FINLAND

1. Discriminatory family code

Under the Marriage Act, the legal minimum age of marriage in Finland is 18 years for both men and women. Given “special reasons,” a 16 year-old may marry with permission of the Ministry of Justice, after taking into consideration the views of the minor’s custodian.\(^1\) Exceptions to the minimum age of marriage have been criticized by UNICEF and the Feminist Association, in particular as the majority of under-age marriages involve girls.\(^2\)

The Marriage Act establishes the principle of equality in respect to parental authority of the spouses and provides a common duty of parental maintenance to both spouses. Parents may agree on a joint or sole custody arrangement. Separation of the parents does not automatically affect their custodial status. Under the Child Custody and Right of Access Act, at the request of at least one parent or the Social Welfare Board, courts in Finland are responsible for adjudicating child custody and visitation arrangements, taking into consideration the best interests of the child.\(^3\) Based on Finnish Government reporting in 2003, in the case of separated or divorced parents, the most common agreement was for joint legal custody, with the child’s place of residence stipulated as the home of the mother. If the child’s mother is single at the time of the birth, she will become the sole custodian of her child. Co-habiting couples may draw-up a joint custody arrangement at the local Social Office if the father acknowledges his paternity of the new-born.\(^4\)

The Code of Inheritance establishes equal rights of inheritance for wives and daughters compared to husbands and sons.\(^5\)

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According to Finland’s 2012 Gender Equality Barometer, 43% of women compared to 11% of men in dual-earning families with children felt that they often or sometimes had too much responsibility for housework.\(^6\) Nonetheless, amongst those who were married or cohabiting, women were more likely than men (66% vs. 53%) to respond that they had a sufficient amount of decision-making authority over all matters within the family.\(^7\)

\(^2\) UNICEF (2013); Seinäjoen Sanomat and Statistics Centre of Finland.
\(^3\) Child Custody and Right of Access Act (361/1983; amendments up to 186/1994 included), sec. 7, 8 and 14; Marriage Act, sec. 32; Council of Europe (2009)
\(^4\) Kurki-Suonio (n.d.)
\(^5\) Code of Inheritance, chap. 2, sec. 1 and chap. 3
\(^6\) Kiianmaa (2012) p. 56
\(^7\) Kiianmaa (2012) p. 60
In Finland, **divorce** is available to either of the spouses on demand, after a period of reflection of at least six months. The law does not discriminate by gender.\(^8\)

### 2. Restricted physical integrity

**Domestic violence** has been outlawed in Finland since 1970.\(^9\) It may be prosecuted under various criminal laws, including those prohibiting rape, assault and battery, harassment, and disturbing the peace.\(^10\) The maximum penalty for physical domestic violence or aggravated assault is ten years’ imprisonment.\(^11\)

Domestic violence is also combatted via The Act on the Restraining Order (1998), which prohibits perpetrators from approaching, contacting or stalking their victims.\(^12\) A 2005 supplement to the Act allows for the order to be imposed on someone living within the same household as the person requesting the order, requiring the person subject to the order to leave the house.\(^13\) Previously, a restraining order could not be imposed if the concerned parties were living together.\(^14\)

The police and the Ministry of Justice provide brochures in several languages on restraining orders and the rights of victims of domestic violence.\(^15\) Shelters and crisis telephone counselling are available to victims of partner and domestic violence in Finland.\(^16\) However, as reported by the Government in 2009, Finland does not meet the EU Standard of one available spot in a shelter home per 10,000 inhabitants.\(^17\) The objective of the Internal Security Programme is to make shelter services available throughout the country by 2015.\(^18\)

According to a 2009-10 survey by the European Institute for Crime Prevention and Control, published in a Government report, 12.4% of women have experienced violence or threats in a current partnership, and 26.6% have experienced it in a former partnership since the age of 15. The rates of violence or threats in a current and a former partnership in the 12 months prior to the survey were 3.2% and 18% respectively. Physical violence was the most common form of violence or threats in all cases.\(^19\)

Government statistics indicate that 27 women were killed by domestic violence in 2011, compared to 28 in 2010. According the European Union Agency for Fundamental Rights (FRA)’s survey published in March 2014, 30% of Finnish women over the age of 15 has experienced gender based violence by a partner or non-partner at least once in their lifetime.\(^20\) Statistics from 2003-10 show that in 67% of

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\(^8\) Savolainen (2002)  
\(^9\) Amnesty International (2010) p. 91  
\(^10\) U.S. Department of State (2013) p. 10  
\(^11\) U.S. Department of State (2013) p. 10; Criminal Code, Sec. 6 (654/2001)  
\(^12\) CEDAW (2000) p. 10; The Act on the Restraining Order (898/1998)  
\(^14\) CEDAW (2007) p. 17  
\(^15\) CEDAW (2007) p. 22  
\(^16\) CEDAW (2012) p. 19  
\(^17\) Government of Finland (2009) p. 12  
\(^18\) CEDAW (2012) p. 20  
\(^19\) Statistics Finland (2012) p. 90  
\(^20\) European Union Fundamental Rights Agency (2014).
female homicide cases the killer was a spouse or boyfriend. Immigrant women seek help from shelters nine times more often than women of Finnish nationality.  

**Rape** is criminalized under Chapter 20 (“Sexual Offenses”) of Finland’s Criminal Code. Spousal rape has been a criminal offence in Finland since 1994. A 2011 amendment to the Criminal Code expanded rape to include sexual relations that involve taking advantage of the defenselessness of a victim. The maximum prison sentence for rape is six years, although it may be as many as ten years in the case of aggravated rape, for example if the offence is committed in a particularly brutal, cruel or humiliating manner. The minimum sentence for aggravated rape is two years. If a “slight degree of violence or threat” was used in coercing someone into sexual intercourse, the act is considered “coercion into sexual intercourse” (or lesser degree rape) and carries a maximum prison sentence of three years. Sexual relations with a child under the age of 16 years that do not involve aggravated circumstances are criminalized as “sexual abuse of a child” and carry a prison sentence of between four months and four years.

According to media reports, as of October 2013, the Ministry of Justice is in the process of preparing a draft law to be presented to parliament with the intention of toughening penalties for rape, for example by requiring convicts to face unconditional imprisonment for at least one year. Amnesty International has criticized the draft law for maintaining the current conception of rape in the Criminal Code based on the extent of violence used rather than on the victim’s lack of consent.

The Government maintains a rape crisis centre with toll-free emergency helplines. However, the number of rape crisis centres is lower than the Council of Europe recommendation of one per 200,000 inhabitants. According to Amnesty International, while rape victims may be provided with a trial counsel at the expense of the state, healthcare personnel fail to make them sufficiently aware that this type of support is available.

According to the European Union Fundamental Rights Agency and national estimates, about 10% of women report physical violence, including rape, to the police in Finland. In 2011, 1,039 cases of rape were reported, and 177 persons were convicted, amounting to a conviction rate of about 17%. The 2006 Crime Trends Yearbook notes that prosecutors cited “no evidence” in 88% of rape cases.

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21 U.S. Department of State (2013) p. 10
22 CEDAW (2012) p. 19
23 Criminal Code (39/1889, amendments up to 927/2012 included)
24 Amnesty International (2010) p. 91
25 Amendment to Chapter 20 of the Criminal Code (495/2011)
26 Criminal Code, chap. 20, sec. 2(4)
28 Criminal Code, chap. 20, sec. 3
29 Criminal Code, chap. 20, sec. 6
30 Sjöholm (2013); Yle Uutiset (2013)
31 Sjöholm (2013)
32 Amnesty International (2010) p. 112
33 CEDAW (2012) p. 19
34 Amnesty International (2010) p. 112
35 Amnesty International (2010) p. 100
36 U.S. Department of State (2013) p. 10
37 Amnesty International (2010) p. 88
In the Finnish Government’s 2012 Gender Equality Barometer, 91% of women and 90% of men surveyed were of the opinion that the verdicts in rape cases were too lenient, up from 89% of both women and men expressing the view in 2008. According to Amnesty International, reporting in 2010, support services for victims remain inadequate. Moreover, lack of knowledge among healthcare personnel about the importance of, and standards for, the medical examination of rape victims has negative consequences for the collection of evidence. In addition, the fact that rape can only be prosecuted if the victim chooses to press charges, leaves open the possibility for perpetrators to pressure victims into dropping the case.

**Sexual harassment** in employment, labour market institutions, and educational institutions is prohibited under a 2005 amendment to the Act on Equality between Women and Men (1987). Educational institutions are required to have equality plans that include sexual harassment prevention and remedies. The Act requires employers to ensure their employees a workplace free of sexual harassment or improper advances. Employers and educational institutions have the responsibility to take disciplinary measures against the harasser when acts of sexual harassment are brought to their attention. An employer who takes no action may be prosecuted for discrimination and face fines or up to six months’ imprisonment. The law is currently under revision with a proposal presented to Finnish parliament to criminalise sexual harassment.

Various acts, ranging from gestures, insinuating acts, telephone calls, letters, displays of pornographic material, touching, or physical assault may constitute sexual harassment in Finland. Aside from bringing harassment to the attention of officials, a victim may pursue legal prosecution. The penalty for sexual harassment includes payment of damages. Sexual harassment in employment may also be prosecuted under the Occupational Safety and Health Act (2002), which contains a provision that requires an employer to remedy a situation of harassment of employees that causes hazards or risks to the employee’s health. The Equality Ombudsman, occupational safety authorities, and social partners advise victims on how to proceed in the case of sexual harassment.

According to a European Commission report, sexual harassment in Finland is only prosecuted if the victim clearly expresses that the conduct of the harasser is unwanted. The report notes that victims have been deterred from expressing their discomfort or issuing a complaint given a Finnish culture in which everyone is expected to be “a good guy” who is not easily offended.

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38 Kiianmaa (2012) p. 70
39 Amnesty International (2010) p. 147
40 Amnesty International (2010) p. 143
41 Act on Equality between Women and Men (609/1986)
43 Nousiainen (2011) p. 97-98
44 U.S. Department of State (2013) p. 11
45 Ministry of Justice (2014).
46 EuroFound (2009)
47 Eurofound (2009); Act on Equality between Women and Men, sec. 11
48 The Occupational Safety and Health Act (738/2002) sec. 28
49 Nousiainen (2011) p. 98
50 Nousiainen (2011) p. 94
According to Finnish Ministry of Social Affairs and Health, in 2008, every other young woman (aged between 15 and 34 years) reported having experienced sexual harassment by a man during the previous two years.\textsuperscript{51} Based on survey data from 1998 to 2008, about one in three women compared to 13\% of men have experienced sexual harassment.\textsuperscript{52} Amongst female fulltime employees, dirty jokes from colleagues topped the list of the type of sexual harassment faced in the workplace.\textsuperscript{53}

In past years, workplace sexual harassment only applied to situations involving an employment contract, therefore excluding elected officials, such as MPs.\textsuperscript{54} In 2008, there were media reports concentrating on the alleged harassment of parliamentary employees, especially young female assistants to some male MPs.\textsuperscript{55} A 2008 study of 320 parliamentary employees, commissioned by the Finnish Parliament, found that one in three female respondents reported having experienced sexual harassment.\textsuperscript{56} No information was found on whether sexual harassment law has since been extended to parliamentary activities.

**Female genital mutilation** (FGM) has been a concern in Finland since the 1990s with the growth of a Somali immigrant population. A 2013 report by the European Institute for Gender Equality (EIGE) found no available statistics on the prevalence of FGM in Finland. There is no specific law combatting FGM, according to the EIGE report, there have been no legal cases involving FGM in Finland.\textsuperscript{57} The Ministry of Labour subsidised a project in 2004 whose objective was to prevent the female genital mutilation (FGM) of girls and women in Finland and to promote the well-being of those who had already been subjected to FGM.\textsuperscript{58} Preparations for the establishment of a Plan of Action on FGM of girls began in 2009.\textsuperscript{59}

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According to the 2008 NGO shadow report to the CEDAW by The Coalition of Finnish Women’s Associations, the issue of **honour-related violence** is one of the most urgent problems among immigrant women, yet Finnish authorities do not always know how to investigate the cultural factors behind these acts of violence. Neither the Finnish Criminal nor Civil Code specifically mention honour related violence or forced marriages.\textsuperscript{60}

The Finnish Government has acknowledged that it is both a country of destination and a transit country for **human trafficking**. According to a 2010 report by the Ombudsman for Minorities, there are approximately hundreds of trafficking victims in Finland. In 2006, Finland criminalised the purchasing of sexual services from victims of trafficking.\textsuperscript{61}

**Abortion** is available up to 12 weeks into the pregnancy to save a woman’s life or preserve her mental health, for economic or social reasons, or in the case of rape or incest; up to 20 weeks to preserve her physical health or if she is younger than 17 years of age; and up to 24 weeks if the woman’s life is at risk.

\begin{thebibliography}{99}
\item Nieminen (2009) p. 49
\item Nieminen (2009) p. 53
\item Nieminen (2009) p. 57
\item Jokivuori (2008)
\item Nousiainen (2011) p. 94-95
\item Jokivuori (2008)
\item European Institute for Gender Equality (2013) p. 85
\item CEDAW (2007) p. 22
\item CEDAW (2012) p. 17
\item Coalition of Finnish Women’s Associations (2008) p. 8-9
\item CEDAW (2012) p. 22-23
\end{thebibliography}
or if there is a risk of foetal malformation. An abortion must be authorised by one or two doctors, depending on the circumstances, up to 12 weeks or by the State Medical Board up to 20 weeks. Abortion is free of charge under national health insurance, but women may have to pay additional hospital fees.

3. Son bias

The male/female sex ratio for the total population in 2014 is 0.96 while the sex ratio at birth is 1.04. There is no evidence, based on this information, to suggest that Finland is a country of concern in relation to missing women.

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According to the data relating to education, provided by UNICEF (2008-2012) and the World Bank’s Development Indicators Database (2011) there is a slight gender gap in secondary education in detriment of boys. There is virtually no gender gap in primary education. The ratio of female to male in secondary education is 104.5% in 2011.

Data provided by UNICEF and the World Bank’s Development Indicators Database on immunization is not gender disaggregated. UNICEF provides no data on nutrition and birth registration.

No evidence was found indicating that child labour is an issue in Finland. No data was located in regards to the way household chores are divided between girls and boys.

4. Restricted resources and assets

Under the Constitution of Finland, men and women have equal rights to land. No data was found regarding women’s access to and ownership of land.

The Constitution of Finland establishes equal property rights for men and women. A 2004 directive concerning The Act on Equality between Men and Women (1987) prohibits discrimination based on sex in the supply of goods and services. No data was found on women’s property ownership in practice.

There are no legal restrictions to women’s access to financial services. 99.8% of women compared to 99.5% of men in Finland hold bank accounts at formal financial institutions. According to the Global Entrepreneurship Monitor 2012 Women’s Report, women are slightly more optimistic than men in

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69 Constitution of Finland, sec. 6 and sec. 15
70 Constitution of Finland, sec. 6 and sec. 15
71 The Act on Equality between Men and Women (1987), Section 8e, which transposed Directive 2004/113/EC
72 World Bank (2011)
Finland about entrepreneurial opportunities. However, there is a large gender gap in Finland with regards to the number of male and female business owners that sell outside the national borders. In Finland, the percentage of international male entrepreneurs was ten times that of females (29% versus 3%).

5. Restricted civil liberties

There is no evidence that women face restricted access to public space in Finland. There are no restrictions to women’s freedom of assembly in Finland. There is a wide-ranging and active array of women’s organisations. In 2008, state subsidies to these organisations became regulated by law.

Finland was recently governed by its second female Prime Minister from 2010 to 2011. Finland does not have quotas for women in its national legislature; nonetheless, it has one of the world’s highest female participation rates. In the 2011 elections, women won 85 of 200 seats (42.5%) in the Finnish parliament—the country’s highest rate thus far. Half (four of eight) of the political parties entered the election campaign with female leaders, and women were the majority in two parliamentary groups. As reported in 2011, the majority of the Finnish members of European parliament are women. As of 2012, the President of the Supreme Court and half of Finnish ministers were women, including the Minister of Finance. This amounts to double the 2012 OECD average share of female ministers of about a quarter.

With regards to municipal elections, according to Statistics Finland, there has been a general upward trend in the share of female candidates over the past decades; however, comparing the results from the 2008 to the 2012 elections reveals that the trend has now levelled off. Actually, there were slightly fewer female candidates in 2012 compared with 2008 (38.8% vs. 40.4%). Another trend in Finland since 1953 has been that the share of votes-cast for women is higher than the share of female candidates in municipal elections. This was also the case in 2012 with 40.7% of votes-cast going to women.

While Finland does not have gender quotas at the legislative level, the Equality Act (232/2005) provides for quotas for other decision-making bodies of the state administration (such as boards, committees, and working groups). According to the provision, both women and men should have at least a representation of 40%, unless particular reasons require otherwise.

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73 Global Entrepreneurship Research Association (2013) p. 25
74 Global Entrepreneurship Research Association (2013) p. 36
75 CEDAW (2012) p. 26
76 McCann (2013) p. 15
77 Inter-Parliamentary Union (2013)
78 CEDAW (2012) p. 25
79 U.S. Department of State (2013) p. 8
80 CEDAW (2012) p. 26
82 Statistics Finland (2013)
83 CEDAW (2012) p. 31-32
Women in Finland comprise about half of state employees (49.6% in 2009), but are less present in leadership roles. In 2009, they were only 28.2% of the highest leadership and about a third of the middle management.  

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According to Government reporting, the gender distribution of journalists in Finland is about even, though women are under-represented in the media in news content and as experts. The Government maintains the Council of Ethics in Advertising, whose guidelines include that advertisements should not condone any form of discrimination based upon sex. However, the Council may not issue sanctions.  

A 2012 study by the International Women’s Media Foundation (IWMF) of nine Finnish media companies, including six newspapers, two television stations, and one radio station, found a relatively high degree of gender equality at all occupational levels. Women were present in greater numbers than men in several occupational levels associated with news reporting and production. They represented a slight majority (51.2%) in the senior professional level, and 59.4% in the junior professional level. However, their participation rate was less in the governance of the companies, such as boards of directors. Women comprised 37% of those in governance, and just over a third in both senior and top-level management. Moreover, while men’s and women’s salaries were similar at the average to low range of middle management, men’s salaries were considerably higher at the average to high range of the junior and senior management and senior professional levels. While a plurality of women were employed in regular full-time jobs at these companies, they also greatly outnumbered men in the less secure categories of part-time and contract work. The IWMF study found that all the Finnish companies surveyed had policies on gender equality, maternity and paternity leave, and on offering educational training to women, and two-thirds had sexual harassment policies. Three Finnish companies offered child care support in addition to that offered by the local government.  

Some organisations have expressed women’s rights concerns about the content of Finnish media. According to UNIFEM Finland, only a small number of gender-specific programmes have been offered by the Finnish Broadcasting Company. The Nytkis Coalition of Women’s Associations for Joint Action has stated that Finland’s media and advertising culture is increasingly pornographic, with negative consequences for women. The Government acknowledged in its report to CEDAW in 2007 that the “over-sexualisation” of media content in Finland may have a negative impact on the self-esteem of girls and the image of women in the society. On the other hand, an EU report praised the Finnish media for its positive role in promoting women’s economic participation.

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84 CEDAW (2012) p. 27  
85 CEDAW (2012) p. 20  
86 Government of Finland (2009)  
87 International Women’s Media Foundation (2011) p. 321  
88 International Women’s Media Foundation (2011) p. 322  
89 International Women’s Media Foundation (2011) p. 323  
90 International Women’s Media Foundation (2011) p. 323  
91 International Women’s Media Foundation (2011) p. 314  
93 CEDAW (2007) p. 25  
The Act on Equality between Men and Women (1987) prohibits discrimination in the workplace based on sex, including in hiring, wages, working conditions, and termination. The Ombudsman for Equality monitors gender equality in employment. In cases where gender-based discrimination is proven, the law provides that individuals may receive compensation for lost wages. In 1992, the Act was expanded to prohibit discrimination on the basis of pregnancy and to require employers to offer training programmes to facilitate the advancement of women.\textsuperscript{95}

Statistics from 2012 indicate that the majority of women work full-time, although women are more than twice as likely as men to be in part-time employment (19.7% of women vs. 9.0% of men). The gender pay gap has been declining over the last few years in Finland, but as of 2012, still stood at 17.1%.\textsuperscript{96} Women spend more time on domestic work than men in Finland, with men’s share of domestic work at 72% the female share.\textsuperscript{97} Women comprise about a third of entrepreneurs, which is high in comparison with the EU average.\textsuperscript{98} An EU working paper notes that the Finnish Government effectively implemented a strategy to increase the share of women on company boards to about a quarter in 2009, and to decrease the share of companies without any females on its board to less than a third in 2010 (compared with almost a half in 2008). The strategy included quickly achieving the Government’s own target of 40% women on boards of state-owned companies in 2006.\textsuperscript{99}

As reported in 2009, Women in Finland are entitled to 105 days of paid maternity leave, 30 to 50 of which may be taken before the baby’s due-date. Women who earn less than a certain threshold annually (49,004 Euros in 2009) are entitled to 90% of their pay during the first 56 days of leave. The percentage of the salary paid during leave is less for higher earning women. During the rest of the leave, the percentage paid is lower, for example 70% for those who earn below a certain threshold. However, in practice, half of all mothers with an employment contract receive full pay during the first three months of maternity leave.\textsuperscript{100}

Under Finnish law, both parents are entitled to paid parental leave during the first six months after the birth of their child if they are employed full-time. The leave can be taken either by the mother or the father, or it can be shared. Over 90% of all parental leave was used by mothers in 2009.\textsuperscript{101} However, fathers have an incentive to take some of the parental leave: if they take the last two weeks of it, they receive an additional two weeks. Together, these four weeks are referred to as the “father’s month.”\textsuperscript{102} Legislation that entered into force in 2010 increased the maximum length of this “month” to six weeks.\textsuperscript{103} Parents also receive a stipend under national social security and are given an allowance for child care. Both parents cannot take parental leave at the same time with the exception of multiple-

\textsuperscript{95} International Women’s Media Foundation (2011) p. 320
\textsuperscript{96} Lilja (2013) p. 3
\textsuperscript{97} Statistics Finland (2012) p. 114
\textsuperscript{98} CEDAW (2012) p. 34
\textsuperscript{99} European Commission (2011) p. 13
\textsuperscript{100} Council of Europe (2009)
\textsuperscript{101} CEDAW (2012) p. 36
\textsuperscript{102} Ray (2008) p. 11-12
\textsuperscript{103} CEDAW (2012) p. 36
birth cases. After this initial leave period, one of the parents can take child home care allowance until the child reaches the age of three.\textsuperscript{104}

The 2008 NGO shadow report to the CEDAW by The Coalition of Finnish Women’s Associations asserts that there is employment discrimination against women of child-bearing age in Finland, who are more likely than men to be given contract work rather than full-time positions, because employers seek to avoid the costs of maternity leave.\textsuperscript{105} The report also claims that high rates of unemployment amongst Roma women in Finland remain a problem.\textsuperscript{106}

\begin{footnotesize}
\begin{enumerate}
\item Ray (2008) p. 11-12
\item Coalition of Finnish Women’s Associations (2008) p. 21-22
\item Coalition of Finnish Women’s Associations (2008) p. 5
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