



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights Fifty-third session

### Summary record of the 46th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 12 November 2014, at 3 p.m.

*Chairperson:* Mr. Kedzia

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*Sixth periodic report of Finland*

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*The meeting was called to order at 3.05 p.m.*

### **Consideration of reports**

#### **(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant**

*Sixth periodic report of Finland (E/C.12/FIN/6; E/C.12/FIN/Q/6 and Add.1)*

1. *At the invitation of the Chairperson, the delegation of Finland took places at the Committee table.*

2. **Mr. Kosonen** (Finland) said that in 2013 the Finnish Ministry for Foreign Affairs had published a strategy on human rights, whose guiding principles were the elimination of discrimination and promotion of inclusion; with those aims in mind, the strategy sought to enhance the status of economic, social and cultural rights.

3. Various measures had been adopted, including in the legislative field, to combat discrimination in the workplace, discrimination against older persons in health-care services and discrimination against the Sámi, Roma, immigrants, persons suffering from mental illnesses and transsexuals and to strengthen the capacity of non-governmental organizations (NGOs) that represented minorities. Steps had also been taken to increase school attendance by Roma children and to include the Roma language and literature in core curricula by the end of 2014. The children of immigrants were entitled to comprehensive medical examinations throughout their school years. In June 2013, Government had adopted a strategy on the future of migration up to 2020, together with an action plan to increase the employment of immigrants, establish a more effective integration policy, speed up the processing of asylum applications and carry out effective anti-discrimination measures. The ratification of the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169) would be considered by Parliament shortly. The Ministry of the Interior had launched a training programme for NGOs that represented minority groups as part of the *YES – Equality is a Priority* project. As from 1 August 2014, the date of the entry into force of the revised Mental Health Act, all physicians could issue an opinion on whether a patient should be placed under observation in a psychiatric hospital and inform a health centre when a person's mental state indicated the probable need for involuntary treatment. The procedure for extending treatment had been reviewed to include the right of inpatients to request the opinion of an independent physician and have their condition reassessed before the end of the three-month maximum treatment period.

4. According to a survey on the labour force by the Finnish national statistics office, the unemployment rate had risen to 8.2 per cent in September 2014, compared to 7.6 per cent in 2013, while unemployment among young people aged 15 to 24 had remained stable during the same period (17.9 per cent). An act to enhance the employability of persons in the weakest position in the labour market would enter into force on 1 January 2015. In early 2013, Finland had started implementing a programme to ensure that all young persons under 25 and all young graduates under 30 were offered a job, work placement or training within three months, and that all persons completing basic education were guaranteed a place in upper secondary education, vocational training, apprenticeship or some other form of training. In September 2014, the Government had discussed a plan for implementing the United Nations Guiding Principles on Business and Human Rights.

5. The Government had taken significant steps to reduce alcohol consumption. The issue of the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) was under discussion by Parliament. Sexual harassment had been a criminal offence since 1 September 2014. The Ministry of Social Affairs and Health had mandated the National Institute for Health and

Welfare to prepare a comprehensive guide and training module for persons working with children and families on the disclosure of information made available to them and the corresponding rules on confidentiality. An act on housing subsidies had been adopted in September 2014.

*Articles 1 to 5*

6. **Mr. Marchán Romero** (Country Rapporteur) welcomed the State party's willingness to engage in dialogue and noted with satisfaction that Finland had ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights on 31 January 2014. He asked what was the status of the Covenant in domestic legislation and whether it could be directly invoked in the courts and requested further details on the situation of the national human rights centre in terms of compliance with the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights ("Paris Principles").

7. He asked how much of the gross national product (GNP) the authorities set aside for official development assistance and requested additional information on measures adopted to combat youth unemployment, ensure equal pay for work of equal value and reduce the number of poor families. He asked whether the Sámi, as an indigenous population, could own and use their ancestral lands.

8. **Mr. Tirado Mejía** asked whether the draft Non-Discrimination Act, submitted to Parliament in the spring of 2014, had been adopted. He requested more details on the findings of the working group created in July 2013 by the Ministry of Agriculture and Forestry to consider the issue of Sámi participation in decisions concerning the use of land and water within their territory. He asked whether the authorities intended to require Finnish logging companies to prohibit child labour in their overseas operations.

9. **Mr. Schrijver** asked whether the Non-Discrimination Act would apply to all persons under the jurisdiction of the Finnish courts and what specific changes it would bring about. While noting that Finland continued to be generous in hosting refugees and asylum seekers, he wondered whether there were plans to end the requirement for refugees to produce a form of identification to be able to benefit from measures to facilitate integration into society. He asked whether Finland had set a target of 0.7 per cent of its GNP for official development assistance and whether the provisions of the Covenant were being implemented in overseas cooperation efforts.

10. **Ms. Shin** asked whether sexual orientation was considered grounds for discrimination and whether action had been taken to promote a work-life balance for both men and women. She sought additional details on the definition of sexual harassment adopted by the State party.

11. **Mr. Mancisidor** enquired about progress made in the negotiations on the Nordic Sámi Convention which had been due to resume in 2011. He asked how the 2013 act recognizing Sámi languages and authorizing their use in public services was being implemented in practice. He invited the delegation to comment on any studies that had been conducted into the impact of climate change on Sámi livelihoods and their way of life.

12. **Mr. Martynov** asked whether the new Non-Discrimination Act would cover discrimination against persons with disabilities. He wished to know when the State party planned to take specific action to ensure that headway was made on the issue of Sámi rights.

13. **Mr. Atangana** enquired about the status of the Covenant under the Finnish legal system.

14. **Ms. Bras Gomes** underscored the complexity of the Non-Discrimination Act, which afforded variable protection depending on the grounds of discrimination. With regard to the

discrimination in health-care services that older persons were experiencing, according to the delegation's opening statement, and given that the periodic report stated that discrimination was less common in social services, she asked whether it could be concluded that the case of older persons was an exception, or whether discrimination against them was a recent trend.

15. She sought clarification of the concept of "visible minorities" mentioned in the 2012 and 2013 project to open up recruitment in public service to third-country nationals and members of those minorities. What were the visible minorities, and did they include the Sámi? What results had been achieved through the project? Similar measures could perhaps be adopted in the private sector, to which access was even more difficult for members of certain communities such as the Roma. The State party had been the first to translate the Guiding Principles on Business and Human Rights into an action plan. It would be interesting to know its position on extraterritorial obligations and whether they applied only to Finnish companies, or also to overseas companies.

*Articles 6 to 9*

16. **Mr. Shrijver** requested more information on the structural causes of high youth unemployment.

17. **Ms. Shin** asked what proportion of women were employed under permanent contracts and whether they belonged to specific population categories. Given that the State party admitted that the gender pay gap was due to gender segregation in employment, she asked whether a correlation table between typically female and typically male occupations could be drawn up with a view to aligning salaries.

18. **Mr. Ribeiro Leão** asked the delegation to clarify what constituted sexual offences according to the Criminal Code and to provide updated statistics on sexual harassment. Recent data on the implementation of the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces would also be welcome.

19. **Ms. Bras Gomes** enquired about the current situation with regard to social protection for informal, seasonal and temporary workers. She expressed surprise that civil servants did not have the right to form unions and asked the delegation for an explanation on the matter. She also noted with concern that the Nordic social protection system no longer covered all aspects of life, or did so with a large number of conditions attached. Social benefits therefore constituted last-resort financial assistance and their payment could be contested. Moreover, the social minima were not enough to guarantee a decent standard of living.

20. **Mr. Martynov** requested statistics on long-term unemployment for 2013 and the first half of 2014. He asked whether the State party intended to implement a strategy in that area. According to data from the Council of Europe Commissioner for Human Rights, persons with disabilities were often victims of discrimination. He asked the delegation to explain why the State party had not ratified the Convention on the Rights of Persons with Disabilities and whether it planned to do so in the near future.

21. He sought information on the informal sector's share of the economy and on access to non-contributory social benefits by informal workers. In light of the concluding observation addressed by the Committee to Finland in 2007 on the use of temporary employment contracts, it would be useful to know what specific steps had been taken to prevent such contracts from being used to obstruct the enjoyment of labour rights; the provision of statistics on temporary work for 2013 and 2014 would enable the Committee to compare them with data from 2007.

22. **Mr. Abdel-Moneim** asked whether the special benefit for immigrants had indeed been abolished and replaced by the guarantee pension system, and what was included in the protection afforded to immigrants. He asked whether the amount of the absolute minimum pension was sufficient. Information on changes in the consumer price index during the period covered by the report (1 June 2005 to 31 May 2010) would also be welcome.

23. **Mr. Marchán Romero** (Country Rapporteur) enquired about measures the State party planned to adopt to combat the discrimination against migrants in employment and access to social benefits which was particularly widespread in the private sector.

24. **Ms. Tiusanen** (Finland) said that, as the Finnish legal system was a dualist one, all international instruments that were ratified were incorporated into domestic law. The large body of laws on economic, social and cultural rights was accordingly well known to the courts, although it was also possible to invoke the provisions of the Convention directly.

25. **Mr. Puurunen** (Finland) said that the hierarchy among legal standards was of little importance because section 22 of the Constitution required the public authorities and courts to ensure the implementation of human rights and fundamental freedoms.

26. **Ms. Tiusanen** (Finland) said that the national human rights institution had been established in 2012 and was composed of the Office of the Parliamentary Ombudsman, the Human Rights Centre and the delegation for human rights. The institution was in compliance with the Paris Principles, but had not yet received accreditation from the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights. Although it had offices inside Parliament, it was independent and had its own annual budget.

27. **Ms. Hiekka** (Finland) said that the share of GDP allocated to official development assistance had increased from 0.4 per cent in 2007 to 0.66 per cent in 2013, and that Finland remained committed to achieving the target of 0.7 per cent. In its 2012 policy decision on the matter, the Government had set three general objectives — gender equality, reducing inequalities and environmental sustainability — which overlapped well with many aspects of the Covenant. The main aims of the 2013–2015 human rights strategy were to end discrimination and promote social integration through women’s empowerment programmes and to ensure the enjoyment of economic, social and cultural rights.

28. **Mr. Puurunen** (Finland) said that negotiations held with the Sámi Parliament had led to a declaration of mutual agreement on the ratification of ILO Convention No. 169 on indigenous and tribal peoples and, in particular, on the recognition of the existing land rights of the Sámi.

29. **Ms. Tiusanen** (Finland) said that, in addition to the negotiations, the ministerial working group responsible for Sámi affairs had instigated a bill on the amendment of the Act on the Sámi Parliament. The bill sought to strengthen the functioning and participation of the Sámi Parliament, and included a definition of the word “Sámi”, decided upon in consultation with that Parliament.

30. **Mr. Cortés Téllez** (Finland) said that the effects of climate change on Sámi livelihoods and their way of life, including reindeer herding, had not been clearly foreseen.

31. **Ms. Arrhenius** (Finland) said that 635,000 persons (11.9 per cent of the population) had been living below the poverty line in 2012, while in 2010 that number had been in the region of 700,000. The people most affected had been students and persons aged over 75 years, especially women. The Finnish Government had adopted a package of social measures to assist them, and had defined indicators to monitor the situation. Older persons were not particularly subject to discrimination in the health system, although they had said in response to a survey that they felt they were; what this had actually revealed was their perception of the current situation, with long waiting lists and a lack of skilled health-care

workers. There were therefore no grounds for concluding that they were the direct victims of discrimination.

32. The Roma struggled to find work because they did not always have the required professional background, but also because there was deep-rooted prejudice against that population group. The competent authorities provided advice to Roma who were completing their studies in order to help them enter the labour market.

33. **Ms. Yli-Pietilä** (Finland) said that the Government had submitted a range of proposals to Parliament in 2014 on amendments to both the Equality Act and the Non-Discrimination Act. The Government proposed to include sexual identity in the prohibited grounds of discrimination in the Equality Act, thereby providing protection to transgender and intersex persons, while it proposed to introduce the prohibition of discrimination on grounds of sexual orientation and discrimination against persons with disabilities in the Non-Discrimination Act.

34. **Ms. Tiisanen** (Finland) said that Parliament had not yet ruled on the proposals put forward because it was a major reform that required consideration by many specialized committees. The existing Non-Discrimination Act applied to all persons residing in Finland, including foreign nationals.

35. **Ms. Männistö** (Finland) said that only 4 to 5 per cent of the population was of foreign origin. She could not provide statistical data showing the good results achieved in the “visible minorities” project, but could state that it had been very successful, with many members of the target population entering public service. In the private sector, training and workshops had been organized to draw the attention of business leaders to the need to take diversity into account in their recruitment policies.

36. **Ms. Koivuranta** (Finland) said that retired immigrants whose pension was less than the minimum legal amount had hitherto received special benefits paid by the State. Those had been abolished following the introduction of the guaranteed pension for all, which was set at 685 euros a month.

37. **Ms. Jalkanen** (Finland) said that the Non-Discrimination Act applied to private sector companies as well as to those in the public sector. The list of grounds of discrimination provided for in the Labour Code and Public Service Act was long and non-exhaustive, to allow for other grounds to be added over time.

38. **Mr. Puurunen** (Finland) said that the law did not provide for identity cards to be issued to refugees and asylum seekers. They received travel documents and a passport for foreign nationals stating their identity as “unconfirmed”, which prevented them from opening bank accounts, for example. The Finnish Government was currently considering whether or not to amend that provision.

#### *Articles 10 to 12*

39. **Mr. Ribeiro Leão** enquired about the results of the action plan to combat violence against children and women adopted in 2008, as described in paragraphs 208 to 212 of the report under consideration. He wished to know what steps the State party had taken to combat poverty among families with children, the only group whose poverty rate had increased in recent years, and whether school meals were balanced in order to help combat childhood obesity.

40. **Mr. Pillay** asked about the poverty rate among the Roma and the various immigrant groups, and what action the State party had taken to facilitate Roma access to social housing without undue delay. He asked what measures had been adopted by the State party to support the homeless, of whom there were a great many in Helsinki, mostly immigrants.

41. **Mr. Abashidze**, referring to an incident that had received considerable attention in the Finnish media (a mother who, following the traditions of her culture of origin, had pulled out her young child's milk teeth), asked what child protection measures had preceded the publication of the guide prepared by the National Institute for Health and Welfare, which had been mentioned in the opening statement. He wished to know whether, when writing the guide, the Government had taken into account the customs and traditions of the various minorities in the country, particularly the Russian-speaking minority.
42. **Mr. Atangana**, noting that more than 20 women died each year from domestic violence, asked what had been the impact of measures adopted in 2008 to combat the problem and requested updated supporting information.
43. **Ms. Bras Gomes** asked why parents on parental leave could not place their children in childcare facilities if they were less than 3 years of age, and whether the proposal submitted by the Ministry of Education and Culture to that effect was due to a lack of space in early childhood day-care facilities.
44. **Mr. Abdel-Moneim** asked what action the State party was taking in the current international health context to fulfil its obligation to ensure the prevention of epidemic diseases, as provided for in article 12, paragraph 2 (c), of the Covenant.
45. **Mr. Tirado Mejía** asked whether drug abuse was a problem in the State party, and what the Finnish Government's position was on the decriminalization of certain "soft" drugs.

*Articles 13 to 15*

46. **Mr. Kerdoun** requested details of the literacy rate and the Roma school dropout rate in the State party and asked whether Roma children and child refugees enjoyed equal access to education. He asked whether the children of illegal immigrants were entitled to receive compulsory education in the same way as the children of legal immigrants, and requested further information on the syllabus for Sámi culture and history.
47. **Mr. Schrijver** enquired about the impact on Sámi livelihoods and cultural identity of logging, mining and construction projects on their land.
48. **Mr. Mancisidor**, pointing out that two of the Sámi languages were endangered, asked whether, in order to preserve them, the State party had put in place training programmes for teachers of those languages. He requested more information on how the State party upheld the right to fully enjoy the benefits of scientific progress and its applications and of the development and diffusion of science and culture.
49. **Mr. Marchán Romero** (Country Rapporteur) asked the delegation to describe in more detail the measures adopted by the State party in 2014 to revitalize the Sámi languages, including Skolt Sámi. Given that, according to the State party, the self-identification process involved both objective and subjective elements, he would like to know what happened when the various elements were in conflict, and whether it was ultimately up to the rights holder to decide.

*The meeting rose at 6 p.m.*