passive actors** in this category are overwhelmingly women, followed by home carers, employers, and people in home care, men, and families. Most frequently mentioned passive actors are people. The most often mentioned **Responsible actor** is the Government together with the state. They are followed by the trade unions (both employee and employer unions as well as Central organisations of trade unions), municipalities, employers and some actors such as ministries and the Social Insurance institution. **Target groups** mentioned are employers, home carers, employees, municipalities and various municipal actors such as health and social services, trade unions, women, families, men, and men as fathers, parents

The **locations** most often mentioned are civil society and polity, or the combination of the two. Economy is also mentioned relatively often. Intimacy and labour market are mentioned a few times. The most **dominant underlying norm** in non-employment is equality, or some of its variations such as equal treatment, equal pay, equal parenthood (2), social justice and wellbeing.

There are no significant differences in voices concerning the sub issue of parental leave and more equal division of costs of parenthood. The government, parliament and civil society texts all agree on this goal. However, some conservative MPs were opposed to chapter 16§ of the bill concerning more equal distribution of the costs of parenthood's which would allow both parents in registered partnerships similar rights to family allowances as other families. As argument was used that it is against the social insurance legislation which says that a child must be biological or adopted, but it was aimed at disarming the use of the law strategically as a "pre-law" for possible future homosexual adoption discussions. In the sub issue of home carer's allowance, there is general agreement on the need for bettering their working terms and conditions, and the current problems. However, the civil society texts point out some more problems that would need to be fixed than what the government has done.

Concerning atypical work and wage gap, the opposition thinks that the government has not done enough to improve the position of women in the labour market. The different activities and initiatives taken by the government are deemed insufficient and it is demanded that the government and the social democratic party admit that they have failed (this text refers to the previous government). The civil society voice puts more pressure on employers both in the case of atypical work and in the case of the wage gap. According to the government, the problems in the Finnish labour market are slow to change due to strong gender segregation, which is one of the greatest causes of the wage gap. Salaries for the same jobs are equal, but salaries for similarly demanding jobs in different fields are not. A great deal of attention has been paid to ensure day-care for all children and recently the government has tackled the question of the division of the costs of parenthood more equally, which improves women's position on the labour market. The social security system has been reformed to better respond to the changes in the labour market, for example fixed term contracts accumulate better sickness and parental allowance and parental allowance period counts towards pensions.

## Intimate Citizenship

- Marriage/Registered partnership: Registered partnership

In the 1990s and 2000s, the most notable discussion on partnership in Finland has revolved around the legislation concerning registered partnership/homosexual marriage. All the documents chosen here illustrate this discussion. The Law on Registered partnership (Laki rekisteröidystä parisuhteesta ) 950/200144 dates to 2001. The policy report is the Government Bill for the Act on Registered Partnership<sup>45</sup>. The parliamentary debate concerns the passing of the law on registered partnerships<sup>46</sup>. The civil society text is a text by the Sexual Equality Association (Seksuaalinen tasavertaisuus-Sexuellt likberättigande, SETA ry) containing demands and goals for the new Government Programme.<sup>47</sup>

- Sexual orientation, discrimination, partnering: Adoption for homosexuals

In Finland, people in registered partnerships do not yet have the right to adopt children, and the issue is currently being debated. The documents chosen here reflect this issue and current debates on the issue of children in registered partnerships. The policy report/plan is a Committee report on children's position in registered partnerships<sup>48</sup>. The parliamentary debate concerns a proposal to revoke the Act on registered partnership and to create a new gender neutral marriage Act<sup>49</sup>. The civil society text is a statement by a Finnish NGO Sateenkaariperheet-Regnbågnfamiljer ry (Rainbow-families association) on the report by the Committee on special issues related to registered relationships<sup>50</sup>

- Reproduction: Assisted insemination for single women and lesbians

Although the law-making process itself began already in the 1980s, the law on fertility treatment was not passed until 2006<sup>51</sup>. It was debated particularly heatedly between 2002-2006. The issue became a political hot potato and the question of lesbians' and single women's rights to receive fertility treatment became the focal point of the debate. The policy plan is the Government Bill on the law for fertility treatments and the amendment of the Paternity law<sup>52</sup>. The parliamentary debate is the debate concerning said Government Bill<sup>53</sup> and the civil society text is a statement by the Association for Sexual Equality (SETA) on the same Government Bill<sup>54</sup>.

In the documents that come from the period prior to the legislation (pre 2001), namely the government bill and the parliamentary debate documents, the **main problem** identified is the lack of legislation and legal regulation, and other problems derive from this state of affairs, for example, no legal rights and economic security in cases of death or separation. Also there was no legislation on the position of children in same-sex partnerships. According to most documents, the **solution** would be a law on registered partnerships that: defines same-sex couples' rights regarding economy and finances, for example in case of separation or death; determines the position of children in same sex relationships, especially in case of parents' separation or death; includes adoption rights; and the right to take a joint family name without a special application.

The civil society document (by the Sexual Equality Association (SETA)) contains criticism and points out problems in the passed legislation on registered partnerships. The current legislation was left incomplete and there are crucial omissions, most notable of which concern the position of children in registered partnerships. The current legislation on registered partnerships does not include adoption or so-called internal-adoption. The civil society document is not, however, the only document seeing the omission of clear legislation on the position of children and adoption as a problem. This is seen as the problem in most of documents apart from the parliamentary debate voice of a conservative MP who is categorically opposed of any legislation that would increase the rights of gay and lesbians, whether it is the Act on registered partnership, adoption or fertility treatments.

In 2002 a Committee on the status of children in registered partnerships was set up by the Ministry of Health and Social Affairs to study the situation. The Committee recommends giving the right to inter-family adoption in registered relationships. The civil society text by the NGO Rainbow Families (Sateenkaariperheet ry) supports the Committee's proposal in principle; however, Rainbow Families points out further problems that are excluded, namely, the position of children of same-sex couples who are not registered or those children who have more than one set of parents. Furthermore, some questions relating to international adoption remain open as well as difficulties in getting a joint family name. This issue has not yet been solved. One of the parliamentary debate documents presents as a **solution** to the problems of the legislation, a new gender neutral Marriage Act. However, this proposal has not gained popularity and has been opposed by conservative and religious members of parliament who see marriage as a union of two people of different sex.

Prior to 2006, there was no legislation on fertility treatment in Finland. Since there was no legislation on fertility treatment, the selection of those taken into treatment was made by the health care personnel. There was a consensus that this was a **problem** since regulation was needed to clarify the position of children born via fertility treatment as well as issues concerning the rights of the donor and paternity. However, there was no consensus over who would be allowed to get fertility treatment under the law. The government bill received criticism from (mainly) the conservative parties, Christian democrats spearheading the opposition. They wanted to limit treatment to heterosexual couples. An argument used was the possible **problems** for the psychological development of the children of single women as well as two-mother families. Donor rights were also mentioned as problematic. SETA (Sexual Equality Association) presented its own set of problems, including lifting the requirement of donor anonymity, determination of paternity and paternal rights.

Since the legislation on rights of sexual minorities is still in the process of development in Finland, all the documents comment on the process, criticise it, or propose solutions to problems i.e. discuss with each other. The documents in all the sub issues in the category of intimate citizenship (registered partnership, adoption for homosexuals, act on fertility treatments) are closely linked together both in time (all pieces of legislation are from the 21<sup>st</sup> century) and in content and effect. Since the Act on registered partnership did not include adoption rights, the discussion on adoption rights is in a sense a continuation of the discussion of the Act on registered partnership (currently, in spring 2008, the government has

started to prepare a new adoption Act. It is expected that the homosexual adoption will be part of the bill). In addition, the discussion on fertility treatments explicitly concerned lesbian couples and if the law was to be passed in favour of treatments for lesbian couples, this would heighten the need for adoption legislation that includes homosexuals.

Documents roles in diagnosis and prognosis echo the current state of the affairs. The government is the **active actor** in all documents where an active actor is mentioned (31). The government is seen as the problem for not including the adoption right in the bill on Act on registered partnership, therefore leaving legislation incomplete and leaving same-sex partnership families in a legally unclear position. Even if the institutional actors would dominate this category anyhow due to the political culture of Finland (welfare state, inclusion of civil society actors into legislation processes); this is probably in the documents chosen enhanced by the fact that the legislative process is acutely ongoing and at the centre of attention. **Passive actors** mentioned in documents include children in same-sex/registered partnerships (7), people in registered partnerships (8), sexual minorities (5), donors of gametes (4), children born via fertility treatments (4), men as donors (3) registered partnership families (3), and lesbians who need fertility treatments (1). Clearly passive actors are people affected by legislation or the lack of it. **Responsible actor**, in all cases in the documents where a responsible actor is mentioned the responsible actor is an institutional one, namely the government or the parliament who are responsible for legislation. **Target group** mentioned in the documents are people in registered/same –sex relationships, children in registered/same –sex relationships, people who need fertility treatments, donors, and children born via treatments,

In most documents, the **location** mentioned is either Intimacy, or combination of intimacy and polity. Public domain and private domain are mentioned, but they can be understood as variation of the aforementioned categories.

Equality is overwhelmingly the **underlying norm** present in the documents alongside justice, which is mentioned a few times.

The three civil society texts within this issue of which two were produced by SETA ( and one by the Rainbow Families have shared interests in improving the legislation, proposed bill, or proposal by commenting on them. The parliamentary discussion on registered partnership legislation was divided partly along progressive/conservative party lines. However, in Finland, Members of Parliament can disregard the official party line with the permission of the party when an issue is treated as an issue of “conscience”. Registered partnership and some other issues relating to the field of intimate citizenship have been treated this way. This means that in voting on these issues, votes are dispersed across the party lines. The basis for opposition against the Act on registered partnership is grounded in moral questions, religion, and heterosexual privilege concerning “marriage”.

## Gender-Based Violence

- Domestic violence

The laws concerning domestic violence have been created or amended during the mid and late 90s in Finland. However, there is not only one law on domestic violence, but the legislation is divided. The Amended law on the use of restraining orders is listed together with clarifying parts from the Government Bill<sup>55</sup>. The policy report/plan is a Ministry of Social Affairs and Health plan on prevention of domestic violence<sup>56</sup>. The parliamentary debate concerns the passing of the law on restraining orders<sup>57</sup>. The civil society text is a statement from a Women's Association Unioni ry<sup>58</sup> demanding amendment of the law on restraining orders to include the possibility of removing the offender from his/her home by law (a new amendment law on restraining orders finally came in 2005).

- Sexual Assault

Legislation on rape has been revised during the 1990s, Finland lagged behind in legislation and a law criminalising rape in marriage was only passed in 1994. The legislation is still divided in many different laws so selecting just one is challenging (unlike in Sweden for example). Thus, a Government Bill is chosen instead of a law<sup>59</sup>. This Bill concerns the amendment of the laws concerning sex crime. The policy report is a national plan to reduce violence<sup>60</sup>. The parliamentary debate concerns the Government Bill on amending the legislation on sexual offences<sup>61</sup>. The civil society texts is a statement from a Women's association Unioni demanding prohibiting of out of court settling of violent crimes by law<sup>62</sup>.

- Prostitution and Trafficking

Prostitution and trafficking moved into the focus of the political debate and intensified policy-making in Finland in the mid and late 1990s. In Finland the issues of trafficking and prostitution are inevitably intertwined since a majority of women working as prostitutes in Finland come from abroad, namely ex-Soviet Union countries and Russia. The connection between prostitution and trafficking is reflected in the chosen texts. The texts selected include the amendment of penal code to prohibit trafficking<sup>63</sup>, a program to prevent prostitution and violence against women<sup>64</sup>, a parliamentary debate concerning the Government Bill that proposes prohibiting trafficking<sup>65</sup> and a civil society text from the Sex worker's association's official statement to the report of the Working group on helping victims of trafficking<sup>66</sup>.

In the issue of gender based violence the sub-issues were: domestic violence, sexual assault and trafficking and prostitution. The main **Active actors** mentioned are the government, state, and municipalities. In addition a couple of other institutional actors, namely working group on trafficking and a project to promote out of court settlement set by a Ministry are named. In this category almost all actors are institutional. Offenders are mentioned a few times and interestingly, men as a group only once. **The most often named passive actors** most often fill under an umbrella category of "victims" (victims of rape, domestic violence, intimate violence, trafficking). Society and "women" as a group are mentioned a few times, children a couple of times and offenders once. As **Responsible actor** government gets overwhelming

number of hits, municipalities, and the state are also mentioned often. In addition, service providers such as health and social services, police and child protection authorities are all mentioned once or twice. All except for one mention of a NGO, all other actors in this category are institutional ones. In the category of the **Target group**, the concentration is polarised in to two groups of either “victims” (violence, abuse, intimate violence, domestic violence, trafficking) or “offenders” (perpetrators of domestic violence, sex offenders, panderers, traffickers, child pornographers). Intersectionality is present in the form of immigrants.

In the issue of gender-based violence is mostly **located** in the combination of civil society and polity, civil society and polity on their own and intimacy. **Underlying norms** for both diagnosis and prognosis are justice, safety, protection and welfare or well-being

The institutional voices presented here all agree on the base level: violence in all its forms must be tackled and punishments must be stricter. **Institutional actors’** voices are mostly gender neutral, whereas the NGO’s who comment on government/ institutional plans use clearly gendered voices. The Women’s Association Unioni (Naisasialiitto Unioni ry) and SALLI ry both criticise the government or other institutional actors. In the case of the United Sex Professionals of Finland, their view on support systems for victims of trafficking raises many critical questions. The documents in general do not deal with gender, but they use a gender-neutral language to the point of gender blindness (law texts, government bills, policy plans by governmental institutions). Only the civil society texts and parliamentary debates evoke gender directly. Intersectionality is present in the texts in the form of immigration and especially illegal immigrants or trafficked foreigners; however, these groups are usually just named.

#### **4. ‘Gender equality’ in gender+ equality policies**

##### **4.1. Current context and historical background to gender equality policies**

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

Women's movement emphasised 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 was orientated towards the state approach relatively early, which was undoubtedly at least partly due to the simultaneous strong development of the welfare state policies. 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 it was responsible for the building of the Finnish welfare state during its formative years. The Conservatives remained in opposition until 1987. During the 1990s and 2000s, gender equality has been increasingly on the agenda, especially in discussions concerning working life and the reconciliation of work and private life. From 1995 onwards requirements set by and programmes instigated by the EU have had a significant impact.

#### Gender Equality Machinery

Finnish gender machinery began to be developed in 1966 when the Government set up the first official gender equality body **Committee on the Status of Women** (Naisten asemaa tutkiva komitea 1966-1970). The purpose of the committee was to map out the position of women in Finnish society and to produce ideas for the promotion of gender equality. A report by 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)<sup>67</sup>. It functioned first as a standing committee under the Prime Minister's office, but was moved to the Ministry of Social Affairs and Health in 1986.

Currently, gender equality issues are dealt with by the Ministry of Social Affairs and Health and the Minister of Social Affairs and Health (currently Mr Stefan Wallin) is responsible for gender equality issues. The bodies responsible for the practical implementation of equality in government are: The Council for Equality (TANE) (1972), The Gender Equality Unit (2001) and the Ombudsman for Equality (1986). In addition, there is The Equality Board (1987) which acts as an independent body within the structure. The General Secretary of the Council for Equality works at the Gender Equality Unit of the Ministry of Social Affairs and Health. The post of the Ombudsman for Equality was founded to coincide with the coming into force of the Act on Equality between Men and Women (609/1986)<sup>68</sup>. 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<sup>69</sup>.

The organisation of gender equality affairs in the Government was re-organised in 2001. A separate Gender Equality Unit was created on May the 1st, 2001 and it was located at 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 a support of a specified and specialised gender equality unit. Now the bodies that worked with the Government's gender equality policy were concentrated in one unit and the Government budgeted three new officials for it 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<sup>70</sup>. Within the Finnish Parliament, there is an Employment and Equality Committee.

## Legislation

The preparation of The Act on Equality between Women and Men began in the late 1970s (1979). A committee and working groups were set, but progress was slow and attitudes were many times anti-equality. The Act on Equality between Women and Men (609/1986) was finally passed in 1986 and it came into force 1<sup>st</sup> of January 1987. Other Nordic countries had already passed gender equality laws prior to this date. Finland was 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 the improvement of women's status, especially in working life

Since its passing in 1986, The Act on Equality between Women and Men (609/1986) has been amended a number of times to respond better to the needs of contemporary society and its various actors. The gender equality machinery within the Ministry of Social Affairs and Health is in a key role in the preparations of the amendments since they provide research, expertise as well as relevant contacts with the non-governmental actors (e.g. NYTKIS etc.). The first greater 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 harmonise Finnish legislation with European Union labour laws (HE 195/2004 the Government Bill to Amend the Act on 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 the 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 emphasised 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 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). The objectives of the law are to prohibit discrimination based on gender, to promote gender equality and to improve women's position especially on labour market. The Act on gender equality also applies to discrimination against transgender 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, the 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. Considering 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 regards 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 that ensure the advancement of equality between women and men in the preparatory work undertaken on different matters and in decision-making.

#### State and the civil society

The "Finnish Sixties Movements" as political scientist Anne Maria Holli<sup>71</sup> 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 the 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 their 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, publishes materials, organises seminars and such. NGOs, among them 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 by various domestic NGOs. The role of Nordic Forum and the UN's Fourth World Conference on Women in Beijing were important in raising the level of activism in Finland.

In general, it seems that civil society actors would be more eager to sanction gender discrimination, for example Naisasialiitto unioni Ry (Women's Association Unioni, a feminist

women's organisation in Finland) gave a statement on the proposition of the Committee on amending the Act on Equality in 2003. The organisation was critical of for example the fact that no sanctions were set to the working places and organisations that failed the requirement of drawing up gender equality plans the amendment of 1995 presupposes.<sup>72</sup>

In the beginning of the Finnish feminist movement, the goal was to ensure women the same rights as men enjoyed in society and working life. Today, working life is still the main focus of equality policies and general gender equality and non-employment issues are at their centre. However, there seems to be a public/private divide concerning the understanding of equality policy, since issues in the field of intimate citizenship and gender-based violence are still not on the policy-level generally understood as equality issues. Since the sampled documents for intimate citizenship here focus on homosexuals' rights, a gender equality perspective is not very prominent. In the handling of the issue of gender-based violence, there has been a noticeable development from the 1990s and onwards. In the early 1990s domestic violence was very rarely talked about in public. It has emerged as a gendered political issue during the past twenty years and is yet to be fully recognised as an equality issue.

#### 4.2. How is the concept of 'gender equality' constructed in gender+ equality policies?

Next I will discuss how gender and the concept of gender equality/equality are used in the sampled documents on gender+ equality policies concerning general gender equality, non-employment, intimate citizenship, and gender-based violence

##### A) General gender equality

In the case of Finland, particular attention must be paid to how the concept of equality is used in Finnish legislation and policy-making. Namely, there is a differentiation of "equality" in the sense of "gender equality" (tasa-arvo) and in the sense of "equity" (yhdenvertaisuus). This separation between the two that can also be found in the other Nordic countries. In Sweden the similar division is made with the words "jämställdhet" and "jämklihet"<sup>73</sup>. This division has had an effect on legislation as well as on policies and their implementation.

Equality as a concept generally quite obviously refers to political and social justice; however, in the Finnish context it is most often associated with gender equality. The reason for this is that the focus of "equality" discourse in Finland has for a long time been on gender and not on other inequalities, as a result of this, the concept of "equality" in the Finnish context is almost exclusively used to denote gender equality. In Finnish discussions, "gender" does not even necessarily need to precede the concept of equality in order to make clear that it is gender equality the discussion concerns. For example, the Ombudsman who is responsible for gender equality (Tasa-arvovaltuutettu) is in fact called "Ombudsman for Equality" in Finnish.

The function and naming of the two main Finnish equality laws reflect this division: The Act on Equality between Women and Men covers only gender, and the Non-Discrimination Act (Yhdenvertaisuuslaki) prohibits discrimination on other grounds such as age, ethnic or national origin, citizenship, language, religion, belief, opinion, health, disability, sexual orientation or any other ground in connection to the person. The direct translation of the Non-

Discrimination Act's Finnish title would read as "the Equity Act". It is notable that the Act on Equality between Women and Men in domestic public discussion is usually referred to as "tasa-arvolaki" i.e. 'the Equality Act', although its official name is same as the English translation. In short, when "equality" issues are discussed in Finland, we usually mean gender equality, unless it is specifically otherwise noted.

Johanna Kantola and Kevät Nousiainen (2008) have analysed the functional differences between the laws as well as the understanding of "equality" and "equity" in the Finnish legislation in their recent article concerning the unification process of Finnish equality legislation that is currently under way<sup>74</sup>. It is notable that The Act on Equality between Women and Men (1986) is written in a gender neutral way and the state, municipalities, civil servants, employers, educational institutions etc. are excepted to actively promote gender equality in all their actions. As Kantola and Nousiainen (2008) have noted, in the Finnish gender equality discourse more emphasis has been put on the promotion of equality than on the prohibition of discrimination. As a result, the Finnish laws on gender equality and equality approach equality as an issue from different directions. Kantola and Nousiainen point out the problems that arise from this situation and that in Finland gender equality has not been conceptualised *via* the concept of discrimination. This for its part has meant that actual gender based discrimination and practices that promote it remain often unarticulated as well as not understood as such. This manner of formulating the problem not through the problem itself seems to be more widely spread in Finnish policy-making: In fact, the reason why discrimination is the bases of the Non-discrimination Act is direct result of international pressure and requirement of European Union politics (Nousiainen 2005<sup>75</sup>). For the same reason, the Act on Equality between Women and Men has been amended several times already.

## B) Non-employment

The Finnish Act on Equality between Women and Men has a clear working-life emphasis. It aims to secure, alongside other legislation such as work contract legislation and many laws concerning social welfare that aim to secure equality in the working life, equal possibilities and treatment in working life. The documents concerning parental leave constitute an example of this. The goal of the parental leave policy is the provision of equal division of duties, responsibilities and benefits. Parental leave policy is a central equality policy both regarding gender equality in working life and within the family. The ideal is that both parents should be able to work and have an opportunity to take care of the child. Furthermore, this opportunity should be financially viable for both parents and for the family as a whole. In the issue of parental care, it has been seen as problematic that women take out more leave than men do, which is understood to be a consequence of women's lower salaries. Due to the financial base of the Finnish system, the parents' employers are partly responsible for the costs of parental leave, and since costs of the parental leave fall on women's employers this has had an effect on young women's employability. An interesting example of a legislation/policy that is constructed almost as gender blind is the 'Care for a family member', although in reality most of the care workers are women. The starting point of the policies relating to the gender wage gap is that equal work and education should mean equal pay and part of the problem is

the gender segregated labour market and work-life, which also need to be tackled in order to diminish/abolish the wage gap.

### C) Intimate citizenship

Since the issue of intimate citizenship mostly deals with rights of the homosexuals the concept of equality in these documents refers to the equality, equal opportunities, and equal treatment of people of different sexualities to register their partnerships/marry, adopt children and to have access to fertility treatments. In connection to fertility treatments, marital status is touched upon. The equal treatment of children of homosexual and heterosexual families is also discussed. In Finland the Act on registered partnership (950/2001) provides legal protection and rights similar to those of marriage (with some exceptions) to homosexuals/same-sex couples and it was passed relatively late in comparison to other Nordic countries. Legislation is very recent and all the documents come from the period between 2000 and 2007. The legislation concerning rights of sexual minorities is still very much in the process, and as seen in the documents that in addition to registered partnership, deal with parental rights and the position of children in registered partnership and extension of the right to fertility treatment to single and lesbian women (albeit the whole fertility treatment legislation, are as recent as from 2006).

### D) Gender-based violence

Gender-based violence was identified as a social problem in Finland in the late 1970s. However, in the 1970s and in the 1980s still, 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 mainly women. In Finland, the term gender-based violence is not in wide use, neither in governmental nor in public discussion. The terms 'intimate violence', 'domestic violence' and 'violence against women' are used instead.

Violence against women as a distinctly gender-based problem became a target of a more widespread public discussion in Finland only from the early 1990s. It has been suggested that the gender-neutral approach was in part a result of the Finnish feminists' concentration on equal opportunities policies in the public sector and in working-life etc, instead of for example relations in private life or sexuality. The gender relations within the family (or society) were not addressed.

According to Johanna Niemi-Kiesiläinen (2001) Finland was pressured to pay attention to violence against women by the international human rights discourse. Finland, as a state, is committed to the UN, Council of Europe, and EU to monitor the occurrence of violence affecting women and to develop measures for preventing it. Most notable international influences have been the United Nation *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). They accelerated social and legal reforms related to gender based violence in Finland prior to 1995. Especially the Women's conference in Beijing in 1995 and its plan for action for the eradication of the violence against women, which required states to take an initiative and take concrete action, had according to Niemi-Kiesiläinen (2001) a 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 channelled 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.

Gender-based violence is not constructed as a gender equality issue in Finland to the extent it is in for example Sweden. This is probably related to the fact that in Sweden the discourse of women as victims seems to be much stronger than in Finland. In Finland this approach has not been taken easily, another reason is the relative conservative-mindedness and consensus-seeking tendency in Finnish politics. Finnish governments are always coalition governments and rapid changes are unusual and more radical views are tamed on the way. So far, it has been mostly civil society organisations that have conceptualised gender-based violence within the equality frame.

## **5. 'Intersectionality' in Gender + equality policies**

### **5.1. The context with a short historical background**

So far, there is very little intersectionality to be found in the Finnish Gender+ equality policies. This reflects a general scarcity of research, policy-making, and debates from the point of view of intersectionality. There is research on ethnicity, racism, sexual minorities, disability and so on, but they rarely integrate multiple inequalities.

The lateness in the adoption of the concept, the lack of appropriate legislation that would take into account the possibility of multiple discrimination together with general lack of knowledge concerning the mechanisms of multiple discrimination in the governmental bodies are reflected in the comparatively meagre number of sampled documents that mention multiple discrimination or intersectionality. For the most part, talk of multiple discrimination or intersectionality is absent. This was also very likely to some degree due to the selection of sub-issues: some sub-issues that would possibly have had more mentions of intersecting inequalities such as "family reunification" were left out of the sample. More intersectionality would probably also have been present if such documents that focus on ethnic minority groups or sexual minorities, for example those that directly address these groups' position in working-life had been selected. Now this was not the case.

Most intersectionality, although the concept itself is not used, can be found in research and policy development concerning immigrant women. Homosexuals' rights have been discussed in recent years in connection to registered partnership act and act on fertility treatments, but yet again, these discussions have rarely integrated other inequalities.

There is research regarding issues around the position of immigrant women in Finnish society in respect to schooling, education, working-life (Pakolais- ja siirtolaisuusasiain neuvottelukunta 1997<sup>76</sup>) and health<sup>77</sup> (Hakola 1996). Also, violence against immigrant women in Finland has increasingly been on the agenda or visible in research that aim at developing better policies and services for immigrant women (Hartikainen, Miira, and Michele Andrew 1999<sup>78</sup>; Kyllönen-Saarnio, Eija, Reet Nurmi et al 2005<sup>79</sup>). Violence against immigrant women became visible in Finland when, in 2000, it was reported that 14% of all victims in battered women's shelters were immigrant women. Monika - Multicultural women's association in Finland - has provided help for immigrant women through a help-line, empowerment centre and by making the problem visible in immigrant and professional arenas. The project is sponsored by the Ministry of Welfare and Health. The project prepared a manual (Haarakangas, Ollus, and Toikka. 2000<sup>80</sup>) for social and health care services in order to make interventions and prevention of violence against immigrant women more effective. The manual addresses such forms of violence as intimate partner violence, honour-related violence, forced marriage, genital mutilation of girls, discrimination, and racist violence.

However, research and subsequent supportive policies are mostly designed to focus on immigrant women as a separate group. There is of course obvious benefits and dangers in this kind of approach. For example, it is good that specified services exist, however, it is perhaps not recommendable that certain problems become identified with certain groups, and thus perhaps provide a ground for prejudice and negative stereotypes. Discussion around immigration in the Finnish society is at the stage where the problems immigrant women face have begun to be made visible and solutions to these problems are increasingly planned and implemented.

## Legislation

Finland, among other states, has revised its anti-discrimination legislation since becoming a member of the EU in 1995. The European Union sets a wider frame to the European anti-discrimination policies. It has adopted a number of anti-discrimination directives that legally bind the member states. In the case of Finland, this has for example meant that national legislation has been revised. For example the Act on Equality between Women and Men was amended twice in 1995 and 2005, partly to harmonise legislation with the EU requirements. In addition, some new laws and institutions have been created to transpose the European Union directives. The Non-discrimination Act (21/2004) is the main legislative piece used to combat discrimination and strengthen the legal protection of victims of discrimination. It came into force in 2004 to fulfil the principles of the article 13 of the Amsterdam Treaty and to implement the Employment Equality and Racial Equality Directives.

Finnish anti-discrimination provisions prohibit, either explicitly or implicitly, discrimination on the basis of a wide variety of grounds, including age, ethnic and racial origin, religion, belief,

sexual orientation and disability. The law prohibits direct and indirect discrimination, harassment and it is also prohibited in the law to give an order or instructions to discriminate

However, it is notable that there is currently underway a revision of Finnish anti-discrimination law and preparatory work on single legislation and single equality body that would combine these laws. One goal of this work to revise the laws in such manner that they would be better suited to tackle multiple discrimination. Johanna Kantola and Kevät Nousiainen (2008) have explored the ongoing reform of the Finnish Gender Equality and Non-Discrimination Acts and related policy agencies from the perspective of gender equality and discrimination. The reform process is based on international norms and regulations, in particular those aimed at strengthening basic human rights. However, they point out that from gender perspective the reform process poses some problems. According to Kantola and Nousiainen, namely the specificities of Finnish gender equality and gender-based discrimination policy are not being taken into account sufficiently in the project. Also, they say that although frequent references are made to multiple discrimination in the reform process, no new tools or concepts are being developed to deal with these<sup>81</sup>.

Problematic from the point of view of gender equality and multiple discrimination is as Kantola and Nousiainen point out, that in Finland gender has not been framed as a discrimination issue in neither legislation nor in public discussion in the same sense as discussion on discrimination based on race/ethnicity, nationality, sexuality, disability, or age has. Namely, the emphasis in Finnish legislation has been on promotion of gender equality. The equality legislation (609/1986 and amendments), requires the state, municipalities, work places, educational institutions, and so on to promote gender equality in all their actions. They say that the downside of this is that gender equality is not habitually conceptualised through the concept of discrimination. It is likely that at least partly due to the choices made in conceptualisation of the notions of equality and discrimination relation to gender, people do not always recognise clear discriminatory practices as gender based discrimination.<sup>82</sup>

## **5.2. (How) is the concept of ‘intersectionality’ used and what are the effects?**

The concept of intersectionality is not used at all. The general gender equality policies in Finland are written in a very neutral way, many times to the extent that even gender is invisible. Non-employment documents do not use any terms that would refer to intersectionality, cultural diversity or alike. In Finland “differences” are predominantly discussed separate from each other, only a few examples, mainly relating to gender and race/ethnicity, can be found. In the Finnish gender+ equality debate gender plays the dominant role.

## **5.3. Are there significant ‘turning points’**

Pre-2007 (the date of sampling) there seems to be a unawareness and lack of knowledge of the meaning of the concept, or how multiple discrimination should be handled or approached on the policy level, notwithstanding civil society actors that represent for example immigrant

women, disabled people, and sexual minorities who have clearly grasped the concept earlier. Some actors who work in the field of immigration I contacted while writing this report shared the view that perspective of multiple discrimination has rarely been present in the past in committee meetings and similar discussions concerning immigration issues and are still rarely present<sup>83</sup>.

Since diversity and multiple discrimination are increasingly on the agenda in the European Union (EU), and the Article 13 EC of the so-called Amsterdam treaty requires that member states implements legislation which prohibits discrimination based on sex, racial and ethnic origin, disability, age, religion, and sexual orientation, multiple discrimination is a subject matter that is emerging more and more in Finnish legislation, institutions and policy-making. An additional search (on top of the sampled documents) for Finnish documents that would mention multiple discrimination done in the summer of 2008, resulted in a much larger number of documents than a search just one year before. Most of these documents that were not in the sample are from late 2007 or 2008. This would further indicate that the increased use of the concept of “multiple discrimination” as well as its possible increased application to policies and policy-making can be expected in near future.

As an example of that multiple discrimination and inequalities seem to be now increasingly emerging as an issue and are perhaps beginning to be better addressed, is a recent press release by the Finland’s Ministry of Foreign Affairs<sup>84</sup> concerning a meeting of Finnish officials and the UN Committee on the Elimination of Discrimination against Women (CEDAW) on violence against women. At the meeting as a special concern, problems of minority women and multiple discrimination were mentioned. Immigrant women, as well as sexual minorities and Samí women were all brought up as groups that deal with multiple discrimination and that these problems should be tackled on the governmental and policy-level. Integration of immigrant women, the situation of sexual minorities and the adoption right of female couples were discussed. Moreover, one of the Members of the Committee proposed an action program to promote Sami women’s position in Finland

## **6. Intersectionality in the four issues**

### **6.1. Intersections in General gender equality legislation and gender machinery**

Gender equality legislation in Finland concentrates on gender equality and the same goes for the gender equality machinery. There is no mention of intersecting inequalities in the Act on Equality between Women and Men. In addition, the Act is phrased in a gender neutral manner. In the general gender equality sub issues, in the category DIAGDIMENSIONS: inequalityaxis, gender is almost exclusively presented as the main inequality axis, sexuality is mentioned once. However, in the sub issue gender equality machinery in the same category there is more variation: race, ethnicity, language, sexuality, age, belief and religion are all mentioned. This is due to a parliamentary debate concerning the jurisdiction of Ombudsman of Equality, limitedness of which to only gender was criticised. The debate took place prior to

the setting up of the Ombudsman for Minorities in Finland, so the issue of other inequalities was raised in connection to equality machinery.

The Finnish gender equality machinery exclusively focuses on gender equality issues. On the governmental level, gender equality issues are dealt with at the Ministry of Social Affairs and Health and the Minister of Social Affairs and Health (currently Mr Stefan Wallin (The Swedish people's party) is responsible for equality issues. The bodies responsible for the practical implementation of equality in government are: The Council for Equality (1972), The Ombudsman for Equality (1987), The Gender Equality Unit (2001). In addition, there is: the Equality Board (1987). The Equality Board acts as an independent body within the structure. All reside within the Ministry of Social Affairs and Health

There is a separate legislation and machinery for minority issues, namely the Non-Discrimination Act of 2004 and Ombudsman for Minorities and offices. The Ombudsman for Minorities resides at the Ministry of Interior (since 2008, previously Ministry of Labour). The Ombudsman's office was founded in 2002 to fulfil the European Union requirement. The Ombudsman for Minorities supervises compliance with the prohibition of ethnic discrimination under the Non-Discrimination Act (660/2001). The current Ombudsman for Minorities is Ms. Johanna Suurpää. The task of the Ombudsman for Minorities is to: promote good ethnic relations; advance the status and legal protection of ethnic minorities and foreigners 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 foreigners. 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 foreigners or social injustice. The Ombudsman enjoys an extensive right to access information.

The jurisdiction of the Ombudsman only covers the supervision of ethnic discrimination: it does not cover discrimination based merely on language, sexual orientation, ideology or disability. Although Non-Discrimination Act does cover these, 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 concept of intersectionality has so far not been used very often within the machinery, that is, not until recently. In addition, currently underway is a revision of the Finnish anti-discrimination law and preparatory work on a single legislation and a single equality body that would combine these laws, which would be perhaps better suited to tackle multiple discrimination.

## **6.2. Intersections in Non employment**

In the field of non-employment the sub-issues were: parental leave, care work, atypical work and the wage gap. All sub-issues, with the exception of care work, are discussed predominantly within the gender equality frame. Care work, specifically care for a family

member that is dealt with here, is discussed in an almost gender blind way, gender equality is not mentioned, although over 90% of all the care workers are women.

According to the most recent Eurostat figures, Finnish women's level of education as well as their labour market participation rate is among the highest within EU. Of all Finnish women aged between 25-59, 41,8 % have tertiary education level degrees. 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, 18%. The unemployment rate for women is 7,4% and for men 6,7%.

There are genuine accessibility problems for immigrant women, and their unemployment rate (24%) is significantly higher than for native Finnish women (8%)<sup>85</sup>. However, none of the documents sampled touches upon intersecting inequalities in the labour market. This is also due to the sub-issues chosen for sampling. So far, gender and ethnicity as intersecting inequalities are mainly addressed and dealt with in policies that focus specifically on immigrant women in working life. As an example of this, the Population Research Institute's "Equality and Multiculturalism at the Workplace" project was recently carried out (from May 2005 to December 2007). The aim of the project was to promote the participation of women with immigrant background in work life. The target groups are workplaces that 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 efficiency of the integration systems and provide for individual integration plans.

However, intersectionality is not discussed in any of these documents. DIAGDIMENSIONS: inequalityaxis is always gender. Also in PROGDIMENSIONS: inequalityaxis category is overwhelmingly concentrated on gender; it is only document that is a chapter of Work contract legislation names other inequalities, in a form of a list of characteristics on the basis of which discrimination is prohibited. So, in this case either it is not possible to talk about intersectionality *per se*, since these characteristics are seen as separate and only named.

### **6.3. Intersections in Intimate citizenship**

In the field of intimate citizenship, the sub-issues chosen for closer examination were: registered partnership, fertility treatments, and adoption right for same-sex families. All the documents chosen for Finland therefore concern homosexuals' rights, and in the case of fertility treatment, single women's rights. In all of the sub-issues, children's rights are on the agenda. In the issue of intimate citizenship, the notion of gender equality is rarely mentioned, instead homosexuals' rights are in focus. Also in the debate concerning fertility treatment fathers' rights are discussed, however, they are not understood in terms of gender equality.

Intersectionality as a concept is not used in the documents that were sampled.

The possible intersections that are present deal with gender and sexuality, but they are rarely seen as intersecting. In DIAGDIMENSIONS: inequalityaxis is mostly sexuality (9) and often gender (4). In addition, sexuality and marital status intersect in the documents once. These

two are seen as intersecting in two documents. It is noteworthy that those documents that see sexuality and gender as intersecting are produced by civil society organisations. Also in PROGDIMENSIONS: inequalityaxis is mostly sexuality (14), gender (7), and marital status is mentioned once. Sexuality and gender are seen as intersecting in two documents that are again civil society texts. None of the documents mentions immigration or ethnicity/race or other inequalities.

The Law on Registered partnership (Laki rekisteröidystä parisuhteesta ) 950/2001 dates to 2001. The policy report is the Government Bill for the Act on Registered Partnership Parliamentary debate concerns the passing of the law on registered partnerships. The civil society text is Seksuaalinen tasavertaisuus-Sexuellt likberättigande SETA ry (Sexual Equality) demands and goals for the new Government Programme.

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 under-age children. The legal consequences of the registered partnership are the same as with marriage unless otherwise specified. All provisions concerning married couples or spouses apply to registered partners. There are however, notable differences, for example the Adoption Act do not apply to registered partners. In Finland same sex families do not yet have the right to adopt children, and the issue is being currently debated. The Marriage Act applies to the dissolution of a registered partnership. This unequal situation has continued to be discussed in the Parliament

The law on fertility treatment was passed in 2006 and it was debated particularly heatedly between 2002-2006, although the law-making process itself began already in the 1980s. The issue became a political hot potato and the question of lesbian and single women's rights to receive fertility treatment became the focal point of the debate. The documents in this category concern the fertility treatment debate.

#### **6.4. Intersections in Gender based violence**

Laws to protect women from violence, services for victims of violence, and gender-sensitive approaches for their treatment were established relatively late in comparison to the other Nordic countries. In spite of the delayed start in addressing the issue, Finnish legislation and policies to combat domestic violence and violence against women have developed more rapidly from the mid 1990s onwards. In DIAGDIMENSIONS: inequalityaxis is most often when it is mentioned gender, race, ethnicity and citizenship status are mentioned in texts that deal with trafficking and prostitution. Also in PROGDIMENSIONS: inequalityaxis is mostly gender.

##### **Gender and Ethnicity Intersection in Gender Based Violence**

The taking into account of the intersection of inequalities in the field of gender-based violence is currently emerging in Finnish policy-making. This is partly due to mass immigration being a fairly recent phenomenon in Finland. Larger numbers of people began arriving only in the early 1990s. Prior to then, the number of immigrants was very small. Policies that would pay

attention to multiple discrimination of ethnic minorities, namely the Samí and Roma, were not that well developed either.

There began to be more need for immigrant women-specific and inclusive law and policy-making and services from the 1990s and onwards. In the 1990s the first shelters and other support services for women with immigrant background were established. FGM, honour related violence and forced marriages have become more visible in the recent years as more cases have surfaced, however, legislation against these is many times incomplete. However, these issues are not mentioned in the documents sampled. Thus, ethnicity and other inequalities in addition to gender are not usually mentioned. Most of the documents in this sub-issue deal with gender only.

The exception is the sub-issue of 'prostitution and trafficking' in which ethnicity is dealt with as an intersecting inequality. Prostitution and trafficking moved into the focus of the political debate and intensified policy-making in Finland in the mid and late 1990s. In Finland trafficking and prostitution as issues are inevitably intertwined since at the moment the majority of women working as prostitutes in Finland come from abroad, namely ex-Soviet Union countries and Russia. In 2003, a working group, set up by the Ministry of Justice, made a proposal to criminalise the buying of sexual services. The proposal included marketing of sexual services as a punishable act. Furthermore, new provisions on aggravated pandering, trafficking in persons and aggravated trafficking in persons were proposed. In August 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 will become a criminal offence. It is solely these documents that deal with trafficking and prostitution that name intersecting inequalities, and the intersecting inequalities named are gender and ethnicity.

## **7. Conclusions**

Gender+ equality policies in Finland are concentrated on gender and specifically on the promotion of gender equality. The gender equality discourse is strong, and the discrimination (or anti-discrimination) discourse is much less developed. Legislation and policies reflect this division. The underdeveloped and fairly recently emerging discourse on discrimination (or anti-discrimination) could partly explain why intersectionality, as an "ideological basis" or as a practice has not yet been embedded in Finnish policies or policy-making to any extensive degree.

The Finnish gender+ equality discourse seems to build on the notion of "difference" when conceptualising discrimination or when dealing with groups that might be in danger of discrimination. Therefore, it would seem that Finnish policies and policy-making regarding (multiple) discrimination are still more connected to the notion of difference (as in separate differences) than to the notion of intersectionality.

Erica Burman's three point critique regarding the use of the notion of difference seems to hold true in case of Finnish gender+ policy-making. Fragmentation of issues and defining some issues as non-mainstream and non-normative seem to hold true in this case. Possible inequalities are kept separate and gender has clearly been the top priority or on top of the hierarchy of differences, to paraphrase Burman (2003). This effectively silences other differences and as Burman has noted, makes the communication or relationship between positions difficult if not impossible. The danger is that the reliance on empowerment as a corrective method may reinforce power hierarchies and relationships.

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<sup>30</sup> 18 Palvelualojen ammattiliitto PAM ry

SAK - 06.06.2006 - 18:00, KOTO/KM/tus

27.2.2006 Suomen Ammattiliittojen Keskusjärjestö SAK ry

Esitys SAK:n 17. Edustajakoukselle: Vanhemmuuden kustannusten tasaaminen molempien vanhempien työnantajien kesken

<http://www.sak.fi/suomi/ajankohtaista.jsp?id=30005&location1=1&sl2=5&sl3=4&sl4=6&lang=fi>

<sup>31</sup> Laki omaishoidon tuesta (937/2005)<http://www.finlex.fi/fi/laki/ajantasa/2005/20050937>

<sup>32</sup> Selvitys omaishoidontuesta. 21.2.2007. Sosiaali- ja terveysministeriö. (Ministry of Social Affairs and Health)

<http://www.stm.fi/Resource.phx/vastt/sospa/shvan/omaishoitoselvitys.htx.i724.pdf>

<sup>33</sup> Hallituksen esitys laiksi omaishoidon tuesta annetun lain 4 ja 6 §:n muuttamisesta ( Hallituksen esitys HE 136/2006 vp (The Government Bill)

Täysistunnon pöytäkirja PTK 96/2006 vp (Record of the Plenary Session of the Parliament) 96. 5th of October 2006, 16.30

[http://www.eduskunta.fi/faktatmp/utatmp/akxtmp/ptk\\_96\\_2006\\_ke\\_p\\_6.shtml](http://www.eduskunta.fi/faktatmp/utatmp/akxtmp/ptk_96_2006_ke_p_6.shtml)

<sup>34</sup> Tätä omaishoitajat ja läheiset –liitto vaatii hallitusohjelmaan. (

<http://www.omaishoitajat.com/files/hallitusohjelma.gif>

<sup>35</sup> Työsopimuslaki 26.1.2001/55, luvut 1 ja 2.

(Work contract legislation, Chapter 1 and 2 Terms of the work contract

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<http://www.finlex.fi/fi/laki/ajantasa/2001/20010055>

<sup>36</sup> Pätkätyöntekijöiden asemaa parannettava edelleen. Taustamuistio. SAK. Heinäkuu 2005. The position of temporary workers must be improved. Memorandum. SAK (the Central organisation of Finnish trade Unions). July 2005.

<sup>37</sup> Määräaikaisia työsuhteita selvittävän työryhmän raportti. 2007 Report by the working group on temporary work contracts. Työhallinnon julkaisuja 2007/375. Publications of the Ministry of Labour.

<sup>38</sup> Naisten aseman parantaminen työelämässä (Improving the position of women in working life) Välikysymys (Interpellation) VK 6/2006 vp  
Täysistunnon pöytäkirja PTK 123/2006 vp. (Record of the Plenary Session of the Parliament) 123. 29. November 2006

[http://www.eduskunta.fi/faktatmp/utatmp/akxtmp/ptk\\_123\\_2006\\_ke\\_p\\_1.shtml](http://www.eduskunta.fi/faktatmp/utatmp/akxtmp/ptk_123_2006_ke_p_1.shtml)

<sup>39</sup> Työsuhteiden terveystarkastus alkaa: Tehy perkaa perusteettomat pätkätyöt (Tehy (the Union of Health and Social Care Professionals) wants to get rid of fixed-term contracts). Tehy 14.5.2007. <http://www.tehy.fi/?x1536574=12602204>

<sup>40</sup> The Act on equality between women and men (updates up to 232/2005)

<http://www.finlex.fi/fi/laki/ajantasa/1986/19860609> +

Työsopimuslaki 26.1.2001/55, luku 2 2 § Syrjintäkielto ja tasapuolinen kohtelu  
(Work contract legislation, Chapter 2 Barring of Discrimination and equal treatment

<http://www.finlex.fi/fi/laki/ajantasa/2001/20010055>

<sup>41</sup> Equal Pay Programme. Helsinki, 2007. 52 pp. (Reports of the Ministry of Social Affairs and Health, Finland

<sup>42</sup> 38) Naisten ja miesten palkkaerot (The pay gap between men and women)  
Täysistunnon pöytäkirja PTK 32/2006 vp Record of the Plenary Session of the Parliament) 32. torstaina 30th of March 2006 kello 16.30

[http://www.eduskunta.fi/faktatmp/utatmp/akxtmp/skt\\_32\\_2006\\_38\\_p.shtml](http://www.eduskunta.fi/faktatmp/utatmp/akxtmp/skt_32_2006_38_p.shtml)

<sup>43</sup> Civil Society text

STTK:n ehdotus samanpalkkaisuusohjelmaksi 25.4. 2003 (STTK's (trade union that represents salaried employees) proposal for an equal pay programme)

<http://www.sttk.fi/fi/samapalkka>

<sup>44</sup> Laki rekisteröidystä parisuhteesta 950/2001 (Act on Registered Partnership)

+ clarifying parts from Registered partnership. Brochures of the Ministry of Justice

<http://www.om.fi/text/Etusivu/Julkaisut/Esitteet/Rekisteroityparisuhde/pagename/esite/Tulosta>

<sup>45</sup> Hallituksen esitys laiksi virallistetusta parisuhteesta (The Government Bill for the Act on Registered Partnership HE 200/2000 vp)

<sup>46</sup> Hallituksen esitys laiksi virallistetusta parisuhteesta (The Government Bill for the Act on Registered Partnership) HE 200/2000 vp Täysistunnon pöytäkirja PTK 7/2001 vp (Record of the Plenary Session of the Parliament) 13th of February 2001 kello 14

[http://www.eduskunta.fi/faktatmp/utatmp/akxtmp/ptk\\_7\\_2001\\_ke\\_p\\_1.shtml](http://www.eduskunta.fi/faktatmp/utatmp/akxtmp/ptk_7_2001_ke_p_1.shtml)

<sup>47</sup> Seksuaalinen tasavertaisuus-Sexuellt likberättigande SETA ry (Sexual Equality)

Hallitusohjelmataavoitteet 2007-2011, 7th, February 2007 (Sexual equality: Goals for the Government Programme)

<http://setavaalit.wordpress.com/2007/02/07/seta-ry-hallitusohjelmataavoitteet-2007/>

<sup>48</sup> Children in registered relationships. Committee on special issues related to registered relationships. Committee Reports of the Ministry of Social Affairs and Health 2003:10

<sup>49</sup> Laki rekisteröidystä parisuhteesta annetun lain kumoamisesta ja avioliittolain muuttamisesta (Proposal to revoke the Act on Registered Partnership and amend the Marriage Law)

Täysistunnon pöytäkirja PTK 144/2006 vp (Record of the Plenary Session of the Parliament) 144. 18th, January 2007 kello 16.30

[http://www.eduskunta.fi/faktatmp/utatmp/akxtmp/ptk\\_144\\_2006\\_ke\\_p\\_6.shtml](http://www.eduskunta.fi/faktatmp/utatmp/akxtmp/ptk_144_2006_ke_p_6.shtml)

<sup>50</sup> The statement of Finnish NGO Sateenkaariperheet-Regnbågnfamiljer ry on the Committee on special issues related to registered relationships Report. 20.11.2003

[http://www.seta.fi/rainbow/STMn\\_lausunto.doc](http://www.seta.fi/rainbow/STMn_lausunto.doc)

<sup>51</sup> Laki hedelmöityshoidoista 1237/2006 (The Law on fertility treatments)

<http://www.finlex.fi/fi/laki/alkup/2006/20061237> + clarifying parts from

Laki hedelmöityshoidoista voimaan syyskuussa 2007. The law on assisted fertilization into force in September 2007. Press release of the Ministry of Justice

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<http://www.om.fi/Etusivu/Ajankohtaista/Tiedotteet/Tiedotearkisto/Tiedotteet2006/1166093913357>

<sup>52</sup> Hallituksen esitys laeiksi hedelmöityshoidoista ja isyyslain muuttamisesta (The Government Bill on the Law on Fertility Treatments and Amendment of the Paternity Law) Hallituksen esitys HE 3/2006 vp

<sup>53</sup> 2) Hallituksen esitys laeiksi hedelmöityshoidoista ja isyyslain muuttamisesta (The Government Bill on the Law on Fertility Treatments and Amendment of the Paternity Law) Hallituksen esitys HE 3/2006 vp 13. 23rd, February 2006 kello 16.30 Täysistunnon pöytäkirja PTK 13/2006 vp (Record of the Plenary Session of the Parliament) [http://www.eduskunta.fi/faktatmp/utatmp/akxtmp/ptk\\_13\\_2006\\_ke\\_p\\_1.shtml](http://www.eduskunta.fi/faktatmp/utatmp/akxtmp/ptk_13_2006_ke_p_1.shtml)

<sup>54</sup> Seta ry Lausunto 22.2.2006. Hallituksen esitys hedelmöityshoidoista ja isyyslain muuttamisesta (Statement by Seta ry on the Government Bill on fertility treatments and the Paternity Law)

<http://www.finlex.fi/fi/laki/alkup/2004/20040711> + clarifying parts from Hallituksen esitys laiksi lähestymiskiellosta annetun lain muuttamisesta ja laiksi rikoslain

<sup>55</sup> Amendment to the law on restraining orders (711/2004)

ain 21 luvun 17 §:n kumoamisesta (The Government Bill on amending the law on restraining order) Hallituksen esitys HE 144/2003 vp

<sup>56</sup> Lähisuhte- ja perheväkivallan ehkäiseminen 2004-2007. (The prevention of intimate and domestic violence 2004-2007). Esitteitä 2004:9. Sosiaali- ja terveysministeriö. (Brochures of the Ministry of Social Affairs and Health 2004:9)

<http://www.stm.fi/Resource.phx/publishing/store/2004/10/is1097224206888/dokumentti.pdf>

<sup>57</sup> Hallituksen esitys laiksi lähestymiskiellosta annetun lain muuttamisesta ja laiksi rikoslain 21 luvun 17 §:n kumoamisesta (The Government Bill on amending the law on restraining order) Hallituksen esitys HE 144/2003 vp

Täysistunnon pöytäkirja PTK 61/2004 vp (Record of the Plenary session)

61. 19th. May 2004 kello 15

[http://www.eduskunta.fi/faktatmp/utatmp/akxtmp/ptk\\_61\\_2004\\_ke\\_p\\_1.shtml](http://www.eduskunta.fi/faktatmp/utatmp/akxtmp/ptk_61_2004_ke_p_1.shtml)

<sup>58</sup> Naisasialiitto Unioni Ry lausunto lähestymiskiellosta annetun lain muuttamisesta (Women's Association Unioni ry statement on the Government Bill on amending the law on restraining order) 27.3.2001. <http://www.naisunioni.fi/>

<sup>59</sup> Revision of the Penal Code (L 563/1998). (penalty scale for sexual offences became stricter) <http://www.finlex.fi/fi/laki/alkup/1998/19980563+> clarifying parts from HE 6/1997 Hallituksen esitys Eduskunnalle oikeudenkäyttöä, viranomaisia ja yleistä järjestystä vastaan kohdistuvia rikoksia sekä seksuaalirikoksia koskevien säännösten uudistamiseksi (The Government Bill on amending the laws on crime and sexual offences) <http://217.71.145.20/TRIPviewer/show.asp?tunniste=HE+6/1997+Yksityiskohtaiset+perustelut+6/7&base=erhe&palvelin=www.eduskunta.fi&f=WP>

<sup>60</sup> Kansallinen ohjelma väkivallan vähentämiseksi. Oikeusministeriön julkaisuja 2005:2. National Plan to Reduce Violence. Publications of the Ministry of Justice 2005:2.

<sup>61</sup> HE 6/1997 Hallituksen esitys Eduskunnalle oikeudenkäyttöä, viranomaisia ja yleistä järjestystä vastaan kohdistuvia rikoksia sekä seksuaalirikoksia koskevien säännösten uudistamiseksi (The Government Bill on amending the laws on sexual offences) Täysistunnon pöytäkirjojen puheenvuorot - 9.11.1999 (Plenary session of the Parliament) <http://www.eduskunta.fi/triphome/bin/akxptk.sh?%7BKEY%7D=PTK+90/1998&%7BVEPSTUN%7D=HE+6/1997&%7BKAS%7D=3KAK&%7BPVM%7D=15.06.1998&%7BKNRO%7D=%7BPVJ%7D=90>

<sup>62</sup> Unioni Naisasialiitto vaatii väkivaltarikosten sovittelun kieltämistä lailla (Women's Association Unioni ry's statement on prohibiting of out of court settling of violent crimes by law). 20.11.2003.

<http://www.naisunioni.fi/>

<sup>63</sup> Laki rikoslain muuttamisesta (650/2004) (The Amendment of the Penal Code concerning human trafficking) <http://www.finlex.fi/fi/laki/alkup/2004/20040650?search%5Btype%5D=pika&search%5Bpika%5D=ihmiskauppa> + clarifying parts from Hallituksen esitys eduskunnalle laiksi rikoslain muuttamisesta ja eräiksi siihen liittyviksi laeiksi HE 34/2004 vp ( The Government Bill on Criminal provisions on trafficking in human beings and aggravated trafficking in human beings to the Penal code of Finland)

<sup>64</sup> Ihmiskauppa, paritus ja prostituutio 2003:5. Työryhmän osamietintö. Oikeusministeriö (Working group report on criminalising buying sexual services 2003. Ministry of Justice) <http://www.om.fi/Etusivu/Julkaisut/Tyoryhmamietintoja/Tyoryhmamietintojenarkisto/Tyoryhmamietintoja2003/1145624756742>

<sup>65</sup> Hallituksen esitys eduskunnalle laiksi rikoslain muuttamisesta ja eräksi siihen liittyviksi laeiksi HE 34/2004 vp ( The Government Bill on Criminal provisions on trafficking in human beings and aggravated trafficking in human beings to the Penal code of Finland) Täysistunnon pöytäkirja PTK 70/2004 vp 70. 4<sup>th</sup>. June 2004 kello 13 1) (Plenary session of the Parliament)

[http://www.eduskunta.fi/faktatmp/utatmp/akxtmp/ptk\\_70\\_2004\\_ke\\_p\\_1.shtml](http://www.eduskunta.fi/faktatmp/utatmp/akxtmp/ptk_70_2004_ke_p_1.shtml)

<sup>66</sup> Seksialan Liitto SALLI ry. Lausunto työministeriölle 31.7.2006

Viite: Työministeriö, Maahanmuuttopolitiikka, 16.6.2006, TM016:00/2005

Vastaus työministeriön lausuntopyyntöön ihmiskaupan uhrien auttamisjärjestelmää koskevasta työryhmän raportista (The United Sex Professionals of Finland official statement to the report of the Working group on helping victim's of trafficking)

<http://www.salli.org/kanta/2006/tm/lausunto.html>

<sup>67</sup> Parliamentary decree 31st of May 1972 (455/72) on Founding of the The Council for Equality (TANE)

<sup>68</sup> Tasa-arvolaki 20 vuotta (20 years of Act on Equality between women and Men ) (2007) Ministry of Social Affairs and Health

<sup>69</sup> Tasa-arvoasioiden neuvottelukunta: Tasa-arvon tiennäyttäjät 1972-1997. (The Council for equality: On the way to Equality 1972-1997) Tasa-arvo julkaisuja 5/1997. Sosiaali- ja terveysministeriö

<sup>70</sup> Website of the Ministry of Social Affairs and Health

<http://www.stm.fi/Resource.phx/vastt/tarvo/tasuk/index.htm>

<sup>71</sup> Holli, Anne Maria (1990) Why the State? Reflections on the politics of the Finnish equality movement Association 9. In: Keränen, Marja (Ed.) *Finnish Undemocracy*. The Finnish Political Science Association. Jyväskylä: Gummerus.

<sup>72</sup> (Naisasialiitto Unioni Ry:n lausunto tasa-arvolain uudistamisesta (Naisasialiitto Unioni Ry (Women's Association Unioni) statement on the amendment of the Act on Equality between Men and Women 2.7.2003. <http://www.naisunioni.fi/tasa-Earvolaki.htm> cited 21.6.2007.)

<sup>73</sup> Nousiainen, Kevät and Kantola Johanna (2008) Pussauskoppiin? Tasa-arvo- ja yhdenvertaisuuslain yhtenäistämistä. (Into the Kissing booth? Working towards uniformity in the Finnish Gender equality and Non-discrimination Acts Naistutkimus-Kvinnoforskning 2. 6-20.

<sup>74</sup> Ibid.

<sup>75</sup> Nousiainen, Kevät 2005, Tasa-arvon monet kasvot: Knasainvälisistä vaikutuksista Suomen tasa-arvo-oikeudessa, Lakimies 7-8/2005, 1188-1209

<sup>76</sup> Pakolais- ja siirtolaisuusasiain neuvottelukunta (1997). Maahanmuuttajanaiset Suomessa: maahanmuuttajanaisten asemaa Suomessa selvittäneen työryhmän muistio (Immigrant women in Finland: report of the working group on the position of immigrant women in Finland), Työhallinnon julkaisu nro 178. Helsinki: Työministeriö

<sup>77</sup> Hakola, Päivi (1996) Kun sukupuoli on terveysriski: tutkimus terveyden ja hyvinvoinnin ehdoista Suomessa asuvien somalialaisten pakolaisnaisten keskuudessa (When gender is a health risk: terms of health and welfare of Somali women living in Finland), Sosiaali- ja terveysministeriön monisteita, 1996, 19. Helsinki: Sosiaali- ja terveysministeriö, pakolaistoimisto.

<sup>78</sup> Hartikainen, Miira, and Michele Andrew. 1999. Rajat ylittävä rakkaus (Love across the Borders). Vol. 20: Ensi- ja turvakotienliitto ry)

<sup>79</sup> Kyllönen-Saarnio, Eija, Reet Nurmi, Sosiaali- ja terveysministeriö., Työministeriö, and Monika-naiset liitto. 2005. Maahanmuuttajanaiset ja väkivalta: opas sosiaali- ja terveysalan auttamistyöhön Immigrant women and violence: handbook for victim help in social welfare and health care), Sosiaali- ja terveysministeriön oppaita 2005:15. Helsinki: Sosiaali- ja terveysministeriö : Työministeriö : Monika-Naiset liitto.

<sup>80</sup> Haarakangas, Tanja, Natalia Ollus, and Sini Toikka. 2000. Väkivaltaa kokeneet maahanmuuttajanaiset: haaste turvakotipalveluille Suomessa (Immigrant women and intimate violence: challenge to women's shelters), Tasa-arvo julkaisuja 2000:3. Helsinki: Sosiaali- ja terveysministeriö

<sup>81</sup> Ibid.

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<sup>82</sup> Furthermore, there prevails what for example Liisa Horelli (2001<sup>82</sup>) has named as the "Finnish paradox of equality": Horelli means the popular tendency to think that a sufficient level of gender equality has already been reached in Finland.

<sup>83</sup> Phone discussions with a publicist for an organisation that works with immigrant women, and a civil servant responsible for immigration issues in one of the largest cities in Finland respectively

<sup>84</sup> Press Release 252/2008, Violence against women discussed by UN Committee on the Elimination of Discrimination against Women, 7/15/2008, Ministry for Foreign Affairs of Finland.

<http://formin.finland.fi/Public/default.aspx?contentid=133837&nodeid=15631&contentlan=2&culture=en-US>

<sup>85</sup> Migration statistics and diagrams 31.12.2006