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IOK/15/2021

4 June 2021

CEDAW Committee - Pre-Sessional Working Group for the 81st session

Submission by the Human Rights Centre (NHRI) for the LOI - Finland

1. This submission is prepared by the Finnish Human Rights Centre/NHRI. The submission can be displayed on the CEDAW Committee's website.

The Finnish Human Rights Centre (HRC) is an autonomous and independent expert institution whose task is to monitor and promote the implementation of fundamental and human rights in Finland as well as to increase cooperation and exchange of information between various actors in the field. According to its founding legislation, one of the tasks of the HRC is to participate in European and international cooperation related to the promotion and protection of fundamental and human rights. The HRC mainly represents the Finnish NHRI in international and European cooperation.

The HRC forms the National Human Rights Institution (NHRI), alongside with its pluralistic 38-member Human Rights Delegation and the Parliamentary Ombudsman.

The National Human Rights Institution in Finland was established by law in 2012. It received **A-status in 2014 and 2019.**

2. The paragraph headings in this submission correspond mainly to those of the Government report of December 2020. Some additional headings have been added on themes not included in the Government report.

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Introduction

1. This submission relates to the 8th periodic report by the Government of Finland on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

Covid-19 pandemic

2. Human rights and the rule of law have been tested due to the pandemic and related measures. Economic and social rights are at risk of deteriorating permanently. Increasing delays in healthcare also endanger the right to health. Many of the problems in the implementation of rights during the pandemic are old ones, only highlighted during these times.

3. During several months the powers under the Emergency Powers Act were used to derogate the healthcare workers' (most often women) rights. The terms and conditions of employment relationships (rest periods, overtime and annual leave) were derogated and the right concerning dismissal was restricted. This and the increased workload, risks for personal health, low levels of pay and other factors, often affecting women in care sector especially during pandemic, have caused many to leave their profession or seek employment in another country.

4. People already in a vulnerable position, such as older persons and persons with disabilities, have found themselves in more difficult situation as a result of the pandemic and related measures. Visits to housing service and care units were prohibited. Additionally, as a guideline, those over the age of 70 were obliged to stay separate from other people (quarantine-like conditions). The service needs of older persons increased as a result of loneliness, insecurity and reduced functional capacity. Assistance and support normally provided by family and friends was interrupted or reduced, and the assistance provided by the municipality was lacking. Many had to rely on income support and/or use private services subject to a fee, such as home delivery from shops or pharmacies. Public authorities have not contributed to these costs. Many persons livelihood problems are due to the increased need for services caused by the pandemic.

5. Similarly, small-scale entrepreneurs or self-employed persons, often women, have struggled to earn their living when the freedom to engage in a trade has been restricted by closing shops, restaurants or preventing artists and related services from organising cultural events. Efforts to compensate losses have been made, but due various specifications many have been left with nothing.

6. Due to the risk of infection also various low-threshold services, rehabilitation services and social welfare and healthcare services for groups were temporarily ceased. At the same time the binding nature of family caregivers' work, often women, increased as temporary care during a family caregiver's leave was no longer necessarily arranged.

7. The facilities of schools and other educational institutions were closed down

and contact teaching was interrupted. This placed additional burden especially on women, themselves often working from home, as many of them had to manage kindergarten and school activities during their own working hours.

8. Quarantines, restricted mobility and remote work caused by the pandemic have increased insecurity, violence against women and intimate partner violence. The number of home alerts increased over 20% from previous year. Helplines and advisory services dealing with domestic violence reported an 40 % increase in contacts, with the volume in online chat services topping 2019 levels by the end of May. In contrast, the number of people seeking refuge in shelters has dropped.

Article 1 and 2e

National Human Rights monitoring system

9. As stated by the Government, and in reference to para. 377 of Common Core Document, the monitoring of the discrimination is structurally scattered amongst various laws and authorities depending on the grounds of discrimination. This is demonstrated in the annex to this submission.

10. The Human Rights Centre is currently preparing a report on the entire human rights monitoring system in Finland. The report is due to be finalised later in 2021.

National Human Rights Institution

11. The Finnish NHRI (HRC, Parliamentary Ombudsman and Human Rights Delegation) has been accredited with the A-status in accordance with the UN Paris Principles (in 2014 and 2019) and enjoys full institutional independence from the Government. This is further enhanced by the fact that the Parliamentary Ombudsman is a constitutional body, which gives it a strong legal foundation that cannot be changed by an ordinary law and by simple majority in the Parliament.

12. The HRC with its broad human rights mandate is also an important Rule of law institution with regard checks and balances. The HRC participates actively to RoL monitoring processes.

Impact assessment on fundamental and human rights

13. Impact assessment on the fundamental and human rights must be carried out continuously, systematically and comprehensively. The Government report does not include sufficient analysis, comparable information or reflections on the measures taken and the effects they have on the enjoyment of human rights for individuals or groups of individuals and especially on women and girls.

14. Gender mainstreaming and equality impact, multiple discrimination and effects on specific age groups, minorities or persons with disabilities is not always considered sufficiently while preparing draft laws or planning policy actions.

15. Some of the reasons for this are the insufficient data collection, the lack of disaggregated data and shortage on relevant research. This has become evident also during the preparation of the framework for human rights indicators, to be included in the governments third Action Plan on Fundamental and Human Rights (for 2020–2023) Information is lacking on many important rights and fields of life. Improvement are needed especially in the data collection.

16. Decision making and administration is divided in sectors and cooperation and coordination needs further development. The resources remain scarce and the specific human rights related work in the administration is too often dependent on individual civil servants rather than the system as a whole. A need for an overarching and cross cutting human rights approach within the entire public administration is necessary.

Article 3 - Equality

Government programmes and gender equality programmes

17. The Government lists in its report programs, plans and campaigns. This alone is not sufficient. The government report lacks analysis on the impact of measures.

Mainstreaming of the gender perspective (recommendation 13)

18. As noted by the Government, weaknesses of the Finnish model for mainstreaming are believed to be an overly simplified understanding of gender and inequality. Government states that less than 20% government proposals included gender perspective. Whether this is indeed the case, or only in 20 percent of proposals such assessment was done as it was considered having implications, is not clear.

Article 5 - Violence against women

19. Many positive developments have taken place in legislation, education and training related to violence against women and intimate partner violence, funding of preventive action and victim services (new shelters, helplines, SERI centres, training and action plans).

20. New structures have been created and currently legislation is being drafted to set up a national rapporteur on violence against women. While this initiative is welcome as such, the current draft government bill is suggesting to place the rapporteur within the office of the Non-Discrimination Ombudsman (not dealing with gender equality) and not the Equality Ombudsman or the NHRI and thus separating violence against women from the equality related work, gender specific activities and human rights context.

21. The increasing funding by the Government in countering violence against women is to be commended. Yet the service structures are complicated, mandates are partly overlapping, services are not easily accessible to all and there are not enough low threshold or accessible services enabling victims regardless of their

age, cultural background, languages skills, physical abilities or geographical location to get services and help they need.

22. New forms of violence need to be recognised. Women and girls in especially vulnerable situations (closed religious and other communities, youth in care, persons with disabilities and older persons especially in various living arrangements, migrant women and minorities) need to be included while designing services.

23. Sexual harassment and violence in the society, schools and work places is alarming. Many victims do not appear in statistics. These include LGBTI children and adults, persons with disabilities, elderly, minorities and minorities within minorities. Women with migrant background and their experiences often remain outside the official numbers, as well as services. In communities, including religious communities, where sexuality and sex are tabus or the woman's life is more restricted, the violence remains invisible from the view of authorities but also from statistics.

24. With regard to legal proceedings, legislation and statistics in criminal matters there is also place for improvement. The reform of the Penal Code is timely, including adding the lack of consent as part of the definition of rape. However, improvements are needed in knowledge, attitude and abilities with regard needs of the victims, as well as perpetrators.

25. Many of these questions are also noted in the recent FRA publication from the Fundamental Rights Survey on violence and harassment, published on 19 February 2021. Recently, the latest national estimates to 2020 statistics note that violence between spouses increased by 6 percent, calls to 24/7 helpline increased by 31 % and contacts to crime victim services by 25%.

26. The fee collected when applying for a restraining order in cases where the restraining order is not granted limits the access to this protection. This effects especially women with foreign origin, women with disabilities or women with low income.

27. The use of mediation in cases involving intimate partner violence and domestic violence is another serious concern. voluntary in principle, but due to ongoing specific power dynamics between perpetrator and victim, voluntary often is "non-voluntary" in reality.

28. According to a survey done on persons with disabilities by the NHRI in 2020, most physical violence was experienced by disabled women under 25 years of age. Most sexual violence was experienced by women with neuropsychiatric or development disabilities. Most degrading treatment was experienced by young women with disabilities and women with neuropsychiatric disabilities.

Article 7 - Participation of women

Elections

29. As noted by the Government, both the voter turnout and candidature are not hugely different between men and women although women are under-represented

in the municipal elections. In the municipal elections of June 2021, 39.7 % of the candidates are women, which is 0,2 % lower than in 2017.

30. Many groups of women, including minority or indigenous women, women with disabilities and migrant women, are not equally well represented within the political and public life.

31. Women candidates, elected politicians, women in other public positions and in media encounter harassment and hate speech especially online. This has a silencing effect, women do not talk about certain topics, or they avoid specific discussions or fora to avoid hate rhetoric. Many women refuse candidature in elections, participation in public debate or even online-discussions on social media to avoid being attacked with anti-gender commentary or remarks about personal issues.

Participation of disabled women in society

32. According to a survey done by the NHRI in 2020, persons with disabilities under the age of 25 felt less able to participate in the elections, politics or activities of associations than other age groups. This age group was also least interested in these activities.

33. Women with disabilities in general felt that they could hardly participate in cultural or sporting events. This also correlate with experienced poverty.

Article 10 - Education

Human Rights Education

34. Knowledge on fundamental and human rights, their legally binding nature, interpretation and impacts are needed in all sectors of society: law drafting, policy measures, authoritative activities, judicature, education, research and the media.

35. Each individual need information about their rights, obligations and legal remedies in an accessible and understandable manner. Promoting the human rights education is an important part of strengthening awareness.

36. Especially the educational authorities refer to human rights as a basic value that is connected to democracy and non-discrimination. Human rights as legal basis for all actions is not acknowledged. Furthermore, the fact that human rights education is also a duty *per se*, is not taken into consideration to a sufficient level especially in teacher training.

Article 11 - Employment

Older women, discrimination in working life and gender pension gap

37. According to a study in 2020 among university-educated employees in the age group of 55+, age discrimination in working life was more frequent among women than it was among men. In fact, age didn't seem to correlate with experiences of discrimination among men at all.

38. Older women run a risk to poverty higher than the average. The unequal sharing of family leave between women and men and particularly the long periods of supported home care as well as informal care work increase the gap between earnings and pensions.

39. Women's pensions are on average one fifth lower than men's pensions. Even though the gap has narrowed somewhat, it is still significant and above the EU average. Today, there is not much difference in the average employment rate, length of working careers or retirement of women and men, but the difference in earnings is significant even by international standards (16%).

40. Although the rules of the Finnish pension systems are the same for women and men, it is estimated that in 2085, the median pension for women will still be 15 percentage points lower than for men.

Article 12 – Health Care

Women with disabilities

41. Women with disabilities often face prejudice and inappropriate treatment as parents and in family planning. Disabled mothers' ability to parent is often questioned and health care workers see disabilities as something that is against a child's best interest. Disabled women also struggle to access infertility treatments. Health care workers often have insufficient knowledge on appropriate care for disabled mothers and disabled women who want to become mothers

42. According to the NHRI survey replies in 2020, women with disabilities reported having experienced inappropriate treatment in matters connected to parenthood, marriage, cohabitation and relationships as well as family planning.

Contraceptives

43. Free contraception for young persons, and especially those up to the age of 25, is available only in some municipalities. This is a cause for inequality that directly affects abortion rates and prevalence of sexually transmitted diseases.

Verification of gender and requirement of sterilisation (recommendation 29)

44. The right of self-determination for persons undergoing gender reassignment is included in the current Government Programme 2019-2023. The Human Rights Delegation has already in 2017 and in 2019 requested that The Trans Act will be reformed in its entirety and the infertility requirement will be abolished from the Act. Several UN committees have also repeatedly reminded on the importance of this reform.

45. In June 2021 the Government nominated members to a working group preparing the draft legislation. Meanwhile, a citizens' initiative of over 50.000 signatures on the Trans Act has reached the Parliament in April 2021. The reform concerns only persons over the age of 18.

46. The legal possibility to allow sterilisation of women with disabilities in certain cases against their will continues.

Articles 13 – Economic and social benefits

Equality in allocating spaces, times and funding for sports

47. The criteria for use of sports facilities and receiving grants is not transparent. Opportunities and access to, sporting, recreational and cultural activities and facilities is not equal.

48. Equally, female athletes and their performances are less likely to receive funding and visibility than male athletes.
