**Working Group on discrimination against women in law and in practice**

**Questionnaire on good practices**

In accordance with its mandate, the UN Working Group on the issue of discrimination against women in law and practice has developed this questionnaire to gather information on “good practices” in eliminating discrimination and empowering women for its next thematic report. Given the centrality of the law to the Working Group’s mandate, the report will focus on the processes by which laws that support women’s equality and enjoyment of human rights come into being and are implemented in ways that support women’s enjoyment of their human rights and fundamental freedoms.

The questionnaire intends to solicit information on how a specific law aimed at addressing discrimination against women and promoting women’s substantive equality has come into being, was effectively implemented (I), and what impacts the law has had for women on the ground (II).

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) clearly establishes State obligation to respect, protect and fulfill women’s human rights, ensuring the de facto enjoyment of those rights by women. CEDAW’s framework is founded on the principle of substantive equality, which requires States to take active measures to not only eliminate laws and practices that directly discriminate against women, but to create an environment in which women’s rights can be fulfilled. Good practices in the promotion of women’s human rights thus require a holistic approach that addresses both the causes and consequences of discrimination, and aim at social transformation.

Recognizing the aspiration of the Working Group to better understand the processes and elements which contribute to build “good practices” in legislation and its implementation the Working Group requests that you provide detailed information on at least **one law** adopted in a State that has been successfully implemented in that it has had a notably substantial impact on eliminating discrimination against women in the specific area related to that law and has enhanced women’s enjoyment of their human rights in your national context, such that you consider it a “good practice.” Processes of substantive change often take place over a period of many years, so the law need not be new: this survey should focus on a law whose impact has been substantiated and the impacts of which are still being seen.

The Working Group wishes to thank all stakeholders for responding to this questionnaire **by 12 September 2016.**

**Questionnaire**

**For the following sections, please provide information about a law that has been selected as an exemplary case study of a “good practice” in eliminating discrimination and empowering women in your national context.**

**I. Identification of a law that has eliminated or substantially reduced discrimination and supported women’s empowerment.**

*Background Information on the Law*

### 1. Name/Title of the Legislation: Act on Equality between Women and Men

2. Date the law passed and came into force: \_\_ Into force 1.1.1987\_\_\_\_

3. Was it a new law or an amendment of an existing law?

New ( X ) Amendment ( )

 If it was an amendment of an existing law, please providing name/title of existing law and any pertinent information here:

4. Is the legislation focused specifically on discrimination against women/gender equality, or is it part of a larger piece of legislation (i.e. Labour law with provisions around gender)? Please explain.

Specially on gender based discrimination and gender equality.

5. Please provide a summary of the content of the law, its preamble or explanatory note, policy measures, dissemination and implementation regulations, and provisions for access to justice, as well a link to where all these can be found online.

The objectives of the Act are to prevent discrimination based on gender, to promote equality between women and men, and thus to improve the status of women, particularly in working life.

**The Act on Equality between Women and Men**

The Act on Equality between Women and Men (609/1986) came into force on 1.1.1987, and since then a number of changes to it have been made. The Act was most recently updated in connection with the passing of the new Non-Discrimination Act at the beginning of 2015.

The purpose of the Act on Equality between Women and Men is to prevent discrimination based on gender, to promote equality between women and men, and to improve the status of women, particularly in working life. The Act is also intended to prevent discrimination based on gender identity and gender expression.

The Act on Equality between Women and Men applies as a rule to all sectors of society and in all areas of life. The law is not applied to relationships between family members or other relationships in private life, or to activities associated with religious practices.

The Act on contains three types of regulations: those promoting gender equality, those banning discrimination, and those related to legal protection and supervision:

1. The regulations promoting gender equality relate to the responsibility of authorities, of education providers and other bodies providing education and training, and of employers to promote gender equality. Authorities must assess all their activities from different gender perspectives and create operating practices for the promotion of gender equality. Equality is also promoted through the use of quotas. In educational institutions and in working life, equality is promoted, among other methods, through the use of gender equality plans.

2. In the general bans on discrimination, direct and indirect gender-based discrimination are defined and forbidden. Sexual harassment, gender-based harassment, and any orders or instructions to discriminate are also discrimination. Countermeasures, meaning the less favourable treatment of a person after having appealed to a right, are also classed as discrimination. The ground for discrimination may also be related an individual close to the person, or discrimination may be based on assumption.

The special bans on discrimination define discriminatory practices in working life, educational institutions, organisations representing labour market interests, and in provision of goods and services. The violation of these bans may lead to a demand of compensation. The employer and educational institution has the responsibility, when requested, to give a written report on their actions to anyone suspecting that this kind of discrimination has taken place.

3. Compliance with the Act on Equality between Women and Men is supervised by the Ombudsman for Equality and the National Non-Discrimination and Equality Tribunal.

The Ombudsman for Equality provides, among other things, guidance and advice on application of the Act in matters such as the bans on discrimination and gender equality plans. The Tribunal may, under the threat of imposing a fine, prohibit a discriminatory practice and, based on a presentation by the Ombudsman for Equality, impose the obligation to prepare a gender equality plan within a certain time frame. In the last resort, the person suspecting discrimination may bring legal action demanding compensation in the district court. According to the principle of divided burden of proof, the burden of proof on the person suspecting discrimination has been reduced. Provisions on discriminatory, employment-related, and sexual crimes are in criminal law.

6. When was the first draft of this law introduced, and when was it adopted (please specify dates of first draft and adoption?

*The Law’s Compliance with CEDAW*

*The first draft was introduced while preparing the Act. The Act has been introduced in order to comply with the requirements stipulated in the CEDAW –Convention for Finland’s ratification of the CEDAW Convention.*

7. In your view, does the law in question place a positive duty on the State to achieve substantive equality for women?

Yes ( x ) No ( )

 If yes, please explain:

8. Does the law contain a definition of discrimination that is in accord with Article 1 of CEDAW

Yes ( x ) No ( X )

 If yes, please direct us to the section of the pertinent document. If not, please indicate if that definition is enshrined already in the constitution or charter of rights.

There is an article in the Constitution which prohibits discrimination.

9. Does the law’s definition of discrimination include and define both direct and indirect discrimination?

Yes ( x ) No ( )

 If yes, please explain: According to the Act: “Section 7 Prohibition of discrimination (1) Direct and indirect discrimination based on gender is prohibited. (2) In this Act, direct discrimination means: 1. treating women and men differently on the basis of gender; or 2. treating someone differently for reasons of pregnancy or childbirth. (3) In this Act, indirect discrimination means: 1. treating someone differently by virtue of a provision, justification or practice that appears to be gender-neutral but where the effect of the action is such that the person may actually find herself/himself in a less favourable position on the basis of gender; or 2. treating someone differently on the basis of parenthood or family responsibilities. (4) The action referred to in subsection 3(1-2) above shall not, however, be deemed to constitute discrimination if it is aimed at achieving an acceptable objective and if the chosen means must be deemed appropriate and necessary in view of this objective. (5) Sexual harassment, gender-based harassment and any order or instruction to engage in discrimination based on gender shall be deemed to constitute discrimination under this Act. (6) In this Act sexual harassment means verbal, nonverbal or physical unwanted conduct of a sexual nature by which a person’s psychological or physical integrity is violated intentionally or factually in particular by creating an intimidating, hostile, degrading, humiliating or offensive atmosphere. (7) In this Act gender-based harassment means unwanted conduct related to the gender of a person that is not of a sexual nature, by which the person’s psychological or physical integrity is intentionally or factually violated and by which an intimidating, hostile, degrading, humiliating or offensive atmosphere is created.”

10. How has the Constitution supported the process of adoption and implementation of the law? Does the Constitution have a gender equality and non-discrimination provision?

The Constitution of Finland includes gender equality and non-discrimination provisions.

11. Does the law contain provisions that address discrimination against women from an intersectional perspective, taking into account a diversity of women’s social identities, statuses and experiences

 Yes ( ) No ( )

 If yes, please explain which social identities, statuses and/or intersectional factors are explicitly noted in the law:

The Finnish Constitution, Chapter 2 - Basic rights and liberties Section 6 states:- Equality Everyone is equal before the law. No one shall, without an acceptable reason, be treated differently from other persons on the ground of sex, age, origin, language, religion, conviction, opinion, health, disability or other reason that concerns his or her person.

12. Whom of the following are bound by the law?

 The State Yes ( x ) No ( )

Public Authorities/Bodies Yes ( x ) No ( )

Civil society organisations Yes ( x ) No ( )

Private companies Yes ( x ) No ( )

Individuals Yes ( x ) No (x )

**II. How the law came into being and was implemented**

1. What was the impetus for the development of this law (i.e. social movement activism, political platform, a Supreme Court ruling, an egregious case of discrimination, constitutional reform…)?

In order to be able to ratify the CEDAW –Convention.

2. Were there any conditions in the political context that made it possible for this law to be developed and adopted at the time that it was (i.e. a particular political party in power, a conflict/post-conflict situation, a recent ratification of an HR instrument, etc.)?

Yes ( x ) No ( )

If yes, please explain: A will to ratify the CEDAW –Convention.

3. What actors were consulted and how were they consulted in the law’s development and formulation? Check all that apply, and, where possible, provide names of involved individuals, agencies, organizations, etc.

Legal Experts/scholars (please specify) ( x ) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Government Ministries ( x ) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

NHRI ( ) didn’t exist at that time\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

NGOs/CSOs ( x ) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Other social groups (specify) ( x ) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

4. Was there opposition to the law?

Yes ( ) No ( x )

If yes, please explain from whom and why, and how it was addressed:

6. Were there other laws that needed to be reformed in order to enact this law?

Yes ( ) No ( x )

If yes, please list and explain:

7. Were any international human rights treaties or mechanisms referenced in the law’s creation?

Yes ( x ) No ( )

If yes, please list and explain: the CEDAW Convention.

8. Did any international/regional/national human rights mechanism issue recommendations to the State in regard to amendment or formulation of this law, or regarding effective implementation? If yes, was this recommendation formulated prior, during or after the adoption of the law?

Yes ( x ) No ( )

If yes, please list and explain: The UN Treaty Bodies and the Council of Europe

9. What measures to support implementation were built into the law or developed immediately after (and as a result of) its passing? This could include such measures as budgetary and resource allocation, monitoring mechanisms, data collection, impact measurement mechanisms, independent monitoring, etc. Please list and explain, providing any relevant documents. The Ombudsman for equality was created by the Act and this supervision has had an sustainable impact on the implementation of the Act.

10. How was the law made accessible to the public? Did it include formal training on the new law for all stakeholders involved? Were specific groups (of women) targeted for these activities? Who was involved in these initiatives, and where did the funding come from? Please answer in detail.

Already the preparation of the Act, which deals equality for men as well, made it widely known and afterwards there were various campaigns, seminars and other activities to promote awareness of the Act. The Ombudsman and the Council for Gender Equality actively promotes the awareness of the Act.

11. Have there been any barriers to the law’s full and successful implementation?

Yes (x ) No ( )

If yes, please explain the barriers and how they were/are being addressed:

12. What kinds of roles are being carried out by civil society/women’s organizations in supporting the implementation and impact of the law? How are these activities being financed?

In general women’s organisations and other human rights organisations play a crucial role in Finland for the promotion of equality and non-discrimination. Many of the actors are financially supported by the public sector.

**III. The impacts that the law has had for women on the ground**

1. Did the adoption of the law result in the creation of any policies?

Yes ( x ) No ( )

If yes, please list and explain: Various, starting from the Governments action plan for equality of which the implementation is also being monitored.

2. Have court cases/decisions resulted from the law? Has this data been systematically collected? If so, please provide details about the number of cases, convictions, decisions made.

The courts are bound to apply the provisions of the Act. In addition the ombudsman has influenced in the application of the provisions of the Act.

3. What specific and measurable outcomes showing the impact of the law on society and on women’s enjoyment of their rights have been recorded as a result of the adoption and implementation of the law? How have these been monitored and by whom?

4. Are there other impacts of the law that have been observed? As mentioned in the previous one.

Yes ( x ) No ( )

If yes, please list and explain what they are, as well as monitoring mechanisms used to observe and/or measure those impacts:

5. What mechanisms have been set up to review and assess the implementation of the law?

Functioning of the Ombudsman for Equality, collecting information + data, ngos.

6. Is there data on how the law has affected some groups of women differently (i.e. based on race, ethnicity, religion, social class, age, etc.)?

Yes ( ) No ( x )

If yes, please explain the differential impacts and provide any relevant documents.

7. Has there been independent monitoring of the law?

Yes ( ) No ( x )

Please provide information.