



## Economic and Social Council

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### Committee on Economic, Social and Cultural Rights

#### Concluding observations on the sixth periodic report of Finland<sup>\*</sup>

1. The Committee on Economic, Social and Cultural Rights considered the sixth periodic report of Finland (E/C.12/FIN/6) on the implementation of the International Covenant on Economic, Social and Cultural Rights at its 46th and 47th meetings (E/C.12/2014/SR.46-47) held on 12 and 13 November 2014, and adopted, at its 70th meeting held on 28 November 2014, the following concluding observations.

##### A. Introduction

2. The Committee welcomes the submission of the sixth periodic report of Finland. The Committee also takes note with appreciation of the written replies, which it received to its list of issues (E/C.12/FIN/Q/6/Add.1), and welcomes the constructive dialogue held with the State party's delegation composed of various experts.

##### B. Positive aspects

3. The Committee welcomes the State party's ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, including the acceptance of the inter-state communications and the inquiry procedures, on 31 January 2014.

4. The Committee also welcomes the State party's ratification of the:

(a) Optional Protocol to the Convention on the Rights of the Child on Sale of Children, Child Pornography and Child Prostitution, on 1 June 2012; and

(b) Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on 8 October 2014.

5. The Committee takes note with appreciation of the State party's measures to promote economic, social and cultural rights, which included:

(a) The adoption of the National Action Plan on Fundamental and Human Rights 2012-2013;

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<sup>\*</sup> Adopted by the Committee at its fifty-third session (10-28 November 2014)

- (b) The adoption of the first Human Rights Strategy of Foreign Service of Finland in 2013;
- (c) The adoption of the Action Plan for Gender Equality 2012-2015; and
- (d) The adoption of the National programme for revitalization of Sámi language in 2014.

## C. Principal subjects of concern and recommendations

### Justiciability of the Covenant rights

6. The Committee regrets the lack of information about cases of direct applicability of the provisions of the Covenant before the domestic courts in the State party.

**In light of its general comment No. 9 (1998) on the domestic application of the Covenant, the Committee recommends that the State party collect and make available information, in its next report, on the justiciability of all the rights enshrined in the Covenant, including cases of direct application of the Covenant before domestic courts as well as information on the available remedies for individuals claiming a violation of their economic, social and cultural rights, as contained in the Covenant.**

### National human rights institution

7. While welcoming the establishment of the Human Rights Centre and the Human Rights Delegation, which jointly constitute the national human rights institution, the Committee is concerned about the lack of information on the resources made available to the institution in order to ensure the effective implementation of its mandate.

**The Committee recommends that the State party take practical measures to ensure that the national human rights institution is provided with adequate resources to effectively and independently carry out its mandate, including the promotion and protection of economic, social and cultural rights.**

### Official development assistance

8. While the Committee appreciates the efforts made by the State party, it notes with concern that the international target of allocating 0.7 per cent of gross national product for official development assistance has not been yet achieved (art. 2).

**The Committee recommends that the State party step up its efforts to meet the international target of allocating 0.7 per cent of gross national product for official development assistance.**

### Right to own and dispose of natural wealth and resources

9. Recalling its previous concern (E/C.12/FIN/CO/5, paragraph 11), the Committee regrets the lengthy process in the recognition of the rights of the Sámi people to use their land and to pursue their traditional livelihoods within their homeland. The Committee notes the information provided during the dialogue that ongoing negotiations on the question of the Sámi people's right to land would not alter the current private and State party's land rights, thus the legal uncertainty of the Sámi people's rights to their ancestral territories would not be resolved. The Committee is further concerned about the lack of adequate measures to address the adverse effect of climate change on the Sámi people and to ensure that logging and other activities carried out by private actors do not negatively affect the enjoyment of their economic, social and cultural rights (art.1).

In light of its previous recommendation (E/C.12/FIN/CO/5, paragraph 20) and currently available information, the Committee urges the State party:

- (a) To strengthen its efforts to adopt the necessary legislative and administrative measures to fully and effectively guarantee the Sámi people's rights to own their land and to freely dispose of their natural wealth and resources;
- (b) To seek the prior, free and informed consent of the Sámi people before granting licences to private companies for economic activities on territories traditionally occupied or used by the Sámi communities;
- (c) To ensure that licensing agreements with private entities provide for adequate compensation of the affected communities;
- (d) To adopt the appropriate measures to address the adverse effect of climate change on the Sámi people's land and resources; and
- (e) To speed up the ratification of the ILO Convention No. 169 concerning Indigenous and Tribal peoples.

#### **Business and economic, social and cultural rights**

10. Despite the information provided by the delegation on the national implementation of the United Nation Principles on Business and Human Rights, the Committee is concerned about the lack of a regulatory framework to ensure that companies operating in the State party, as well as companies under the State party's jurisdiction acting abroad, fully respect economic, social and cultural human rights (art. 2, para.1).

**The Committee recommends that the State party:**

- (a) Establish a clear regulatory framework for companies operating in the State party to ensure that their activities do not negatively affect the enjoyment of economic, social and cultural human rights; and
- (b) Adopt appropriate legislative and administrative measures to ensure legal liability of companies and their subsidiaries based in or managed from the State party's territory regarding violations of economic, social and cultural rights in their projects abroad.

The Committee draws the attention of the State party to its statement on the obligations of State parties regarding the corporate sector and economic, social and cultural rights (E/2012/22, annex VI, section A).

#### **Legal framework for non-discrimination**

11. The Committee is concerned that, despite the proposed amendments to the non-discrimination legal framework aimed at extending the protection to all grounds of discrimination, the institutional framework to monitor its implementation and to deal with complaints remains complicated and difficult to access (art. 2.2).

**Taking into account its general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights, the Committee recommends that the State party, while considering the amendments to the Non-discrimination legal framework, takes all necessary measures to improve its legal and institutional framework for the protection against discrimination, by ensuring the same level of protection for all grounds of discrimination and to promote the full protection of all economic, social and cultural rights.**

#### **Non-discrimination**

12. The Committee is concerned that discrimination against persons with immigrant background, as well as members of minorities, such as Russian-speakers, Roma, and Somali persists in the State party, particularly in the field of employment, education, health care and housing. While welcoming the implementation of the National Policy on Roma, the Committee is concerned about the lack of specific measures to address the persistent discrimination faced by other minorities (art. 2.2).

**The Committee recommends that the State party intensify its efforts to prevent and combat the persistent discrimination against persons with immigrant background, as well as persons belonging to national or ethnic, religious and linguistic minorities, including by adopting specific and targeted measures to address the problems faced by all minorities in accessing employment, housing, education and health care and by undertaking awareness-raising campaigns.**

#### **Persons with disabilities**

13. The Committee is concerned that discrimination against persons with disabilities is widespread in the State party, particularly in the field of employment (art. 2. 2 and 6).

**The Committee recommends that the State party adopt all necessary measures to promote opportunities for productive and remunerated employment in the labour market for persons with disabilities, including through the application of persons with disabilities employment quotas both in the public and private sectors. The Committee also recommends that the State party include prohibition of disability-based discrimination in the new Non-Discrimination Act being considered in the State party. The Committee requests the State party to provide information on the situation of employment of persons with disabilities, disaggregated by sex and types of disabilities in its next report.**

#### **Refugees and Asylum-seekers**

14. The Committee is concerned about the challenges faced by asylum-seekers and refugees in their enjoyment of economic, social and cultural rights, particularly due to the lack of access to identity documents and the shortage of municipality placements for refugees accepted for resettlement from abroad (art. 2.2).

**The Committee recommends that the State part provide asylum seekers and refugees with recognized identification cards to ensure their enjoyment of economic, social and cultural rights in the State party. The Committee also urges the State party to take the necessary measures to expand the availability of municipality placements to ensure the prompt resettlement of refugees and to promote their full integration in the State party's society.**

#### **Equality between men and women**

15. The Committee remains concerned that women, particularly women from ethnic minorities, older women, and women with disabilities continue to face multiple forms of discrimination in the enjoyment of their economic, social and cultural rights. The Committee also notes with concern the persistent gender-based segregation of occupations and sectors, which is the main cause of the continuing gender-based wage gap. (art. 3).

**Taking into account its general comment No. 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights, the Committee recommends that the State party:**

**(a) Adopt all necessary measures to address the challenges faced by women from disadvantaged or marginalized groups in the enjoyment of their economic, social and cultural rights; and**

(b) **Take appropriate measures to eliminate the persistent gender pay gap by addressing the significant vertical and horizontal gender-based segregation in the labour market, which results in women occupying lower paid jobs and facing obstacles in the enjoyment of career opportunities on an equal footing with men; and**

(c) **Increase its efforts to provide necessary social support in terms of children centres and parental leave, including through more awareness-raising on the equal sharing of responsibilities within the family and in the society.**

#### **Youth unemployment and long-term unemployment**

16. The Committee notes that, despite the adoption of the Youth Guarantee Scheme and its implementation Plan, the unemployment rate among young people remains significantly high. The Committee is concerned about the increasing rate of long-term unemployment in the State party (art. 6).

**The Committee recommends that the State party continue to strengthen its actions to combat youth unemployment, in particular through the effective implementation of the Youth Guarantee Scheme. The Committee also recommends the State party to adopt all necessary measures to effectively address the high long-term unemployment rate, including through the adoption of a comprehensive strategy in order to achieve sustained and substantial progress in fighting this issue.**

#### **Labour conditions**

17. The Committee is concerned about the discriminatory labour conditions faced by migrants and about the lack of regulations of working conditions, particularly with regard to seasonal workers who may be deprived of just and favourable conditions of work and social security benefits. The Committee also reiterates its previous concern (E/C.12/FIN/CO/5, paragraph 15) on the use of temporary employment contracts (arts. 7 and 9).

**The Committee recommends that the State party:**

(a) **Redouble its efforts to combat discrimination practices concerning migrant workers in the labour market, including by strengthening the enforcement of anti-discrimination legislation;**

(b) **Effectively regulate the labour sector, in particular with regard to the labour conditions, including by granting all workers, including migrant workers the right to register and join social security schemes;**

(c) **Ensure that the informal sector is effectively monitored by the labour inspection services; and**

(d) **Take all necessary measures to ensure that temporary employment contracts are not used to evade the effective enjoyment of labour rights.**

#### **Equal pay for work of equal value**

18. The Committee remains concerned about challenges faced by the State party in the implementation of the principle of equal pay for work of equal value, particularly due to the lack of a comprehensive strategy (art. 7).

**The Committee recommends the State party to redouble its efforts in the implementation of the principle of equal pay for work of equal value, including through the further development of the Equal Pay Programme and to undertake comparative studies among the different categories of work in relation to equal pay and equal value in order to develop a comprehensive strategy.**

#### **Discrimination of women based on maternity leave**

19. The Committee regrets reported information about dismissals, non-recruitments or non-renewals of labour contracts owing to pregnancy, childbirth or maternity leave (arts. 7 and 10).

**The Committee recommends the State party to take all necessary legislative and administrative measures, including labour inspections, to prohibit employers from dismissing, as well as not recruiting or renewing fixed-term labour contracts based on pregnancy, childbirth or maternity leave.**

#### **Social Security**

20. The Committee is concerned about the inadequacy of the minimum levels of the basic social assistance; as well as of the sickness and old-age benefits (art. 9).

**Recalling its general comment No. 19 (2008) on the right to social security, the Committee recommends that the State party adopt the necessary measures to ensure that the minimum level of social benefits, including the basic social assistance, sickness and old-age benefits are sufficient to cover the real costs of living.**

#### **Children placed in institutions**

21. Despite the adoption of the Child Welfare Act, the Committee remains concerned about information on the increasing number of children placed in care institutions and at the relatively high proportion among them of children belonging to ethnic minorities (art. 10).

**The Committee recommends that the State party take steps to ensure that family-type care rather than institutional care is offered for children deprived of a family environment and to ensure full protection to families with children belonging to national minorities. In this regard, the Committee recommends that the State party take into account the Guidelines for the Alternative Care of Children, annexed to General Assembly resolution 64/142.**

#### **Domestic violence**

22. The Committee is concerned that, despite the adoption of a National Action plan to Reduce Violence against women, the incidence of domestic violence remains high and that there is a lack of adequate support services to protect victims (art. 10).

**The Committee urges the State party to take all necessary effective measures to combat and prevent incidents of domestic violence and to protect all victims by providing adequate access to shelters for immediate protection, legal aid and medical services, as well as to remedies and compensation, and by holding perpetrators accountable. The Committee also urges the State party to undertake information campaigns in order to increase public awareness, and to provide training to law enforcement officials and judges on the serious and criminal nature of domestic violence.**

### Poverty

23. The Committee is concerned that around 11.9 per cent of the population lives below the poverty threshold and that certain segments of the population are at an increased risk of poverty, in particular single-parent families and families with children (art. 11).

**The Committee recommends that the State party take steps to introduce measures to guarantee targeted support to all those living in poverty or at risk of poverty, in particular single parent families and families with children. In this regard, the Committee draws the attention of the State party to its statement on poverty and the International Covenant on Economic, Social and Cultural Rights, adopted on 4 May 2001.**

### Homelessness and right to adequate housing

24. The Committee notes with concern that, despite the measures adopted, homelessness persists in the State party. The Committee is also concerned about the continuing shortage of social housing in the municipalities and the long waiting lists. It is further concerned that disadvantaged and marginalized groups, including Somali and Roma, face obstacles in realizing their right to adequate housing. (art. 11).

**Taking into account its general comment No. 4 (1991) on the right to adequate housing, the Committee recommends that the State party adopt all appropriate measures to improve the availability and provision of municipal low-cost social housing units, in particular to disadvantaged and marginalized groups and individuals, including Somali and Roma. The Committee furthermore recommends that the State party take all appropriate measures to improve the quantity of reception facilities (including emergency shelters, hostels, reception and social rehabilitation centres), and develop appropriate policies and programmes to facilitate the social reintegration of homeless persons.**

### Alcohol abuse and drug use

25. The Committee is concerned that consumption of alcohol and drugs remains remarkably high among young people (art. 12).

**The Committee recommends that the State party adopt all necessary measures, in addition to high taxes or the prohibition of advertisements, to counter alcohol abuse and drug use, particularly among young persons, including by undertaking awareness raising campaigns.**

### Right to sexual and reproductive health of women and girls with intellectual disabilities

26. While noting the information provided by the delegation on the safeguards to protect the right to sexual and reproductive health of women and girls with intellectual disabilities, the Committee is concerned that in particular cases the decision on sterilisation might be made by the legal representative of the rights holder (art. 12).

**The Committee recommends that State party effectively ensure that safeguards to the rights of women and girls with disabilities are adequately protected. It also encourages the State party to develop a model for support in the decision-making process with regard to their right to sexual and reproductive health.**

### Access to health care services

27. The Committee is concerned that irregular migrants and asylum seekers do not have access to health-care services other than emergency health-care services (art. 12).

The Committee recommends that the State party take steps to ensure that irregular migrants, asylum seekers and refugees have access to all necessary health-care services, and reminds the State party that health facilities, goods and services should be accessible to everyone without discrimination, in line with article 12 of the Covenant. The Committee draws the State party's attention to its general comment No. 14 (2000) on the right to the highest attainable standard of health.

#### **Right to education**

28. The Committee remains concerned about the difficulties faced by children of immigrant background, as well as Roma children in the education system, particularly as regards the persistence of discrimination and bullying, the high number of children in special education and the high dropout rate (arts. 13 and 14).

**Following on its previous recommendation (E/C.12/FIN/CO/5, paragraph 28), the Committee urges the State party to redouble its efforts to ensure equal access to inclusive education for all children, including children of immigrant background and Roma children and to intensify its effort to continue to reduce the drop-out rates of children from these groups. The Committee also recommends that the State party systematically collect disaggregated data on bullying in schools, strengthen the measures adopted to combat this phenomenon, and assess the effectiveness of such measures.**

#### **Revitalization of Sámi languages**

29. The Committee notes with concern that the variety of Sámi languages is decreasing and some of them are at risk of extinction. The Committee regrets that Sámi language education outside their Homeland remains unsatisfactory, particularly due to the shortage of teachers (arts. 13 and 15).

**The Committee urges the State party to ensure the effective implementation of the National programme for the revitalization of Sámi languages, including by allocating adequate resources and by increasing the number of teachers. It also encourages the State party to guarantee the access of education in Sámi languages inside and outside the Homeland, to preserve, protect and promote their culture as part of cultural diversity and heritage.**

#### **Right to benefit from scientific progress**

30. The Committee requests the State party to provide information in its next periodic report on the implementation of its Open Science and Research (ATT) Initiative (2014-2017), on how it will incorporate a human rights based approach to ensure the enjoyment of the benefits of scientific progress and its applications in the State party, and on how the State party will carry out its international cooperation in this field.

### **D. Other recommendations**

31. The Committee encourages the State party to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention on the Rights of Persons with Disabilities.

32. The Committee requests the State party to disseminate the present concluding observations widely at all levels of society, in particular within the civil service, the judiciary, the parliament and civil society organizations, and to inform the

**Committee, in its next periodic report, of the steps it has taken to implement them. It encourages the State party to involve civil society organizations in discussions at the national level prior to the submission of its next periodic report.**

**33. The Committee invites the State party to submit its common core document in accordance with the harmonized guidelines on reporting (HRI/MC/2006/3) approved by the human rights treaty bodies.**

**34. The Committee requests the State party to submit its seventh periodic report in accordance with the guidelines adopted by the Committee in 2008 (E/C.12/2008/2) by 30 November 2019.**

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