



CEDAW Secretariat
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24 January 2014

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RE: CEDAW – Finland – NHRI contribution

Please find enclosed the contribution by the Finnish Human Rights Centre (HRC) submitted to the Committee on the Elimination of Discrimination against Women for the consideration of the seventh periodic report of Finland during the Committee's 57th session to be held in February 2014.

The HRC is an autonomous and independent expert institution whose task is to promote the implementation of fundamental and human rights and increase cooperation and exchange of information between various actors. The National Human Rights Institution (NHRI) consists of the Human Rights Centre, its pluralistic 40-member Human Rights Delegation and the Office of the Parliamentary Ombudsman. The Institution was established by law (changes to the Law on the Parliamentary Ombudsman 535/2011), effective as of 1 January 2012. The NHRI accreditation under the ICC will be requested during 2014.

More information on the NHRI in Finland can be found on our website www.humanrightscentre.fi/in-english.

These submissions may be posted on the CEDAW website for public information purposes.

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Expert

Contribution by the Finnish NHRI – The Human Rights Centre

The examination of the 7th periodic report of Finland on the implementation of the CEDAW.

Constitutional, legislative and institutional framework

Article 2 – Discrimination

Equality Act and Non-Discrimination Act

Concerning the currently pending legislative changes to the Equality Act and the Non-Discrimination Act it needs to be noted that the European Commission has in November 2013 issued a reasoned opinion to Finland in the second stage of infringement proceedings concerning inadequacies relating to the country's national race equality body which all Member States are required to set up under EU equality law (Directive 2000/43/EC).

According to the Commission's press statement, EU anti-discrimination rules make it obligatory for Member States to establish a national equality body tasked with providing independent assistance in pursuing complaints to victims of discrimination, as well as monitoring and reporting on discrimination. National equality bodies are crucial, in particular for the proper enforcement of the Directive and to ensure protection for victims of discrimination. It is essential that the national equality bodies actually carry out all the tasks required by the Directive. Finnish law currently fails to designate any equality body responsible for addressing cases of racial or ethnic discrimination in employment. The Commission is therefore calling on Finland to bring its rules in line with EU requirements.

The equality body in question, the Ombudsman for Minorities, hopes that the ongoing reform process of the Non-discrimination Act will remedy the situation and allow the equality body to fully investigate discrimination cases also in the field of employment. However, it is yet unknown how the legislative changes might reflect this or the Commission's opinion. As is, in its latest public draft version the renewed Equality Act does not fulfill the Directive's requirements. This might delay the legislative process and the planned changes in the non-discrimination structures in Finland with regard to, among others, the multiple discrimination as well as discrimination based on gender expression or gender identity. No proposals have been submitted to the Parliament yet.

Article 3 – Gender Mainstreaming (see also under Article 8)

The independent and autonomous Human Rights Centre's statutory tasks include the promotion of fundamental and human rights and the monitoring of their implementation. There is no mandate to gender mainstreaming.

In its work the HRC pays special attention to rights the implementation of which is not promoted and monitored by any specific ombudsman, national authority or well-established non-governmental organisation. The HRC also gives particular

consideration to rights the implementation of which is insufficient in respect of a group of citizens or which do not receive enough attention from the authorities.

In its report, and also, but less so, in its reply to the List of Issues, the Government indicates that the HRC enables strengthening of the gender perspective as well as mainstreaming. Considering the abovementioned very wide mandate, namely the promotion of all fundamental and human rights as well as monitoring the implementation of them all, the lack of a specific gender mandate and the very limited resources (3 persons) the HRC is not able to focus on gender mainstreaming issues, however important they are. Also, there are units within the government structure who are specifically mandated to gender mainstreaming, as it is under their responsibility. The gender mainstreaming efforts need to be crosscutting and coordinated on the highest level of the society and the government.

By making such a statement the Government seems to reveal that the core elements of the gender mainstreaming have not been understood fully by the Government. Gender mainstreaming and the promotion of human rights are different issues and need different approach, though partly overlapping. The independent organ that promotes and monitors the implementation of all human rights cannot, by definition, be responsible for gender mainstreaming in a State Party, not being in a position to form government policies, practices or legislation.

Article 5 – Violence against women

Istanbul Convention

The Government states in its replies to the Committee that Finland has signed the CoE's Istanbul Convention. The working group preparing for its ratification concluded its work in March 2013 and submitted its memorandum to the Minister for Foreign Affairs who is in charge of the ratification preparations.

What is unusual in the concluding memorandum is that there were ten either dissenting opinions or additional views prepared by the working group participants. The main concern was that the memorandum, written in a format of a Parliamentary proposal, did not include enough far reaching proposals, clear tasking for various Government offices or other authorities and most of all the financing calculations and proposals for support measure funding were missing. This, according to several members of the working group, might indicate that the Government does not consider legislative, administrative or policy changes necessary before the ratification of the Convention. (In the practise followed in Finland the national legislation must be in line with the international conventions before the ratification.)

Shelters and services for victims

The HRC wishes to draw attention to the issues related to the victims of domestic violence and other violence against women and specifically to the insufficient services, such as helplines and shelters, provided for victims. While there is insufficient and geographically uneven distribution of shelter places in general, the situation is especially hard for vulnerable groups, such as women with disabilities (wheel chair accessible locations, for example), refugee and immigrant women,

women belonging to indigenous people (Sami), members of the LGBTIQI-community or persons who are refused access to shelter due to their intoxication. Also victims from small and remote communities face unreasonable difficulties when seeking help. Several shelters have been closed in recent years, although the entire system of shelters is in fact being reconsidered and refinanced by the Government currently, as the Government does mention in its replies to the Committee. However, during the current austerity measures it is not likely to bring enough improvements to respond to the demand and need.

Article 6 – Trafficking in women

The Ombudsman for Minorities as the National Rapporteur on Trafficking in Human Beings has stated in her annual report of 2013 (<http://bit.ly/19NJo6D>) among others that unlike many other countries, Finland faces a particular challenge with identifying foreigners who are victims of sexual exploitation in prostitution and procuring and with conducting pre-trial investigations in this area appropriately. Only very few victims of sexual exploitation find their way to the programs assigned for their assistance. As a result, women's rights to help and protection are neglected. The preventive measures are disparate, and monitoring of their implementation and effectiveness has not been coordinated. Measures addressing the demand causing human trafficking have proved inadequate. The resources available for combating human trafficking are minimal and the funding available to NGOs is meagre and largely project-based. A victim of human trafficking reporting exploitation and seeking help may be subject to incredulity and belittling. More tools are needed for the authorities and NGOs to address and prevent human trafficking and to safeguard the rights of the victims. This also requires solid funding, which is not available.

Article 8 – International representation

Finland published its second National Action Plan (NAP) for the UNSCR 1325, for the period of 2012–2016, in June 2012. No specific budget was allocated to the NAP. The main objectives both in the first NAP (2008) and the second one with regard to the civilian crisis management were: 1) increasing the number and share of women in crisis management, 2) ensuring that all persons deployed in crisis management missions possess the required expertise in human rights and gender issues, and 3) civilian crisis management staff have an explicit “code of conduct” which must be followed.

The Finnish Crisis Management Centre (CMC Finland) that deploys all non-military personnel for civilian crisis management missions conducted a research project “*A Gender Perspective in Civilian Crisis Management*” in 2012 by interviewing all the Finnish experts seconded to various missions at the time. The research is linked to the NAP. The practical aim of the research was to assess how well the objectives related to the UNSCR 1325 and civilian crisis management have been achieved and to learn what aspects of gender mainstreaming still require special attention in order to enhance the implementation of the Finnish NAP during the period of 2012–2016. The final report of the project (available <http://bit.ly/1imPKwO>)

includes recommendations for the implementation of the NAP and deployment and training of the experts to the missions.

Despite the work done by the CMC Finland and the Finnish Defence Forces International Centre FINCENT the general level of understanding of gender issues, the amount and quality of gender training and especially the funding for the gender mainstreaming work in international crisis management context is lower than desired.

Article 10 - Education

Human Rights Education

The HRC wishes to draw the Committee's attention to the importance of ensuring availability and accessibility of human rights education, including education on equality issues from a human rights perspective, to all throughout the educational system. The HRC has conducted a national base line study on human rights education, the results of which will be published in February.

The study shows that although human rights issues are taught by different actors in different fora, there is a lack of systematic implementation framework that would cover the entire educational system and include human rights education in all its aspects (*education about, through and for* human rights). Particular areas of concern include the lack of obligatory human rights education to state officials at different levels and to school teachers.

It can also be noted that several human rights bodies, including the Committee on the Rights of the Child and the Human Rights Committee have expressed their concerns in this area. The issue has also been raised in the context of the consideration of Finland's second national report for the UPR.

To guarantee a systematic implementation of human rights education in the Finnish educational system, the HRC and its delegation thus recommend the Finnish government adoption of a specific policy program on human rights education and training, with appropriate mechanisms of follow-up, including human rights based indicators.

Article 11 – Discrimination in the field of employment

Discrimination based on pregnancy and family leave and pay discrimination

Discrimination on the basis of pregnancy and family leave continues to be a concern in Finland. The HRC wishes to draw attention to the comments on this as well as on pay discrimination in the submission to the CEDAW-committee by the Equality Ombudsman in January 2014.

Final thoughts on resources

Recently the Ombudsman for Children resigned from her post mid-term due to the lack of resources in relation to the mandate. The similar resource related difficulties are encountered by all the specialised ombudsmen, the NHRI as well as NGOs dealing with Human Rights issues. There is not enough personnel to perform all the tasks assigned to the offices, nor is there sufficient funding for the general promotional activities, research, education and publications. Similar issues are apparent in the various ministry units with human rights related mandates. This is somewhat understandable in the current economic situation, but in the large scale of promotion and fulfilment of human rights for all people, this does not fully correspond to the pledges made by the Government on the international fora.