



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

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## CONTENTS

	Page
<b>INTRODUCTION</b>	<b>2</b>
<b>Part one of the report</b>	
A. General part	3
B.-C. The Equality Act and the authorities	4
D. Means of equality promotion	5
E. Judicial remedies	5
<b>Part two of the report</b>	
Article 1 The definition of the discrimination against women in the Equality Act	6
Article 2 Condemnation of all forms of discrimination against women	7
Article 3 Measures towards equality	8
Article 4 Special temporary measures	8
Article 5 Modifications of social and cultural patterns	9
Article 6 Exploitation of women	11
Article 7 Political and social rights of women	11
Article 8 Participation of women at the international level	13
Article 9 Nationality and citizenship	13
Article 10 Equality rights and conditions in the field of education, career and vocational training	14
Article 11 Elimination of discrimination in the field of employment	17
Article 12 Health care	24
Article 13 Elimination of discrimination in other areas of economic and social life	24
Article 14 Women in rural areas and in agriculture	25
Article 15 Equality before the law	27
Article 16 Equal rights in marriage and family relations	28

## INTRODUCTION

It is common knowledge that equality between men and women is a guiding principle of government policy in the Nordic countries. This policy covers all fields, but there are some areas where special efforts are being made. These efforts cover questions related to the situation of women in the labour market, involvement of men and women in the work for equality, and the representation of women in decision-making and various advisory bodies.

The Government of Finland attaches great importance to the work of the United Nations to improve the status of women. It is therefore of utmost interest to us that the machinery available to this end be given an opportunity to function as efficiently and purposefully as possible.

Finland has continued its policy of guaranteeing all Finnish citizens the same rights and fundamental freedoms in political, social, cultural and other fields irrespective of race, ethnic origin or religion.

In Finnish society the general and especially the labour input of women has long been significant. Today women account for 48 % of the labour force and for 44 % of the total number of hours worked. The level of education of Finnish women is high, and for several decades they have participated in working life to a greater extent than women in most other industrial countries. Their political participation dates back to 1906, when the suffrage was extended to women. Women account for 63 out of 200 Members of Parliament at present, and the Cabinet also traditionally includes a few women ministers. Of the members of the various political parties women account for 30 to 70 per cent. In the membership of the parties the proportion of women has increased both quantitatively and relatively in the 1980's; on the other hand there are not many women in leading positions although their number is increasing.

Accordingly, measured by several standards, the role of women in Finnish society seems as significant as that of men. But there are also problems. It should also be remembered that households are mainly run by women even in Finland: that particular input of labour is not included in most statistics, which means that in considering our entire economy the labour input of women is greater than is supposed.

The work for the improved status of women has gained momentum at national, regional and global levels. It is our common and shared responsibility that this momentum is not lost. Obviously, the major part of our endeavours must be made at the national level. However important the work of the UN system is in this field, the Member States have to continue to strengthen their national efforts for the implementation of the Strategies. Finland appreciates this survey as an overview providing a basis for future actions for women's effective mobilization and integration in the development of society and in political and social life.

## Part one of the report

### A. General part

Finland is party to all the most significant conventions dealing with equality between the sexes and concluded under the auspices of the UN and its specialized agencies. In 1972, a parliamentary Council for Equality was set up in Finland, as suggested by a commission on the position of women in its report submitted in 1970.

The Government of Finland made a policy decision on the drafting of a programme for the UN Decade for Women in January 1978. On the basis of this decision, each Ministry was requested to draw up a programme for their particular field for years 1980-1985. The Ministry of Justice, the Ministry of Finance, the Ministry of Education, the Ministry of Social Affairs and Health and the Ministry of Labour were also requested to draw up a short-term plan for 1978-1979.

During 1978 and 1979, a working group was set up in each Ministry as well as in the Office of the Prime Minister to draft a proposal for the programme of the UN Decade for Women in their respective fields of administration.

The programme of the Government of Finland for the promotion of equality between the sexes in 1980-1985 was adopted on April 29, 1980. The Government programme included a decision to ratify the Convention on the Elimination of All Forms of Discrimination against Women.

In addition, the programme contained a decision to prepare a report for the Government on the implementation of the equality programme within the first two years, i.e., 1980 and 1981, by the end of May 1982. The decision on the implementation further obligated the Office of the Prime Minister to prepare a final report at the end of the programme period on the implementation and effects of the programme in State administration.

Subsequently equality matters were transferred to the Ministry of Social Affairs and Health. The final report on the implementation of the programme was presented at an open hearing held in Parliament on December 9, 1987. Participants to the hearing included Members of Parliament, representatives of the labour organizations, women's organizations, political parties and government agencies. The hearing was open to the mass media.

Finland signed the Convention on the Elimination of All Forms of Discrimination against Women in connection with the UN Decade for Women Congress in Copenhagen on July 17, 1980. After the signing of the Convention, the Council for Equality ascertained the conditions for the ratification of the Convention.

In the report on the conditions and the legislative measures necessary for the ratification of the Convention, the special measures needed for the ratification were divided into two groups: obligations to be fulfilled by the time of ratification, and obligations relating to legislative and development measures that could be undertaken after the ratification. The aim was to ratify the Convention without reservations.

The legislative measures considered necessary for the ratification were undertaken as follows: by the Child Custody and Right of Access Act (361/83) and by an amendment of the Guardianship Act (368/83); by an amendment of the Nationality Act (584/84), by the Family Name Act (694/85) and by the Act on Equality between Women and Men (609/86). In addition, the Marriage Act has been amended (411/86) to comply with e.g. subparagraphs a and c of paragraph 1 of Article 16.

Parliament adopted the Equality Act in June 1986 and the Act entered into force on January 1, 1987. This made the ratification of the Convention possible on October 4, 1986. In Parliament, it was emphasized that information on the Convention be spread and that equality matters concerning other countries be made known in Finland through education and information.

The programme of the present Government, formed after Parliamentary Elections in 1987, contains sections relating to the possibilities of women to take part in adult education and in research. The government has also noted that it will follow the implementation of the Equality Act and, where necessary, to undertake other measures to promote equality.

Also the following sections of the government programme relate to the promotion of equality: possibilities for the parents of small children to shorter hours of work; ascertaining the defects in the social security of people taking care of children at home; ascertaining the compensation of loss of earnings.

#### **B.-C. The Equality Act and the authorities**

The primary aim of the Equality Act is to prevent discrimination on the basis of sex and secondly to promote equality between women and men. For this purpose the position of women especially in working life is to be improved. The Equality Act provides obligations on the authorities, educators and educational institutions and employers.

The authorities have an obligation to change conditions preventing the implementation of equality. Commissions and other corresponding preparatory bodies as well as municipal boards have to consist of both women and men. Education has to guarantee equal opportunities for both women and men for training and promotion and the teaching materials must not strengthen sexual stereotypes. The employers are under an obligation to act so that vacancies would be applied for by both women and men. Equal opportunities for career advancement shall be created and working conditions have to be developed to suit both women and men.

The Equality Act forbids the placement of women and men in different positions on the basis of sex. Also indirect discrimination is prohibited by the Act. The provision on the prohibition of discrimination in working life applies to selection, salaries and wages and other terms of employment, supervision and working conditions as well as the dismissal of an employment contract, the giving of notice or transfer to other duties and to job advertisements.

The authorities supervising compliance with the Equality Act are the Equality Ombudsman and the Equality Board. Their services are granted free of charge.

The Equality Ombudsman supervises compliance with the Equality Act and especially with the prohibition on discrimination and discriminatory advertising. He or she also promotes the implementation of the Act with initiatives, advice and instructions, publishes information regarding equality legislation and its application as well as follows up the realization of equality in different sectors of society. The Equality Board handles matters related to non-compliance, which are brought to it by the Equality Ombudsman, and issues statements to courts of law in connection with actions for compensation. The Equality Board has the right to prohibit a practice determined to constitute discrimination under the Act. The prohibition may be enforced under penalty of a fine. The Board has a Chairperson and four members.

#### **D. Means of equality promotion**

In addition to the Equality Act, an obligation to promote equality is included in the legislation on education and in the Act on Civil Servants.

The Equality Ombudsman aims at promoting the implementation of equality by making initiatives, giving advice and instructions to authorities, educational institutions, employers and private persons. Information on equality legislation is spread in various training events and through the mass media. The realization of equality is followed up in different fields of social life in close cooperation with the Equality Council.

Under the Equality Act, a special measure for the promotion of equality is a programme aiming at equality in a certain field. One municipality has introduced a 2-year programme to support female entrepreneurs. The municipality has assigned the entrepreneurs facilities for their work and, when necessary, it arranges training related to starting an enterprise as well as other services. The programme has a wide applicability at workplaces, in the planning of different services, in training, etc.

In 1980 the Government of Finland adopted a programme for the promotion of equality between the sexes for the latter half of the UN Decade for Women. In connection with the preparation of the equality programme, working groups on equality were set up for each field of administration to ascertain the realization of equality and to prepare measures for the promotion of equality. Equality commissions have been set up also in municipalities to ascertain and promote matters of equality.

#### **E. Judicial remedies**

An employer may violate the prohibition of discrimination contained in the Equality Act when he selects a person for a job or training by applying different wages and other terms of employment, in directing or assigning the work or when giving a notice to an employee.

An employer guilty of discrimination under the Equality Act may be ordered to pay a compensation to the discriminated person. The aggrieved party has to bring action against the employer requesting the compensation. The amount of the compensation varies from US\$ 2 500 to 7 500, and the court of law may, during the hearing of a the case, request the statement of the Equality Board thereupon. If the issue is discriminatory job advertising violating the Equality Act, the Equality Ombudsman may report the matter to the public prosecutor, and a person guilty of wilful discriminatory advertising may be sentenced to a fine.

In cases violating the prohibition of discrimination, the Equality Ombudsman may further bring the matter before the Equality Board. The Board may prohibit the violator from continuing or renewing his or her practice. The Board may, however, not handle a matter concerning the activities of Parliament or Parliamentary bodies, the President of the Republic, the Government, a Ministry, the Office of the Prime Minister, the Chancellor of Justice, the Parliamentary Ombudsman, the Supreme Court or the Supreme Administrative Court. In matters beyond the scope of the Board, the Equality Ombudsman may give advice or take initiatives. Decisions to engage a person made by the above authorities may also be reported for investigation to the Equality Ombudsman.

The right under the Equality Act to claim compensation from the employer does not restrict the right of the aggrieved party to claim compensation also under the Damages Act or some other Act.

Under the Employment Contracts Act (320/70; Section 51), the employer is liable to compensate the damage caused to an employee if the employer is guilty of wilful or negligent breach of an obligation imposed upon him by the Employment Contracts Act or the employment contract. This liability is extensive in scope: the employee has to be compensated for the caused damage to him or her and the compensation may not be arbitrated.

The Act on the Procedure of at a Termination of an Employment Contract (124/84) makes the employer liable of damages if an employee has been given an illegal notice, for instance on the basis of pregnancy. The damages to be awarded to the employee are her wages or salary for three months in minimum, and for 20 months in maximum.

In addition to the remedies mentioned above, some of the decisions of authorities may be appealed. These decisions include the majority of job selection decisions made by the municipal authorities. Normally, no appeal is possible against nomination for office by State authorities. In public administration, extraordinary forms of appeal, rescission and cancellation are normally also available.

The Act on Civil Servants (755/86) further contains special remedies which may in certain cases be applicable. The disciplinary measures available against civil servants are a warning in writing, suspension and dismissal. Also an act infringing the Equality Act may result in a disciplinary measure.

## **Part two of the report**

### **Article 1**

#### **The definition of the discrimination against women in legislation**

The Equality Act contains three provisions on the prohibition of discrimination. Section 7 of the Act defines the concept of discrimination: discrimination means the placement of women and men in different positions on the basis of sex. The definition also includes a procedure whereby women and men are *de facto* placed in clearly different positions. Thus also indirect discrimination is prohibited.

Section 8 of the Act defines when actions of an employer shall be deemed to constitute discrimination while engaging an employee, in determining the wages or other terms of employment, in the direction and distribution of the work as well as at the dismissal of an employment relationship, or when transferring persons to other tasks.

Section 14 of the Act prohibits the advertising of a job or training vacancy so that applications are invited only from either women or men, unless there is a weighty reason for it related to the nature of the job or duties. A programme prepared under the Equality Act also justifies invitation of applications from either women or men only.

## Article 2

### Condemnation of all forms of discrimination against women

After the entry into force of the Equality Act all forms of discrimination against women have been condemned as required by Article 2. Section 9 of the Equality Act provides for certain exceptional cases when a practice is not deemed to constitute discrimination. These four points relate to special protection of women due to pregnancy or childbirth, enactment of military service for men, and admittance of either women or men only as members of an association if this is based on an express provision in the rules of the association. The fourth exception concerns procedure based on a plan specifically aiming at promoting equality or the position of women in working life.

In Finland military service has been stipulated for men only. However, both women and men can be assigned to civil defence duties. During wartime both women and men are likewise subject to a work obligation.

The principle of equality between women and men has not explicitly been based on any provision of the Constitution or an Act prior to the enactment of the Equality Act. Under section 5 of the Constitution Act all citizens are equal before the law and discrimination on the basis of sex has been prohibited under the Equality Act.

Under the Equality Act, discrimination against women is prohibited. The Equality Act also contains stipulations on sanctions, which, depending on the case in question, include either a compensation or a fine or both. A comprehensive reform of the Penal Code is under preparation. In this connection, plans have also been made to include a provision criminalizing discrimination on the basis of sex in all cases in general.

Under the Finnish legal system, the legal protection of the rights of women is the same as that of the rights of men. The sanctions of discrimination referred to above, i.e. a compensation or a fine conform with the requirement of effective protection against all acts of discrimination.

In general, the Equality Act imposes obligations on one and all, including all authorities. The restrictions concern the application of the Act to members of Parliament and the activities of the President of the Republic (section 2, paragraph 2). In addition, activities connected with religious practices and the relationships between family members and other private matters have been left outside the scope of the Act. Under section 4, public authorities and institutions shall promote equality. Compliance with the provisions of the Convention are further enhanced by the provision in section 5 of the Constitution Act, under which citizens are equal before the law, and section 92 of the Constitution Act requiring that all administration be carried out in compliance with the laws under threat of penalties prescribed by law, as well as by general principles of administrative law. Under the Civil Servants Act (755/86), all civil servants are to be treated equally and civil servants may not be placed in different positions on the basis of birth, religion, sex, age, political or trade union activities or other reasons comparable to these.

The Equality Act concerns, in principle, all individuals, associations and enterprises, so that also discrimination carried out by them is prohibited. An exception is, as was mentioned above, the case where only women or men may be admitted as members of an association, if this is based on an express provision in the rules of the association. The exception in question is subject to a narrow interpretation.



Before the ratification of the Convention on the Elimination of All Forms of Discrimination against Women, all laws discriminating against women and not conforming to the Convention have been amended or repealed. Regarding working life, certain provisions, under which women and men are treated differently are still in force. Their purpose, however, is mainly to protect women either due to reasons of the reproduction function or because women on the average are physically weaker than men. One of the central purposes of the Equality Act is also to have an effect on those customs and practices discriminating against women that still exist in our society despite the relatively comprehensive equality in our legal system.

Finnish criminal legislation does not, as a rule, make any distinction between women and men on the basis of sex. The only exceptions are to be found in Chapter 20 (sexual offences), in section 4 of Chapter 21 (killing of an infant), in Chapter 22 (abortion crimes), in sections 7 and 8 of Chapter 25 of the Penal Code (kidnapping of a woman) and in provisions regarding the enforcement of a sentence of imprisonment. Enforcement of a sentence of imprisonment of a pregnant woman may be postponed until after delivery and recovery thereof. The child of a female convict can be brought to the penal institution to be taken care of if this is in the best interest of the child and the woman herself so wishes.

A husband who by the use or threat of force constrains his spouse to sexual intercourse with him cannot be convicted of rape (section 1 of Chapter 20 of the Penal Code); instead, he would be convicted under the general provisions on assault and battery or use of force. In connection with the total reform of the Penal Code, this provision will be subject to reconsideration.

In its reports, the Council for Equality has noted that the position of women and men in cases of rape is not equal. In practice, sexual violence is directed at women and the lack of legal protection expressly weakens the position of women.

### **Article 3**

#### **Measures towards equality**

The duties of the Council for Equality, the Government programme on equality and the Equality Act guarantee the implementation of the above obligations imposed in the Convention. Obligations imposed by the Equality Act for authorities, the primary aim is to change especially circumstances preventing the implementation of equality. The Equality Ombudsman may take initiatives to amend legislation.

### **Article 4**

#### **Special temporary measures**

Under the Equality Act (subparagraph 4 of section 9), special temporary measures favoring one sex may be undertaken in order to achieve the aims of the Act. In such cases, a plan is to be drawn up, specifying the measures and the schedule towards achieving equality. When the stage aimed at has been reached, measures favoring one sex shall be considered discriminatory under the Equality Act.

Under section 9 of the Act, special protection of women due to pregnancy or childbirth is not considered discrimination.

## Article 5

### Modification of social and cultural patterns

Attitudes are influenced by means of information, research and education. It is the duty of the Equality Ombudsman to spread information on the contents and application of the Equality Act. In education, equality is based on the legislation on education, discussed in more detail in connection with Article 10.

Research on women and on equality is a very important means for developing people's attitudes. Research in this field has developed rapidly in Finland in the 1980's. The bulk of this research deals with social and humanistic studies, but research has got started also in e.g. medicine and jurisprudence.

Statistics are an important form of information. To make it easier for users to find information statistics on different sectors of society concerning the situation of women are gathered in compendiums and monographs.

Research on women has been a field specially supported by the Academy of Finland throughout the 1980's. In 1987, the Academy established a three-year fellowship for research work on women and especially on guidance of research of women. Since 1981, the Secretariat of the Council for Equality has included a coordinator for research on women.

An Institute on Research on Women has been included in Åbo Academy (the Swedish-speaking University of Turku) since 1986. Its duties include, among other things, nationwide information service on research on women, including the preparation of a systematic catalogue of Finnish research on women and equality.

Since 1981, the Secretariat of the Council for Equality has, in addition to the Coordinator of Research on Women, included a Division of Research on Women and Equality. The research coordinator has, among other things, been in charge of information service in this field. The Council for Equality has effectively promoted Finnish research on women, for example, by arranging comprehensive seminars on research (Woman and Medicine in 1982; Women, Technology and Science in 1986) as well as by publishing a research bulletin.

University-level education in this field will not become permanent until the next few years. In the academic year 1986/87, research on women is carried out in the Faculty of History and Linguistics at Helsinki University. However, a study entity in research on women is being planned in several other universities as well, and individual courses on research on women have been arranged at several universities throughout the 1980's.

Advertising is an important means of opinion-forming, as it maintains a stereotyped picture of men and women. The Finnish Equality Act does not concern advertising, which means that the Act does not provide means for dealing with discriminatory advertising. When adopting the Equality Act, Parliament required that the Government shall give to Parliament a report on the implementation of the aims set for equality legislation. This report will have to pay attention also to discriminatory advertising. The grounds expressed for the Equality Act presuppose ascertaining whether the Act shall be so amended that advertising will be included or whether it is possible to have the advertising branch itself root out discriminatory advertising.

There is no systematic study on the scope of discriminatory advertising in Finland. In 1984 the National Board of Trade and Consumer Interests completed a comprehensive cross-sectional study on advertising and sexual discrimination. It is not altogether easy to define discriminatory advertising, either.

Under the Social Welfare Act (710/82), it is the duty of the municipality to arrange educational and family counselling services. This means assistance given by experts in matters dealing with education and family matters as well as social, psychological and medical research and treatment promoting the positive development of children.

Educational counselling in the upbringing of children will be enhanced in connection with services for child day-care and child welfare services, home assistance, assistance for the handicapped and social work for abusers.

Family education emphasizes the joint responsibility of the family in all family matters. Accordingly, also men will be given paternity education in carrying their responsibility for care and upbringing of children. Likewise, when one family member runs into a problem, it is not only that family member but the whole family that will be helped. Implementation of this principle will require a change in man's role and an increase in his responsibility of children and home matters.

Women permanently resident in Finland are entitled to medical care services during pregnancy, including regular check-ups by nurses and doctors. These services are available at the municipal health centers. Women permanently resident in Finland are furthermore entitled to a maternity benefit under the Act on Maternity Benefits (424/41). The same right applies, with certain restrictions, to Finnish women residing abroad.

The maternity benefit is either payed in cash or given as a baby's layette package. In 1987, the amount of the maternity benefit will be US\$ 152,5, and the value of the layette package is more than twice that amount. The package contains various pieces of clothing (incl. wintertime clothing) bedding, diapers, different kinds of baby-care items.

Finnish men presently take part in the care and upbringing of children. According to present-day information, approximately 80 % of fathers attend the family counselling courses arranged at the maternity and child-care centers. 70 to 80 % of deliveries of the family's first-born child are attended by the father. The year 1987 is being celebrated as the year of the family-oriented child-care centers. New instructions regarding maternity and child-care center activities and emphasizing the role of the family are under preparation.

Since 1978 men have been entitled to a paternity leave. At present, the total length of maternity, paternity and parental leaves is 263 weekdays (approximately 44 weeks). The length of the maternity leave is 105 weekdays (about 17,5 weeks), the paternity leave, 6-12 weekdays at the time of the child's birth (1-2 weeks), and that of the paternal leave 158 weekdays (slightly over 26 weeks). The parents may themselves agree how to divide the parental leave. Of all the allowances paid for paternal leaves that commenced during the first quarter of the year 1987, fathers used 36 %, i.e., in practice every third father was on either paternity or parental leave. The amount of the maternity or paternity allowance is approximately 80 % of the person's regular annual income.

Since 1985 the parents have been entitled to unpaid leave of absence after the parental leave. 24,1 % of the mothers and 0,3 % of the fathers used this possibility during the first year.

All private-sector and public-sector collective agreements contain a provision for so-called child-care leave, which is meant primarily for a female employee for the taking care of a child that has suddenly fallen ill. The maximum length of this leave of absence is three days at a time.

Because the care of a sick child cannot be considered a duty belonging to women only, the Equality Act presupposes that future collective agreements will entitle both parents to this leave of absence.

The Child Custody and Right of Access Act (361/83) allows both parents to participate in having the custody of children in divorced or unmarried families. In 75 % of the contracts on the child custody right of access a child confirmed by the Municipal Boards of Social Welfare the parents opted for joint custody in 1985. At the turn of the decade, the general practice was to assign the custody of the children in case of legal separation or divorce to the mother.

## **Article 6**

### **Exploitation of women**

The starting point for the provisions regarding prostitution is that selling or buying sexual intercourse is not a crime, while procuration and its attempt are subject to a penal sanction under paragraph 8, Chapter 20 of the Penal Code. Procuration means keeping a room for prostitution or seducing another person into prostitution. Subject to the penal sanction is also a person who, in order to find gain, promotes or makes use of the immoral way of life of a person generally known as a prostitute.

Prostitution may involve also other parties that promote or uphold the said activity and may also find gain therein. For example so-called sexclubs can be controlled under the provisions of paragraph 9, Chapter 20 of the Penal Code, and hotels and restaurants can be controlled under the Decree on Hotels and Restaurants. The Police Act also authorizes the police to take action if prostitution is likely to cause imminent danger to public order and safety.

Under paragraph 1 of the Vagrants Act of 1936 (57/36), beggars, professional prostitutes and persons leading a dangerous way of life were classified as vagrants. In the early days of the Act it was applied more strictly to women than to men and the measures taken against women were stronger than those against men. In the middle of the 1980's, the Act was annually applied to approximately 300 to 400 persons, 80 % of whom were men. 96 % of these men were unmarried. The outdated Vagrants Act was repealed by the Act on the treatment of Persons making improper use of intoxicants (41/86), which entered into force in 1987.

Research results on prostitution have recently been published. Research was carried out on prostitution and its control both in Finland and in the other Nordic countries. In addition, research has been carried out on newer forms of prostitution as well as on the less conspicuous party in prostitution, the male client.

## **Article 7**

### **Political and social rights of women**

In Parliamentary elections held every fourth year, all Finnish citizens who have turned 18 years prior to the election year are eligible to vote irrespective of their place of residence. Eligible for election as members of Parliament are all those eligible to vote provided that they are not under guardianship.

The work of the parties represented in Parliament is supported by funds from the National Budget under a Decree of 1973 (27/73). The provision regarding the spending of these funds note that one-ninth of the funds is to be spent on supporting political activities of women. In the 1988 budget, the funds allocated for this purpose amount to US\$ 1,25 milj.

Under the Municipal Act (953/76), eligible to vote in municipal elections are Finnish citizens who were 18 years of age at the beginning of the election year. Likewise, eligible to vote are the citizens of Denmark, Iceland, Norway and Sweden who have been living in Finland for two years preceding the elections. Eligible for election are those eligible to vote and having their domicile in the municipality.

Of those elected in the 1984 municipal elections, 25,2 % were women. 30 municipalities out of a total of 461 had established a Municipal Equality Board.

The Speaker's Council of Parliament consists of 15 men and two women and the Office Commission of Parliament of six men and 1 woman. Out of the 14 Commissions of Parliament, only the Commission for Social Affairs includes more women than men. The number of women in the other Commissions varies. The number of women and men in the various bodies elected by Finnish Parliament is as follows:

- The Commissioners for the Social Security Institution	9 women	5 men
- The Supervisory Board of the Finnish Broadcasting Company	7 women	16 men
- The Finnish Delegation to the Inter-Parliamentary Union (IPU)	7 women	10 men
- The Parliamentary Trustees of the Bank of Finland	- women	11 men
- The Auditors of the Bank of Finland	- women	5 men
- The Nordic Council	10 women	8 men

The present Government consists of 17 Ministers, four of whom are women (the Minister of Finance, the Minister of Education, the two Ministers of Social Affairs and Health). The Equality Act does not apply to those Parliamentary functions connected with the duties of the members of Parliament.

Under section 4 of the Equality Act, State Committees, advisory committees and other corresponding bodies as well as municipal boards have to include both women and men, unless specific grounds imply otherwise.

The proportion of female members in committees and corresponding bodies, in advisory boards and various boards in 1987 was 15,1 %. In 1984, their proportion was 12,2 %. Totally without female members in 1987 were 34,4 % of the commissions and other corresponding bodies. In 1984 the corresponding figure was 46 %.

In similar bodies appointed after the entry into force of the Equality Act (with a total number of 32), the proportion of women is 18,2 %. However, 21,9 % of the above-mentioned bodies are totally without female members.

The total number of State-owned companies with Supervisory Boards is 14. The total membership of the Supervisory Boards of the mother companies is 191, and the number of auditors, 105. Annually, approximately one third of the members of the Supervisory Boards and of the auditors are due to retire.

After the Shareholders' Meetings held in the spring of 1986, 10 (5,2 %) of the members of the Supervisory Boards and 5 (4,8 %) of the auditors were women. After the Shareholders' Meetings held in the spring of 1987, the number of women on the Supervisory Boards had risen to 18 (9,4 %). The number of woman auditors rose to 14 and their proportion thus to 13,3 %. Yet, there still are five Supervisory Boards with no female members and six companies without women as auditors.

## **Article 8**

### **Participation of women at the international level**

Women, on equal terms and without any discrimination, have the possibility of representing the Finnish Government at international level and participating in the work of international organizations. The Finnish Ministry for Foreign Affairs, which in the first place represents the country at international level, adopted in 1979 an equal opportunity programme for its own administrative branch. In 1985 the Ministry confirmed its personnel policy following the government's equal opportunity programme, including a point on promoting equality between the sexes in the administration of foreign affairs. Recruitment of personnel for all streams takes place mainly through a centralized selection system. The system and criteria of employment have been confirmed so as to apply to both sexes. Training programmes have been designed to level out differentiation of tasks according to sex.

Positions in the diplomatic career, which actually represent the country in international contexts, are still mainly held by men; there are 75 women out of a total of 350 in the main stream. If the development co-operation department is included, however, women represent more than 20 %. In the years 1981-1985 development in the recruitment policy of the Ministry for Foreign Affairs has been favourable to women, continuously increasing their proportional number in the career.

According to the government's equal opportunity programme, measures should be taken to increase the proportion of women in the appointment of members of governmental committees and commissions as well as of delegations in international conferences. The designation of new representatives to committees, commissions and delegations by the Ministry is done on the basis of tasks rather than sex, but the representation of women is taken into account. In committees established according to parliamentary proportions and the like, it is the referendary's duty to try to ensure that there are both men and women appointed. If this is not the case, the referendary must explain in his report why this was not possible. All subsequently established committees have included women.

In international organizations, particularly in the United Nations, Finland has approved decisions and recommendations drawing attention to women's representation on equal terms with men, and the encouragement of women's participation in questions relative to disarmament and security.

## **Article 9**

### **Nationality and citizenship**

The amendment of the Nationality Act (584/84) entered into force in 1984. Under this new legislation, a child shall primarily acquire Finnish citizenship if either of the parents is a citizen of Finland. Earlier a child's nationality was primarily determined on the basis of the nationality of the father.

So far, approximately 3 700 children have acquired Finnish nationality under the transitory provisions.

## Article 10

### Equality rights and conditions in the field of education, career and vocational training

Finnish school legislation specifically notes that the teaching given has to promote equality between the sexes (Comprehensive Schools Act 476/83, Secondary Schools Act 477/83 and Act on the Promotion of Intermediate-Level Education Act 474/83). Equality has to be included in the curricula as well as in the teaching materials. Also under section 5 of the Equality Act other forms of education and training have to ensure that women and men have the same opportunities for education and occupational advancement as well as that the teaching materials used will support the promotion of equality.

The Act on the Development of Secondary-Level Education aims at providing all students, at the end of the 9-year Comprehensive School, with a possibility to continue their studies in secondary-level education either in a High School or at a vocational school. One of the aims of the new legislation is to diminish the stereotyped selection of students.

Every third year, the Government adopts development programmes for intermediate-level education including the target number of students in each field. In these programmes, a certain proportion of pupil places, is allocated for both girls and boys respectively. The latest programme presently in force was adopted in 1985 for the years 1986-1988.

The field of study choices of students are slow to change: the fields (in both technical schools and colleges), i.e. 40 % have a minimum proportion of 90 % of students representing another sex only.

Of girls, applying for 25 different lines of secondary-level vocational education, approximately 40 % applied primarily to the line of health care.

Attempts have been made to achieve a more equal sex distribution e.g. by favouring the minority sex by means of various systems of extra points. Results, however, have been meager.

Finland is party to the joint Nordic experiment (the BRYT project) aiming at developing more varied career choices especially for women.

Girls have formed the majority of the student population of higher secondary schools ever since the 1920's. The proportion of girls was at its highest, i.e., at 62 %, in 1983. Thereafter the proportion of girls has been going slightly down. In the autumn term of 1985, 59 % of the pupils were girls.

At the beginning of the 1980's special attention was being paid to the small number of boys in higher secondary schools and among those taking the matriculation examination (below 40 %). This was due to the fact that in the comprehensive school, more boys than girls chose short courses in mathematical subjects and such courses in foreign languages that they were only qualified for further studies in vocational educational institutions of the so-called "school" level, as enrollment in higher secondary schools and in vocational colleges required long courses in the above-mentioned subjects.

In 1983, the courses of different scope in languages and in mathematics, leading to differences in the qualifications for further education, were removed.

The majority of those taking the matriculation examination were women as early as the end of the 1940's. In the middle of the 1970's, girls formed considerably over half of those taking the matriculation examination (62 % in 1985).

The proportion of women of university-level students rose to 50 % as early as at the beginning of the 1960's and it has remained at the same level ever since.

In practice all educational fields are open to both women and men. Although approximately half of university students are women, their proportion varies considerably depending on the field of study. Differentiation on the basis of sex is, however, slightly smaller than in the lower levels. A majority of the students is women in the fields of health care education (93,2 % in 1985), pharmacy (83,3 %), veterinary studies (75,6 %), arts (75,5 %), psychology (71,7 %), dental studies (69,5 %) and medicine (57,3 %). In all fields, with the exception of technical studies, the proportion of women is at least 40 %.

However, in the technical fields, women still form a small minority of the university-level students. The situation has remained virtually unchanged for the last decade. In 1975, 13,8 % of the students of technology (engineering and architecture) were women. In the academic year 1985, the proportion of women had risen to 15,4. The number of women studying architecture in the last decade has been almost 40 %, while their proportion among engineering students has been only slightly over 10 %.

1987 is the last year when admittance into teacher training will be based on sex quotas established by the Ministry of Education. According to the Equality Ombudsman, the use of quotas is a violation of the Equality Act in the absence of an equality plan referred to in the Act. The sex quotas used in teacher training admittance have favoured boys, who have got in with a smaller number of points. The quota has comprised approximately 40 % of the proportion of the minority sex. In June 1987, the Ministry of Education decided to establish a working group to prepare new guidelines for admittance into teacher training.

On August 17, 1983, the Ministry of Education set up a Committee, the duties of which include, among other things, a proposal on the development of curricula, education, working methods, teacher training and study-counsellors in order to ensure the implementation of the objective of equality contained in the school legislation at all levels of education as well as the widening of the career choices of both boys and girls.

Finland has a system of financial study support, consisting of a State-guaranteed study loan and a benefit called the study grant and paid out of State funds. Those entitled to the study support include, with certain exceptions, all students for studies after the Comprehensive School, i.e., in higher secondary schools, in civic institutes, vocational institutions or institutions of university level.

The Study Support Act (28/72) has been amended twice in the 1980's introducing provisions that improve the position of women in particular. Firstly, it was provided that the State shall make all the interest payments on the study loan falling due during pregnancy or a period during which the family is entitled to a maternity, paternity or family allowance. Secondly, the increased support payable to married students on the basis of minor children in their custody was changed to consist completely of a study grant, i.e., it need not be paid back.

A Pilot Study Support Programme was introduced in the summer of 1987, and under the programme, the number of adult students receiving this support is estimated at about 2 000. The programme includes full-time students over 30 years of age. The support consists of a basic benefit, a housing benefit, a loan and an adult study grant of US\$ 425-500.

The proportion of women among those taking a university-level degree has been continuously increasing. In the 1960's, about 36 % of the basic degrees were awarded to women; at present, slightly over 50 %.



The possibilities for women to have a university career are still unequal. This is shown, first of all, by the fact that the proportion of women among the teachers and researchers of the universities displays a pyramid construction: the higher the position, the smaller the proportion of women. Secondly, the fields "specific" to women are quite stable: in some fields the number of women is considerably higher than in some other fields. Thirdly, the women obtaining a degree are older than the corresponding men at all the levels.

The proportion of women diminishes only at until the level of post-graduate degrees. 39 % of the students studying for a post-graduate degree were women. Of those taking the degree of Licentiate, approximately one third is women at present (32,6 % in the academic year 1985/86). In the middle of the 1980's, the proportion of women getting a doctoral degree had risen to more than one-fourth (27,8 % in the academic year 85/86).

Among university-level teachers women still form a clear minority as over 90 % of the professors are men. Although the proportion of women among those taking a university-level degree has been continuously increasing, the proportion of women entering university careers has not been increasing proportionately. In the 1970's, the development of women's position in universities seemed promising, but in the 1980's, the proportion of women as university teachers and researchers has been increasing only slightly, if at all.

About one third (29 %) of the research position of the Academy of Finland, i.e., the State Scientific Commissions, were held by women in 1985. These positions are filled for a fixed period of time. The highest proportion of women was in the lower positions, as research assistants; the smallest as senior researchers. The proportion of women in the Academy of Finland fellowships was increasing all throughout the 1970's, but in the 1980's, the increase in the proportion of women seems to have stopped and even experienced a slight downward trend. In the first half of the 1980's, the differences between the proportion of women applying for the positions and those appointed to them developed unfavourably in comparison with the situation prevailing in the 1970's.

In the years 1982 and 1986, two working groups set up by the Ministry of Education were looking into the problems and obstacles in the research careers of women. The working groups came to the conclusion that the effect of a family on the research career of a woman is not straightforward. A family is not only a detriment to a woman scientist, but also an asset.

On the basis of the extensive material compiled it is possible to conclude that hidden discrimination plays a great role in maintaining the weaker position of women in the scientific community. Female scientists are often "invisible" to their male colleagues, their merits are easily degraded, they are often left outside any unofficial networks and information exchange between scientists. It is more difficult for women to find a mentor in the scientific community, which would be important for recruitment into a career as a scientist and for advancement in that career. It seems that the position of women is the most difficult in fields most highly dominated by men.

It was concluded that there is not one solution to the problems of women's advancement in the scientific community. The working groups have suggested several measures to promote women's scientific career. Among those one could mention a more systematic guidance of post-graduate students, decreasing the importance of age criterium when filling scientific positions, greater emphasis on teaching skills when filling higher university-level positions.

According to surveys, the drop-out rate of female students is no higher than that of the male students.

The report on family planning and counselling is included in the discussion of Article 5.

## **Article 11**

### **Elimination of discrimination in the field of employment**

Under section 6 of the Finnish Constitution Act, the manpower of the citizens enjoy special protection by the State unless otherwise provided by an Act. When necessary, it is the duty of the State to provide a citizen with a possibility to work. The Employment Act (275/87) contains more detailed stipulations on the ways in which work shall be provided for the citizens.

The employment authorities arrange labour exchange, vocational guidance, employment training and other services determined in the Employment Act. One of the purposes of the employment services is to promote the implementation of sexual equality on the labour market. For young people (below the age of 20), it is the duty of the municipality where they are permanently resident to arrange work for a minimum period of six months after the young person has been unemployed for five months. The employment services are granted free of charge.

Under sub-paragraph 8 of the Equality Act, the employer is guilty of discrimination if he, when selecting an employee supplants a more qualified person of the opposite sex unless the employer can prove that the action was based on a weighty and acceptable reason related to the quality of the work or job or that the selection was due to another acceptable reason than sex.

The provision applies to private employers as well as to State, municipal and other authorities. By September 30, 1987, the Equality Ombudsman had issued 20 statements regarding suspected discrimination in the selection of an employee.

Under section 6, the employer is under a further obligation to act so that both women and men apply for vacancies; to promote an equitable placement of women and men in the various tasks and create them equal opportunities for promotion; and to develop the working conditions so that they are suitable for both women and men. When considering the employer's compliance with these obligations, attention is paid to the resources available to him and to other factors. If an applicant suspects that he or she has been discriminated against in the selection for a position on the basis of sex, the applicant is, upon request, entitled to receive from the employer a written report on the selection criteria applied.

The provisions of the Contracts of Employment Act (320/70) are neutral with regard to sex and obligate the employer to treat women and men equally. In connection with the enactment of the Equality Act, the provision in the Contracts of Employment Act concerning sexual discrimination in an employment relationship was repealed.

The provisions of the Act regarding vocational guidance and job selection do not place women and men in different positions on the basis of sex. Vocational guidance services are available at the local labour exchange offices; in addition, pupils receive vocational guidance by vocational counsellors. As noted in connection with article 10, the choices of girls, especially as regards vocational education, have for the most part been directed at jobs in health care.

The Equality Act obligates the employers to change the circumstances at workplaces so that vacancies would be sought by both women and men, and that both are ensured equal opportunities for career advancement. Under section 8 of the Act, prohibited discrimination is constituted by the application of less favourable employment or remuneration conditions, the direction of the work or the distribution of the tasks or termination of an employment contract based on the sex of the employee. Corresponding provisions are contained in the Civil Servants Act, which obligate the employer to treat all civil servants equally and prohibit discrimination on the basis of birth, religion, sex, age, political or trade union activities.

Under the Marriage Act (411/87) the spouses are mutually equal. Each spouse has the right himself or herself to decide on participation in working life as well as in social and other activities outside the family.

In 1963 Finland ratified the ILO International Convention on Equal Pay. Yet, the differences in the salaries and wages of women and men have remained considerable. During the past 20 years, the income of women has remained approximately 40 % lower than that of men. Men also earn more than women irrespective of their level of education, and the effect of working experience is also different in the income development of men and women. For example in industry, men attain, within a few years, the same wage level as women attain during their whole careers. The largest salary differences between women and men are found in the fields of commerce, banking and insurance.

The social security system in Finland consists of two levels. Basic income security has been arranged for all citizens, including students and housewives, who do not belong to the labour force, in the case of sickness, pregnancy, unemployment, incapacity to work, old age and at the death of the breadwinner of the family. In cases of corresponding risks, persons with income from gainful employment are entitled to better benefits in relation to their levels of income.

In the work pension systems, the general old-age retirement age is 65 years. In certain fields, women may retire five years earlier than men. The lower retirement age may be based upon a collective agreement or form an optional additional benefit. Normally women with a lower retirement age than men have earned a full pension and their lower pensionable age has also been regarded as their retirement age. In the opinion of the equality authorities, this is not in conformity with the law. At present, an amendment of the Equality Act is being prepared under which in the fields in which a lower pensionable age for women has been in use, the practice could be continued for the present and under which women who do not want to retire would be guaranteed the possibility to continue working until the general retirement age.

Under section 8 of the Equality Act, the practice of the employer has been deemed discriminatory if the employer applies to an employee conditions of payment or other terms of employment which are less favourable than those applied to an employee of the opposite sex employed by the same employer in the same work or in work of equal value.

Benefits granted for social risks, such as old age, unemployment, incapacity to work and sickness are basically same for both sexes.

As beneficiaries women and men are in different positions with regard the following benefits:

- Survivors' pensions, regarding which the position of widows is better than that of widowers. A widower is entitled to a survivor's pension only under the pension schemes for State employees and for seamen. Under the municipal pension scheme and the accident insurance scheme, a widower is entitled to a pension if the wife, due to the husband's incapacity to work, was the principal provider for the family. The survivors' pension schemes do not take into sufficient consideration the actual purpose of the survivors' pension, which is to remedy the deficiency in the funds needed for sustenance caused by the death of the provider, i e., also of a woman.

A reform of the survivors' pension schemes has been discussed by a Survivors' Pensions Commission set up in 1983. The term of the Commission ended in the middle of October 1987. It is likely that the proposals of the Commission include the payment of a survivors' pension also to widowers.

- A full-scale invalidity security, which is payable to a female employee leaving work to stay at home and look after a child until the child is three years of age. The benefit is not payable to a man.

The pension system is under constant development. The new benefits are, without exception, not dependent on sex. For example, in the year 1986, a pension scheme, referred to in Finland as TaEl, was established for artists and journalists. Since the beginning of 1987, it has been possible to count successive periods of employment in the employ of the same employer but all lasting less than a month as time entitling the employee to a pension under the so-called principle of "chaining". This type of "chains" of employment relationships occur in such fields, dominated by women, like retail trade and health care (weekend assistants, stand-by staff, etc.).

Regarding pensions, there has been some pressure on the part of the employers to raise the pensionable age. The general age for an old-age pension is 65 years. In some areas, such as the State, it is 63 years, and in certain heavy and wearing jobs even lower.

It has been possible for example for the following to retire prior to the above-mentioned age limits:

- men of 55 years of age who are veterans of the Second World War and who have been receiving a Front-Veteran's Pension. The right to this benefit has later on been granted also to female veterans.
- farmers entitled to a transfer pension or a farmclosure pension. Eligible for a generation-change pension is a farmer of 55 years of age who passes the farm on to a younger person. The spouse of the farmer (irrespective of sex) receives a dormant right to a pension as early as at the age of 51 years, even though the pension is not payable to the spouse until the age of 55 years.

A farm-closure pension is payable to a farmer of 55 years of age who gives up farming. His wife and widow are entitled to a pension as early as at the age of 45 years. Both the generation change pension scheme and the farm-closure pension scheme are temporary measures in force until the year 1989.

In the last few years, other early-retirement pension schemes have been introduced; the benefits are, however, the same for both sexes. These include the early old-age pension, the special invalidity pension and the part-time pension.

- Since the beginning of the year 1986, an early old-age pension has been paid to person between 60-64 years of age whose employment relationship has terminated.
- A special invalidity pension has been paid to an employee of 55 years of age with a reduced capacity to work. In assessing the capacity to work, attention is paid to the person's state of health, factors due to aging, the strain caused by the work and the working conditions.

According to statistics, more women than men have applied for the last-mentioned pensions. These early-age pension schemes make it possible for both spouses to retire at the same time for example in cases when the husband is a few years older than his wife.

- At the beginning of 1987, a part-time pension was introduced in the private sector which is available for employees of 60 to 64 years of age who have transferred to part-time work. The part-time pension compensates for the loss of income due to the part-time nature of the work.

At the end of 1985, 60 % of Finnish pensioners were women and 40 % were men. The number of women on an old-age or survivor's pension was higher than that of men. The unemployment pension has developed into a pension scheme for women, as have also the transfer and farm-closure pension schemes, and special invalidity and the early old-age pension, which entered into force at the beginning of 1986.

58 % of work pensions based on the pensioner's own working career and paid in the private sector at the end of the year 1986 were paid to women. As the pensions of women are, on the average, lower than those of men, the monetary amount of the pensions paid to women was, however, only 35 % of all the pensions paid at the time in question.

### **Unemployment security**

The Unemployment Security Act (602/84) and the Decree on Prerequisites for Unemployment Security have improved the eligibility of women to unemployment security.

Under the Act, an unemployed person aged from 17 to 65 years, is, under certain conditions, paid a basic daily allowance, at present amounting to US\$ 20,25.. A member of an Unemployment Fund is paid an earnings-related daily allowance (on the average US\$ 32,5/working day) for 500 days within a period of four calendar years.

Under the amendment of the Act, an unemployed person can, without loss of the unemployment benefit, be reserved time to remove the obstacle to his or her going to work. The obstacle may, for example, concern arranging day-care for the children.

An unemployed person is also entitled to refuse to accept work outside the normal working area without losing the unemployment benefit if he or she has a weighty reason for doing so, e.g. a child going to school.

In the first half of the year 1987, the Unemployment Security Act and the Decree on Unemployment Benefits were amended. The amendments improved in particular the unemployment security of people with long periods of unemployment or working part-time as they reduced the means-testing of the basic benefit. 12 % of women work part-time and women consist 75 % of part-time employees.

The legislation on protection of labour was amended at the beginning of 1987 so that the employer, in assessing the danger factors caused by the working conditions, has to pay attention also to the danger possibly caused to employee's genes or a foetus. The amendment shall enter into force on September 1, 1988; the amendment contains also provisions on psychic protection of labour.

Provisions regarding job security are contained in the Contracts of Employment Act, in the Act on the Procedure at a Termination of an Employment Contract and in the Civil Servants Act as well as in the Equality Act.

In 1985, the Government adopted a National Plan on the Conditions of Work dealing with labour protection, the safety and health-effect of the working conditions, the organization and content of the work, the hours of work and other terms of employment, the consideration of the personal characteristics of an employee in the work as well as the effect of technology on the working conditions. The Ministry of Social Affairs and Health follows the implementation of the Plan of the Conditions of Work.

After childbirth, women have right to a maternity leave, which an employee cannot waive if the work was to cause danger to the mother or to the child (Contracts of Employment Act, section 34, paragraph 2).

In addition, the work of women has been restricted by an Act on the Employment of Young Women in Certain Loading and Unloading Work (195/30). The Act only applies to women under 21 years of age and it no longer has any practical significance.

Section 58 of the Mining Act stipulates that a woman may not be employed underground in manual work in a mine (503/65). Section 37 of the Protection of Labour Act (299/58) concerns the same restriction.

Finland has neither signed nor ratified the ILO Convention of the Use of Women in Night-Time Work. The Act on Hours of Work (section 14, paragraph 1), however, prohibits the use of women in work between 9:00 p.m. and 6:00 a.m. As the prohibition on night-time work only applies to work falling under the scope of the Act on (General) Hours of Work, work falling under the scope of the Act on Hours of Work in Commercial Establishments and in Offices (400/78) is not governed thereby, i.e., no restrictions apply to women's night-time work in shops and offices. A separate Act on Work in Bakeries (302/61) contains restrictions regarding night-time work of both women and men, which will be discussed in more detail a little later on.

Seamen's Act (423/78) stipulates a minimum age of 16 years for men. The minimum age for women is 17 years and in vessels sailing outside the European traffic area 18 years.

Section 14 of the Act on Hours of Work contains provisions on a few exceptional cases in which women, in spite of the prohibition, are allowed to work at night. These exceptions concern so-called periodic work (e.g. in hospitals), so-called emergency work and work in two shifts, when women may work until 1 p.m. at night. Exceptions may be granted from the prohibition of night-time work under section 14 of the Act on Hours of Work. An exception has been granted to almost all applying for it.

In practice the prohibition on night-time work means that the authorities are able to control the conditions of women's night-time work. An exception is not granted until the conditions fulfil certain minimum requirements. The exception permits are granted for a period of two years, after which the night-time work may be continued by informing the authorities thereof if the conditions have remained the same. For example in 1984, a total of 23 000 women were working at night under an exception permit. Without said permit, approximately 150 000-200 000 women were, at the same time, working under the exception provision contained in section 14 of the Act on Hours of Work.

In 1985, the Ministry of Social Affairs and Health set up a Commission which has submitted a proposal for an amendment of the provisions on night-time work and shift-work contained in the Act on Hours of Work. The Commission finished its work in spring 1987. At the time of the writing of this report, the consideration of comments made on the report is still going on. Report of the Commission was published in spring 1987. In its own statement, the Council for Equality noted that night-time and shift work should be limited to the social field or to processing industries requiring night-time work. The Council also drew attention to the fact that a pregnant employee should have the right to be transferred to day-time work for the sake of the health status of either herself or the unborn child.

In bakeries working is prohibited for both women and men between 10 p.m. and 5 a.m. In two shifts the work may be continued until 11 p.m. Exceptions may be granted for men, but not for women.

The Young Employees Protection Act (669/67) limits night-time work of young people between the ages of 15-18 years. Young people may not work between 9 p.m. and 6 a.m. The Local Labour Protection District has, however, the possibility to grant exceptions from this prohibition on night-time work to male employees over 16 years of age. An exception may not be granted to a female employee.

Giving an employee a notice on the basis of pregnancy, maternity leave, parental leave or a child-care leave is prohibited (Contracts of Employment Act, section 37). Under the Equality Act (section 8), an employee may not be given a notice, laid off or transferred to other tasks on the basis of sex.

Under section 34 of the Act on the Amendment of the Contracts of Employment Act (30/85), an employee is entitled, on the basis of pregnancy and childbirth or child-care, to have as maternity, paternity or parental leave or child-care leave the period of time for which the maternity, paternity or parental allowance payable under the Health Insurance Act is to be deemed payable to the employee.

As explained in subparagraph 5 b, the period for which a maternity, paternity or parental allowance is payable is at present 263 weekdays or approximately 44 weeks. A parental allowance is payable also to an insured woman who has adopted a child under two years of age and who has had to stay away from work. In this case the parental allowance is payable for a minimum of 100 days.

The amount of the maternity, paternity or parental allowance is approximately 80 % of the person's annual work income. In the first quarter of 1987, the average parental allowance paid to a father was US\$ 55,5 per day and to the mother, US\$ 33,75 per day. Those not belonging to the labour force, such as students and housewives, are entitled to the minimum maternity allowance, which at present is US\$ 11,47 per day. Approximately 5 % of the parental allowances are at present of this value.

The employer is not obliged to pay a salary or wages for a maternity, paternity or parental leave or a child-care leave. Under several public- and private-sector collective agreements, a female employee is, nevertheless, paid a salary or wages on the basis of pregnancy or childbirth. For example the State and the municipalities pay full wages or a full salary for 72 weekdays (c. 3 months); in the private sector the practice varies.

An employee returning from a maternity, paternity or parental leave or a child-care leave is entitled to return to his or her earlier work or to comparable work (Employment Contracts Act, section 34 c).

The employer may not terminate an employment contract, either due to pregnancy or during a maternity, paternity, or parental leave or a child-care leave.

The granting of a maternity leave does not diminish the employee's right to other benefits under the Contracts of Employment Act.

Arranging day-care for children is, under the Act on Day-Care for Children (36/729), the duty of the municipalities.

According to the municipal day-care plans, an ever-increasing proportion of the need for full-day care for children under school age has been fulfilled. According to present-day plans, new day-care places for c. 7 000 children are established annually.

According to the calculations available, 76 % of the need for full-day care for children under school age was fulfilled in 1985 and in 1989 the proportion is estimated to be 87 % and, in the case of children under three years of age, as high as 89 %.

On the basis of the Act on the Amendment of the Day-Care for Children Act and the Act on Allowance for Home-Care for Children (24/85) the parents of children under three years of age were created an opportunity to choose between municipal day-care and allowance home-care. This right of choice should be fully available in 1990.

In 1985, 73 % of families with one child made use of the home-care allowance, and likewise, 83 % of families with two children and 89 % of families with three children. In 91 % of the families receiving home-care support, the child was taken care of at home and in 9 % of the cases, in a private day-care home.

A child-care leave of absence after the parental leave became available in 1985. According to a survey regarding the year 1985, 27 % of families with two children under school age said that they would make use of the child-care leave until the younger child would be two years of age, and 17 % of families with three children under school age, until the youngest child would be three years of age.

The majority (81 %) of those taking a child-care leave of absence had gone back to their former jobs, 3 % had changed employers, and 3 % had given their notice in order to stay at home and take care of the children.

According to an inquiry conducted among the employers, half of them had had no difficulty in arranging the work of the person on a child-care leave of absence.



## **Article 12**

### **Health care**

Finnish maternity and child-care counselling is also internationally recognized as being of a high-quality standard. The infant mortality rate in Finland is one of the lowest in the world.

All health centers in Finland give also counselling in family planning. The level of family planning can be measured, for example, by the number of abortions. According to the statistics, approximately 23 300 abortions were performed in Finland in 1973. Ten years later (in 1983), their number was about 13 300. Of the Nordic countries, Finland has the lowest number of abortions (10 abortions per 1 000 women in fertile age). The figure is low, considering the fact that there are hardly any illegal abortions.

Sterilization as a means of family planning can be resorted to more often than before after the adoption of the amendment of the Sterilization Act (125/85). After the amendment, any person over the age of 30 can be sterilized at his or her own request as well as persons below this age who already have three children either with or without their spouse.

The amendment has increased the number of sterilizations as well as the proportion of men among those sterilized. In 1984, about 5 800 people were sterilized, while the figure for 1986, according to preliminary data, was as high as 12 500. The proportion of men, which is still very small, rose in that period from 4 % to 7 %.

One of the issues subject to debate lately has been the attitude towards insemination. The matter was the subject of a National Board of Medicine Working Group, whose proposals (Report No. 8/1984) were sent out for comments.

After the round of comments, on January 18, 1987, the Ministry of Justice set up a working group with the task of preparing, in the form of a Government Bill, a proposal on the legal position of a child conceived through insemination as well as on the general prerequisites and basic principles of insemination and the limits of the activity.

## **Article 13**

### **Elimination of discrimination in other areas of economic and social life**

The family benefits have been discussed in detail in connection with article 11.

The provisions on credit, like the provisions on any private-law contracts, do not place women and men in different positions. The provisions on discrimination (section 7) contained in the Equality Act can be applied to cases of suspected discrimination regarding credit.

The Equality Act is also applicable to recreational activities, sports and cultural life. For example, when granting scholarships, women and men may not be placed in different positions on the basis of sex.

In the membership of the State Arts Commissions, the proportion of women has increased in the 1980's. Among the applicants for State grants for artists, the proportion of women was, in 1983-85, slightly (2-3 percentage points) higher than among those awarded a grant. The proportion of women among the applicants and the receivers of the grants varies greatly depending on the branch of art in question.

In 1984-85, the total number of applicants for a 15-year art grant was under 200 per year and the number of grants awarded, 10. Annually, under 50 women applied for the grants and 1-2 were awarded a grant. The relative proportion of women among the recipients of the grants was lower than in the case of grants of shorter duration.

In the municipalities, the field of sports is largely dominated by men with regard to both employers and employees and elected municipal board members. Only about 10 % of the latter are women.

The University of Jyväskylä and the Ministry of Education have been funding a research project in the 1980's on the position of women in sports culture and sports administration in Finland. No results are as yet available which would indicate how much State or municipal funds are allocated for sports activities in which women are interested in and for women and men in general as sportsmen and sports activists.

The proportion of women is, however, considerable on Municipal Cultural Boards (55 %) and Library Boards (63 %).

#### **Article 14**

##### **Women in rural areas and in agriculture**

In 1986, 11 % of the Finnish labour force was working in agriculture and forestry. The number of women working in agriculture is estimated at approximately 90 000. The labour force in agriculture and forestry is older than the labour force on the average, because 23 % of those working in agriculture or forestry are over 55 years of age, while the corresponding figure for the whole labour force is 10 %.

Agriculture is carried out on small family-based farms. The average farm contains 13 hectares of cultivated fields and 39 hectares of forest. On half of the farms, the main production line is dairy cattle. Under 20 % of the farms have crop husbandry as their main line of production. 47 % of the owners of farms are full-time farmers.

Women working in agriculture have, in addition to work on the farm, also taken care of the housework. The tasks of women are at present affected by the production line, size and standard of machinery of the farm as well as by work outside the farm, if any. The age and education of the wife also affect the division of labour between the spouses.

In 1980, a large survey was carried out on female farmers to study the position of women working on farms in the various fields of social life. The survey was based on interviews and statistics.

The survey of female farmers showed, inter alia, that although there are no legal obstacles to daughters inheriting farms, the majority of farming estates, nevertheless, devolve on sons. Only 11 % of the farmers interviewed lived on the home estate of the wife; the majority, i.e., 58 %, lived on the home estate of the husband; and in 31 % of the cases the estate had been purchased. More than half of the farms included in the survey were owned jointly by the wife and the husband. In spite of the present situation, it is quite generally believed that a daughter is able to continue the farming as well as a son. This was the opinion of 71 % of the female farmers and 64 % of the male farmers.

A woman's entry into a farming career differs from entries into other careers in that it normally takes place in connection with the conclusion of a marriage, i.e., as an adult. The need for adult education is increased also by the fact that at present a majority of the women becoming farmers' wives are coming from outside the area of farming. They thus have no practical experience of the tasks on a farm. One group of farmers' wives continue to pursue their own professions or occupations, to which they have been trained, provided that that type of work is available in the countryside.

Arranging national training and counselling in agriculture suitable for the needs and living conditions of female farmers has, in the last few years, been one of the central factors affecting the position of female farmers.

The general opinion is that vocational training in agriculture should be the same for girls and boys. 72 % of the female farmers and 60 % of the male farmers interviewed also shared this opinion and only a small group supported home economics-oriented training for girls and farming-oriented training for boys. This fact is very significant because if it is put into practice it will equip the girls with a good practical ability to cope with all kinds of tasks on a farm as well as a possibility to decide on issues dealing with the farm on an equal basis with the husband.

In an average farming family both spouses together take care of the livestock and make the decisions regarding the farm, such as loans, machinery acquisitions and timber sales. The majority of the work in the fields and in the forest is done by the husband, while the majority of the child-care and household work is done by the wife.

One of the aims of the Equality Programme adopted by the Government of Finland in 1980 was to decrease the female farmers' being tied down to the work on the farm. The annual vacations of the farmers have been lengthened and their rights to a vacation made uniform so that both the husband and the wife were entitled to a vacation of 17 days in the 1987 vacation period.

Relief labour services based on legislation were started in 1975. The basis for receiving relief labour may be unemployment, childbirth, rehabilitation, compulsory military training, etc. At the beginning of the year 1985, the period of relief labour given on the basis of childbirth was extended from 50 to 120 days and at the beginning of 1987, to 150 days. Although the period of the relief labour is considerably long, it is, nevertheless, only part of the present-day period of maternity, paternity and parental leaves, which is 263 days.

The fee payable for relief labour is the same as that payable for home help so that the service is available also to families with low incomes. The greatest problem at present regarding relief labour is the shortage of relief and vacation employees. In addition to the present grounds for obtaining relief labour, it should be made available also for a period of participation in vocational training.

The social security of women working in agriculture is, on the average, weaker than that of men and that of women working in another occupation. This is largely due to the facts that the present social security schemes, like the pension schemes, came into force in agriculture later than in other occupations, that the work income on the farm, upon which the benefits are based, may be quite small and that the division of labour may discriminate against the women.

Some improvements have been achieved in the social security of women. Since 1983, it has been possible to divide the work income forming the basis for the farmer's pension in a more justified way between the husband and the wife. Since the time referred to, it has been possible to attribute 1/3 of the work income to the wife and 1/3 to the husband, while the spouses have been free to attribute the remaining 1/3 as they wish. This has made it possible to divide the work income equally between the spouses.

On the other hand, the distribution of the taxable income on crop husbandry farms is still a problem. The tax authorities have usually considered the wife's share of the work input on the farm so small that no share of the work income of the farm has been assessed to her. Because women remain either completely without work income or their work income is very small, their earnings-related maternity or sickness allowances are also small. In 1987, the National Board of Taxation changed its instructions related hereto. It is still difficult to estimate the effect of the new instructions. In the first half of this year, the scope of the concept "work" was extended, as regards the Farmers' Accident Insurance Act, to include also cooking - which has traditionally been women's work - when the cooking directly serves the farming. Also this can be considered an improvement in the social security of women.

The participation of women living in rural areas in organizational activities is, on the average, smaller than that of women living in towns. For example in 1985, 33,3 % of the town council members and 23 % of the members of the councils in rural municipalities were women. The same trend could be seen also in the town and municipal executive boards. In 1987, 19,9 % of the members of town executive boards and 13,4 % of the members of the executive boards in rural municipalities are women. The 1980 survey of female farmers showed that farmers' wives had fewer positions than the husbands as trustees in co-operational agricultural organizations.

According to the survey, both the farmers and their wives were in favour of increased participation of the wives in executive positions of organizations. What was considered the most important was an increased representation of the wives in the Central Union of Agricultural Producers (MTK), the co-operatives and municipal administration; second on the list came political activities and last, various agricultural counselling organizations. With regard to defending women's participation in organizational activities, the husbands proved to be even more modern in their attitudes than their wives.

## **Article 15**

### **Equality before the law**

The legal equality of Finnish citizens is based on section 5 of the Constitution Act of 1919, under which all citizens are equal before the law. Discrimination on the basis of sex is prohibited by the Equality Act. With regard to paragraphs 2 and 3 of the article, Finnish legislation complies with the obligations imposed by the Convention.

Until the end of 1984, a Vagrants Act was in force containing provisions that restricted the freedom of movement. It was repealed by the Act on Intoxicant Abusers (41/86) which entered into force 1987.

In 1983, the Ministry of Social Affairs and Health set up a working group to prepare a draft of a statement to be given to the UN on violence towards women and children. The working group also mapped violence within the family and its extent as well as made proposals to diminish it and to develop the activities of, and co-operation between, the authorities.

According to the memorandum referred to, it is estimated that more than 70 000 women are subjected to violence within the family annually. No more detailed statistics are available on the issue.

Certain organizations, e.g. the women's organization UNIONI and the League for Unmarried Mothers have had an active role in opposing violence within the family and in aiding the victims of such violence. At present the League for Unmarried Mothers maintains nine safety homes available for victims of violence. The clients of these homes have, in addition to women and children, included also men as well as old people subjected to violence by their grown-up sons and daughters.

Under the Marriage Act which entered into force at the beginning of 1988, it is possible to request from a court of law a decision to end the conjugal life. In the decision, one of the spouses may be ordered to move away from the common home. This procedure is especially useful in cases of violence within the family.

One form of violence is sexual incest of children. Until the 1980's, this matter was a tabu in Finland. The National Board of Social Welfare, the National Board of Medicine and the Central Association of Child Protection had a study conducted on the matter. According to study, about 350 cases were found in 1983-1984 in which incest of children was either proved or strongly suspected.

## **Article 16**

### **Equal rights in marriage and family relations**

Under section 2 of the Marriage Act (234/29), marriage may **not** be contracted by a man under the age of 18 years or by a woman under the age of 17 years unless the President of the Republic has given permission thereto. In 1984-1986, 27-34 applications for dispensation were made annually. All the applications were accepted. The grounds for the applications included pregnancy and religious reasons.

An amendment of the Marriage Act (411/87) entered into force on January 1, 1988, under which marriage may not be concluded by a person under 18 years of age. The provision thus complies with subparagraph 1 (a) of article 16. The Ministry of Justice may, however, for special reasons, grant a person under 18 years of age permission to marry.

Under the Marriage Act, the marriage shall be contracted in a religious or a civil ceremony. The religious ceremony shall be conducted by a clergyman and the civil ceremony by a District Court Judge, the Chairman of a Local Administrative Court of, when so ordered, by one of its lawyer members, by the local Population Register, or the Head of the Population Registry Department or Office at the police station. The religious ceremony shall be conducted by a clergyman of the religious denomination to which the woman belongs. At the beginning of the year 1988 certain details in the provisions on the marriage ceremony will become more precise.

The Act on the Amendment of the Marriage Act repealed section 55, under which the wife is not, after dissolution of the marriage, liable for a debt incurred to satisfy special needs of the husband, with property earned by the wife after the dissolution of the marriage.

## **Cohabitation**

Alongside with marriage, common-law marriages have become an established form of cohabitation.

The general attitude towards cohabitation is condolent, while legislation treats the cohabitation couple in different ways depending on the field of law in question: some Acts, like the Unemployment Security Act (602/84) and the Act on the Taxation of Income and Net Assets (1043/74) treat married spouses and a cohabitation couple equally, while e.g. work-pensions legislation places the two groups of couples in different positions as beneficiaries.

Statistics on the number of cohabitation couples are available for a rather short period of time only. According to the labour force study of the Central Statistical Office, 163 000 people were living in cohabitation in 1978, and 283 000 people, i.e, 8,5 % of the population, in 1985.

20 % of those in cohabitation had children under school age. Cohabitation is no longer a form of co-habitation for students only, because the majority of those living in cohabitation belong to the labour force. Slightly over 5 % of the people living in cohabitation were students.

The Child Custody and Right to Access Act (361/83), an amendment to the Guardianship Act (368/83) and the Act on Child's Right to Sustenance (704/75) have created to the parents equal rights and responsibilities regarding the children irrespective of the sex or marital status of the parents.

A child's parents who are married to each other when the child is born have joint custody and care of the child. If the parents are not married to each other, the mother has the care and custody of the child. The care and custody of a child can be arranged also differently by court order or by an agreement confirmed by the Municipal Board of Social Welfare if so required by the best interests of the child.

The Adoption Act (153/86) treats woman and man equally. An exception is formed by the child's mother, whose position is protected by providing that her consent to an adoption may not be accepted until 8 weeks after the birth of the child. Due to the improvement in the position of unmarried families and the increased effectiveness of family planning, the number of children given up for adoption has been steadily decreasing and it is at present about 400 annually. In addition, permits are granted for adoption from abroad. Both spouses and single persons are eligible as adopters.

Under the Family Names Act the spouses may choose as their common family name either the family name of the woman or the man or may each retain the family name he or she had when the marriage was contracted. In addition, a spouse may use his or her own family name in front of the common family name.

The new Family Names Act places the parents in an equal position with regard to the determination of the family name of the child. If the parents have different family names, they have the right to choose which parent's family name the child shall acquire. If the parents have not chosen the family name of the child as provided in the Family Name Act, the child shall acquire the family name of the mother.