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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLES 16 AND 17 OF THE COVENANT

FINLAND

Concluding Observations of the Committee
on Economic, Social and Cultural Rights

1. The Committee on Economic, Social and Cultural Rights considered the fifth periodic report of Finland on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/FIN/5) at its 11th and 12th meetings, held on 7 May 2007 (E/C.12/2007/SR.11 and E/C.12/2007/SR.12), and adopted, at its 27th meeting held on 18 May 2007, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the fifth periodic report of Finland, which was prepared in general conformity with the Committee's guidelines. The Committee also notes with appreciation the comprehensive written replies submitted by the State party to its list of issues (E/C.12/FIN/Q/5/Add.1).

3. The Committee welcomes the constructive dialogue with the delegation of the State party, which included a number of representatives from various government departments, as well as the delegation's answers to the questions posed by the Committee.

B. Positive Aspects

4. The Committee notes with appreciation the State party's continuing efforts to

comply with its obligations under the Covenant and the overall protection afforded to economic, social and cultural rights in the State party.

5. The Committee welcomes the information provided in the State party report on the implementation of the concluding observations adopted by the Committee with regard to the fourth periodic report of the State party.

6. The Committee notes with satisfaction that the State party has indicated its support for an Optional Protocol to the Covenant.

7. The Committee welcomes the efforts undertaken by the State party to combat discrimination, including the establishment of the office of the Minority Ombudsman, the adoption of the Non-Discrimination Act and the amendments to the Penal Code increasing the sanctions imposed for crimes related to ethnic intolerance.

8. The Committee welcomes the amendments to the Act on Equality between Men and Women, particularly the mandatory development of equality plans for companies employing more than 30 persons. The Committee also welcomes the introduction of a quota system for the representation of men and women (at least 40 per cent of each) in all State and municipal bodies.

9. The Committee welcomes the recent amendments to the Penal Code to include the crime of trafficking in human beings and aggravated trafficking in human beings in the Finnish legislation, as well as the adoption, in January 2007, of the Act on Support for Victims of Trafficking. The Committee also takes note of the recent ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, and the signature of the Council of Europe Convention on Action against Trafficking in Human Beings.

C. Factors and difficulties impeding the implementation of the Covenant

10. The Committee notes the absence of any significant factors or difficulties preventing the effective implementation of the Covenant in Finland.

D. Principal Subjects of Concern

11. The Committee is concerned that in spite of the efforts made by the State party to solve the question of the ownership and use of land in the Sámi Homeland, the prevailing legal uncertainty surrounding this issue negatively affects the right of the Sámi to maintain and develop their traditional culture and way of life, in particular reindeer herding. The Committee also notes that failure to resolve the issue of land rights in the Sámi Homeland has so far prevented Finland from ratifying the ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries.

12. The Committee regrets that in 2004 Finland devoted only 0.35 per cent of its gross domestic product (GDP) to official development assistance (ODA), whereas the United Nations target for ODA is 0.7 per cent of GDP for industrialised countries.

13. The Committee regrets that despite the measures adopted by the State party to enhance its legal and institutional mechanisms aimed at combating discrimination, de

facto discrimination against foreigners and members of national, racial and ethnic minorities, in particular Roma, is still widespread among some sectors of the population, especially in the fields of employment, housing and access to public places such as restaurants and bars. The Committee notes with concern that Roma women wearing traditional costumes are particularly vulnerable to such forms of discrimination.

14. The Committee notes with concern the persistent salary differences between men and women, in spite of the efforts made by the State party to end gender discrimination in the workplace, and the low percentage of women in high-ranking positions in many areas, including university teaching posts.

15. The Committee is concerned that the extensive use of temporary employment contracts may de facto limit the capacity of part-time workers, stand-by workers and foreigners to enjoy the labour rights set out in articles 6, 7 and 8 of the Covenant.

16. The Committee is concerned that violence within the family – and in particular violence against women – is still a widespread problem, despite the efforts undertaken by the State party to combat domestic violence. The Committee also notes with concern the lack of specific legislation concerning domestic violence.

17. The Committee regrets the absence of disaggregated statistical data on the extent of poverty in the State party's report, particularly among refugees and the immigrant population, and notes that the State party has yet to adopt an official poverty line, which would enable the State party to define the incidence and depth of poverty and to monitor and evaluate progress in alleviating poverty.

18. The Committee is concerned about the increase in alcohol and drug abuse, as well as about the high incidence of mental health disorders in the State party, especially among young persons.

19. The Committee notes with concern the high drop-out rate of Roma children, and in particular Roma girls, despite the efforts undertaken by the State party to improve access to education of Roma children. The Committee is deeply concerned that according to reports received, Roma children tend to be channeled towards special education more than other children due to the perception of teachers that such children are difficult or need special attention.

E. SUGGESTIONS AND RECOMMENDATIONS

20. The Committee urges the State party to adopt all necessary measures to ensure that logging and other activities carried out currently by private actors in the Sámi Homeland do not negatively affect the right of the Sámi to maintain and develop their traditional culture and way of life, in particular reindeer herding, and the enjoyment of their economic, social and cultural rights. The Committee also urges the State party to find an adequate solution to the question of the ownership and use of land in the Sámi Homeland in close consultation with all parties concerned, including the Sámi Parliament, and then to ratify the ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries as a matter of priority.

21. The Committee recommends that the State party continue its activities in the area of international cooperation and increase its official development assistance to

0.7 per cent of its GDP, as recommended by the United Nations. The Committee also urges the State party to take into account the provisions of the Covenant in its bilateral project agreements with other countries.

22. The Committee urges the State party to continue strengthening its legal and institutional mechanisms aimed at combating discrimination, and requests the State party to include in its next periodic report detailed information on the outcomes of the initiatives undertaken to fight racism and xenophobia and to enhance tolerance and respect for foreigners and members of national, racial and ethnic minorities. The Committee also requests the State party to provide updated data in its next periodic report on the number of prosecutions and convictions for crimes motivated by ethnicity.

23. The Committee calls upon the State party to continue strengthening programmes to enhance equality between men and women in the workplace, with particular regard to efforts aimed at implementing the principle of equal pay for work of equal value and ensuring the equitable representation of women in managerial positions. The Committee requests the State party to include in its next periodic report detailed information on the measures taken to reduce wage differentials between men and women and to increase the number of women in high-ranking positions.

24. The Committee recommends the State party take all necessary measures to ensure that temporary employment contracts are not used to circumvent the effective enjoyment of the labour rights set out in articles 6, 7 and 8 of the Covenant, and that such contracts are concluded only in those cases provided for by the legislation in force, including the Employment Contracts Act and the State Civil Servants Act.

25. The Committee requests that the State party include in its next periodic report detailed information on the extent of the problem of domestic violence, and in particular violence against women, and on the measures taken to combat this phenomenon. In this connection, the Committee encourages the State party to consider enacting specific legislation to criminalise domestic violence.

26. The Committee calls upon the State party to strengthen its efforts to combat poverty and social exclusion and to develop a mechanism for measuring the poverty level and for monitoring it closely. In this respect, the Committee refers the State party to its statement on Poverty and the International Covenant on Economic, Social and Cultural Rights, adopted on 4 May 2001 (E/C.12/2001/10). The Committee requests that the State party provide in its next periodic report disaggregated and comparative data on the number of people living in poverty and on progress achieved in reducing the incidence and depth of poverty.

27. The Committee recommends that the State party intensify its efforts aimed at preventing alcohol and drug abuse, as well as at addressing the root causes of mental health disorders among the population of the State party. The Committee requests that the State party provide in its next periodic report detailed information on progress made in improving the mental health of the population in the State party, reducing the incidence of alcohol and drug abuse and promoting a healthy lifestyle among young persons.

28. The Committee recommends that the State party intensify its efforts to improve access to inclusive education for Roma children, inter alia by:

- (a) taking immediate steps to eliminate negative prejudices and stereotypes regarding Roma and their contribution to society;
- (b) facilitating the recruitment of Roma teachers so as to ensure, to the widest extent possible, adequate opportunities for Roma children to receive instruction in their native language;
- (c) increasing the availability of schoolbooks in the Romani language; and
- (d) organising special training for teachers to increase their knowledge about the culture and traditions of Roma and to raise their sensitivity to the needs of Roma children.

29. The Committee requests the State party to address the root causes of the high number of children who are removed from their families and placed in institutions or foster homes in the State party, with a view to adopting all necessary measures to ensure, insofar as possible, the maintenance of the links between the child and his/her parent(s). The Committee also requests the State party to provide in its next periodic report disaggregated data on an annual basis on the number and ethnic origin of children placed in institutions or foster homes, the average period of placement, the reasons for such placement, and the measures taken to reunite children with their biological parents.

30. The Committee requests the State party to provide information on whether the several bodies established in the State party with a mandate to promote and protect human rights – including economic, social and cultural rights – have been established in accordance with the Paris Principles (General Assembly Resolution 48/134 of 20 December 1993).

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.

32. The Committee also encourages the State party to consider ratifying the Convention on the Rights of Persons with Disabilities and its Optional Protocol.

33. The Committee invites the State party to update its core document in accordance with the 2006 harmonized guidelines for the preparation of a Common Core Document.

34. The Committee requests the State party to disseminate the present concluding observations widely among all levels of society and to inform the Committee on all steps taken to implement them in its next periodic report. It also encourages the State party to continue engaging non-governmental organizations and other members of civil society in the process of discussion at the national level prior to the submission of its next periodic report.

35. The Committee requests the State party to submit its sixth periodic report by 30 June 2010.
