

TREATY BODY MONITOR

International Service for Human Rights



Human Rights Monitor Series

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS 38TH SESSION FINLAND, 5TH REPORT 7 – 8 MAY 2007

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Information submitted to the Committee

On 8 February 2006, Finland submitted its fifth periodic report to the Committee on Economic Social and Cultural Rights (the Committee).¹ The report provided a detailed overview of Finland's situation and progress

¹ E/C.12/FIN/5 available at <http://www.ohchr.org/english/bodies/cescr/cescrs38.htm>

relevant to the Covenant on Economic Social and Cultural Rights (the Covenant). The first section of the report addressed the Committee's principle subjects of concern, suggestions and recommendations that were included in the concluding observations after the review of Finland's fourth periodic report.² These included *inter alia* the lack of a national minimum wage, regional disparities in access to public health care, racism and violence against women. Finland's fifth periodic report provided detailed information concerning these issues, highlighting any progress that has been made. For example, on the issue of violence against women, the report provided more detailed statistics on incidence than had been used in previous discussions and outlined a new action programme that is currently being prepared to prevent domestic violence. The report ended by noting that the last round of concluding observations was released in a publicised press conference, organised by the Ministry for Foreign Affairs.

The second section of the report gave a comprehensive overview of Finland's situation with regard to each article of the Covenant. This included statistical information, analysis of the problems faced by Finland, descriptions of legislative and administrative programmes introduced to address these problems and an assessment of the impact of these programmes. This section of the report explored issues such as vocational guidance and training provided to immigrant, Roma and Sámi populations.

Very little written information was publicly submitted to the Committee by NGOs.³

In response to this information, the Committee produced a list of issues to be addressed by the State party.⁴ This included requests for further information regarding: Sámi rights; the gender pay gap; job security for 'stand-by workers'; how Finland ensures levels of minimum wages without establishing a national minimum wage; measures taken to combat trafficking and violence against women; and the availability of adequate health services in remote areas of the country. Finland provided written responses to this list of issues.⁵ However, these were only disseminated by the Office of the High Commissioner for Human Rights in Russian and Spanish.

Themes and issues

The Finnish delegation was headed by the Director of the Ministry for Foreign Affairs, Mr. Arto Kosonen. It included a Member of Parliament, a representative of the Permanent Mission of Finland to the United Nations, and representatives of the Ministries of Justice, Education, Social Affairs and Health, Labour, the Interior, and Foreign Affairs.

In its initial introduction, the delegation stated its support for the drafting of an Optional Protocol to the Covenant, which would allow the Committee to hear individual or collective complaints of alleged violations under the Covenant, which would allow the Committee to hear individual or collective complaints of alleged violations under the Covenant. It then gave an overview of the continuing process of 'building Finland's welfare society'.⁶ This focused on: creation of a commission on equality in January 2007; prioritisation of lowering levels of structural unemployment and increasing productivity; improvements to provision of family benefits; and completion of a comprehensive plan of action to combat trafficking in 2005. The delegation noted that Finland's previous goal of increasing employment by 100,000 workers had almost been achieved and that its employment rate for the age group 55-64 had become the 4th highest in the EU. It also explained Finland's position on ensuring the level of the minimum wage, which had been questioned in the Committee's list of issues. The delegation stated that trade unions negotiate sector specific collective agreements that establish minimum wages within each sector. In sectors where no such agreement exists, agreements taken from comparable sectors are used as a guide for establishing wages in individual contracts

² E/C.12/1/Add.52, available at <http://www.ohchr.org/english/bodies/cescr/cescrs38.htm>

³ One short statement on corporal punishment was submitted by the 'Global initiative to end all corporal punishment of children.'

⁴ E/CN.12/FIN/Q/5, available at <http://www.ohchr.org/english/bodies/cescr/cescrs38.htm>

⁵ E/C.12/FIN/Q/5 available at <http://www.ohchr.org/english/bodies/cescr/cescrs38.htm>

⁶ This was the language used by the delegation.

between the employer and employee. Finally, it was announced that the Ministry of Culture had instigated a review of the ethical nature of cultural policy, using cultural rights as the basis for analysis.

All Committee members praised Finland for their report and the progress it demonstrated, but stressed that no country is perfect and even the best can still improve.

Status of the Covenant under domestic Law

Although Finland's report stated that the Covenant was directly applied in national law and cited cases demonstrating this, Committee member Mr. Clement Atangana observed that they provided no information on the details of these cases and how the Covenant had been used. The Finnish delegation responded by citing the example of an application for residence for a minor on the basis of family ties. It noted that within this case there was a direct reference to Article 10 of the Covenant and the protection of the family. It also offered the example of a Supreme Court case on safety for medical patients and damages for misconduct, where the Covenant was applied directly.

Committee member Mr. Walid Sa'di asked to what extent the Covenant is considered by Finnish policy-makers in the process of policy formation. Finland replied that it took a holistic approach to human rights and that all human rights are taken seriously. It added that this was demonstrated by the Government's willingness to involve all relevant actors in policy formation, including NGOs.

Enforcement mechanisms

Mr. Atangana questioned the structure of Finland's judiciary. He noted that the highest power within the judicial system is the 'Chancellor' or 'Minister of Justice'. He asked about the nature of this role and whether it represented an insufficient separation of powers between the executive and the judiciary. Finland responded that the Chancellor's role was quite separate from that of the judiciary. He monitors the legality of Government policies and has the power to raise charges against civil servants for misconduct. However, he may not overturn any court decisions.

Mr. Sa'di asked for examples of the justiciability of European legal instruments in Finnish law, with particular reference to the rights of children, the elderly, disabled persons and migrants. Committee member Mr. Yuri Kolovsov followed up on this enquiry about the place of European human rights law in Finland, asking whether human rights cases had come before the European Court of Human Rights in Strasbourg. He also asked how the recommendations from these judgements had been implemented. Finland responded that a case was currently pending regarding forestry in the north of the country.

There followed some discussion on the powers of Finland's Ombudsman. Committee member Ms. Maria Virginia Bras Gomes noted that many complaints received by the Ombudsman of Finland⁷ related to the availability of public services. She asked how the findings of the Ombudsman affected the Government's provision of services. Committee member Ms. Rocío Barohona Reira followed up on this line of questioning, asking for specific examples of cases where the Ombudsman has been involved in the protection of economic, social and cultural rights. She also noted that despite having major powers, the Ombudsman did not have all the powers enshrined in the Paris Principles.⁸ She asked for clarification as to the difference between Finland's Ombudsman and other ombudsmen in the region. Finland responded that the chief difference was that the Finnish Ombudsman has the power to press charges, whereas others do not. Ms. Barohona Reira felt this did not sufficiently answer her question and asked again why the Ombudsman's powers were not consistent with the Paris Principles. Finland responded that its Ombudsman was established more than a century ago, before the establishment of the Paris Principles. It added that the Finnish Government was considering giving the ombudsman more powers, particularly in implementing the *Optional Protocol to the*

⁷ Finland actually has a number of Ombudsmans dealing with different issues, such as minorities and children. However, in this case, the Committee and delegation were likely to be referring to 'the Parliamentary Ombudsman of Finland', which is charged with human rights issues.

⁸ Principles relating to the Status of National Institutions, adopted by General Assembly *Resolution 48/134*, 20 December 1993.

Convention Against Torture.⁹ In the Committee's concluding observations¹⁰, Finland was requested once again to provide information on whether the bodies promoting and protecting human rights in Finland have been established in accordance with the Paris Principles.

Discrimination

Ms. Wilson asked whether, in view of the figures on people charged with discriminatory acts, Finland considered its penal code to be sufficiently stringent on discrimination. The Finnish delegation replied that although there have been few prosecutions on discrimination, this may be due to reporting to the police not being sufficiently extensive or due to 'other reasons'. Ms. Wilson said she was dissatisfied with this answer. She asked what 'other reasons' the delegation was referring to and for information on why reporting would be low. The delegation responded that it was not sure whether the reasons had been analysed and had simply suggested a possible reason that it believed to be logical.

Education

Committee member Ms. Virginia Bonoan-Dandan noted that Finland's State report claimed that 'linguistic and cultural considerations' were included in the education system. She asked for clarification of this statement. Finland responded that in Finnish public schools teaching can be conducted in Sámi, sign language, Roma, Finnish or Swedish. Further, there are nine different curricula for teaching culturally sensitive subjects such as literature and religion. Immigrants can study in their mother tongue. Roma adults are trained as special needs assistants for Roma students.

Committee member Ms. Barbara Elaine Wilson commented that a large number of disabled children are taught in special schools. She asked for the delegation's views on this practice. The delegation did not respond to this question.

Health

Committee member Mr. Daode Zhan asked what measures are taken to resolve disputes between doctors and patients. Finland answered that doctors decide on treatment and patients do not have the right to receive whatever treatment they want. However, if a patient feels that their treatment has been in any way inappropriate, they have access to a nominated local ombudsman. They can also appeal to the State Provincial Office or the director of the hospital.

With regard to Article 12 of the Covenant, Committee member Mr. Andrezej Rzeplinski asked about the protocol for involuntary treatment of mentally ill patients. He asked whether, if their confinement was not connected to criminal behaviour, a judge is obliged to review the confinement and treatment, and if so what was the basis for this review. Finland responded that these people have a right to appeal before a judge. However, Mr. Rzeplinski informed the delegation that according to the European Covenant on Human Rights, persons of unsound mind must have their case reviewed under judicial review in 'reasonable time', which is usually considered to be 74 hours. This review must take place whether the patient calls for an appeal or not. Finland responded by noting that if the patient is not capable of appeal a trustee acting on their behalf may make the appeal.

Committee member Mr. Eibe Riedel noted that despite some improvements, there are still long waiting lists for particular kinds of surgery. He asked what the most recent progress was in this area. The delegation did not have time to respond to this question.

Mr. Riedel stated that Finland's report referred to an increase in rates of obesity. The delegation agreed that the health of Finnish people is endangered by obesity, in particular through the rise of Type 2 Diabetes. It

⁹ This would involve the ombudsman taking up a monitoring role in Finnish detention centres.

¹⁰ E/C.12/CO/FIN/5 18 May 2007

cited this area as a key example of Finland's approach to health promotion, with emphasis on tackling the problem at the root cause.

Committee member Mr. Alvaro Tirado Mejia asked about alcoholism, cigarette addiction and drug abuse, noting that Finland's periodic report had referred to the use of drugs such as heroin. He asked how Finland dealt with these problems and whether policy focused on issues such as prevention and drug trafficking. Finland responded by providing the following information: Although Finnish women are smoking less and less, men are smoking increasingly; alcohol use has increased; drug use has slightly decreased; and smoking will be prohibited in restaurants as of June 2008. The Committee's Concluding Observation reiterated concern regarding alcohol and drug abuse and recommended that the State intensify efforts aimed at preventing such abuse.

Mr. Riedel noted that suicide rates have been high in Finland and that the State report claims that these have dropped due to better treatment of depression. He asked for annual disaggregated data on this. Finland responded that the use of anti-depressants has indeed increased, most likely due to destigmatisation of depression.

Mr. Rzeplinski asked whether trafficking of organs to Finland ever occurred, particularly from countries where it is legal to sell organs. Finland explained that its national action plan on trafficking in organs was being updated this year. The delegation did not believe that organ trafficking occurred in Finland.

Employment

Following on from Finland's opening a statement, a series of questions were asked regarding Finland's lack of a national minimum wage. Mr. Riedel noted that the Committee had recommended that one be created in previous dialogues. Although Finland maintained that sector specific agreements can be used as guides to minimum wages in comparable sectors not covered by collective agreements, Mr. Riedel felt this system was somewhat vague and asked what criteria courts use to establish how these comparisons should be made. He enquired whether the Covenant was cited on such cases. Finally, he asked how a 'decent living' could be guaranteed without a national minimum wage. Finland responded that 75% of the Finnish labour market is covered by collective agreements negotiated with unions. As a result of this, there is always an easily applicable agreement established in a comparable sector for any employee not covered by these agreements. Further, it stated that provisions on discrimination in the workplace included in the penal code supported the fair establishment of a particular minimum wage, and special groups such as disabled persons are catered for within collective agreements. It also stressed that a decent living is insured by a 'last resort income' and social assistance if a family has exceptional expenditures.

Ms. Barohona Reira raised the question of temporary work contracts, which had been included in the Committee's list of issues. She acknowledged that these are used as an instrument to tackle unemployment, but noted that they cause instability for employees. She asked what methods were used to supervise or control the use of these contracts, and whether there was a limit to the number of temporary contracts that can be used. She also noted that these contracts were often used for young employees, and asked whether they were also disproportionately used for employees of a particular gender or ethnicity. Finland responded that temporary contracts must be used to employ someone to complete a specific task, requiring specific expertise, and where it is impossible to offer the employee permanent work. It added that the amount of temporary work has decreased a little, but remains high for women as they use it to accommodate family leave. Finally, it stated that a proposal will shortly be submitted to parliament which would encourage employers to rethink the need for fixed-term contracts. In its concluding observations, the Committee recommended that 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 the Covenant.

Social Security

Ms. Bras-Gomes stated that it was widely acknowledged that Nordic social security systems are among the best in the world. However, she wanted to know how sustainable Finland felt its social security system was, and whether it was maintaining a universal approach to provision. Ms. Bras-Gomes also noted that the European Committee on Social Rights has commented on low levels of particular benefits in Finland, including the minimum pension and minimum guaranteed income. She asked for Finland's opinion on these comments. Finland responded that figures may show that social assistance has decreased, but that this is as a result of increased employment and consequently less demand for social assistance. It added that the new Government is faced by serious questions in the area of social security and is planning reform in this area with three goals: combating poverty; guaranteeing adequate social security; and protecting incentives to work.

Ms. Bras-Gomes asked about the Finnish understanding of the issue of dependency. She asked whether Finland has any specific dependency benefit. Finland responded by discussing the issue of dependence of the elderly. It stated that in 2005, 7.4% of Finland's population was over 75 and that Finland had the most rapidly aging population in Europe. In 2020, nearly 10% of the population will be over 75. It stated that, on the other hand, the functional capacity of elderly people has improved. It added that housing provision and institutional care figures are gathered in a report, which could be provided to the Committee. In response to this information, Mr. Rzeplinski asked how Finnish law was reacting to the people's ability to work for longer, whether people are allowed to work as long as they like and if so, under what conditions. Finland explained that the retirement age was now set at 68 years, with the ability to retire at any age between 63 and 68.

Mr. Riedel requested that Finland include in its next report disaggregated data on the coverage of social security.

Food and housing

Ms. Bonoan-Dandan observed that although Finland claimed to include all rights in its new Constitution.¹¹ She could not find the right to food and felt that the right to housing was 'buried' in a section regarding the right to social security. On these grounds, she and Ms. Barohona Reira asked about Finland's attitude to these rights.

On the right to housing, Finland stated that this was adequately dealt with in Section 19 of the Constitution, which provides that public authorities shall promote the right of everyone to housing. Further, the current development of housing conditions is intended to provide all residents with reasonable housing and aims that every household should have an appropriate sized dwelling. Housing is allocated according to both the financial standing of applicants and the urgency and need for housing assistance, with no consideration given to nationality. Ms. Bonoan-Dandan commented that this constitutional provision on the right to housing only refers to promotion and does not refer to protection, respect or fulfilment of this right. Finland was of the view that the term 'promotion' covered this matter sufficiently and that Finland is 'fighting forward' with respect to housing rights.

On the right to food, Finland stated that this right was catered for through social assistance. Ms. Bras-Gomes was concerned that this method only guaranteed minimum income and did not specifically ensure the right to food. Ms. Bonoan-Dandan asked for specific policy measures concerning the right to food. Finland stated that there are specific provisions in the *Act on Social Assistance* relating to minimum levels of food, clothes, medicine and housing. In addition, families can sometimes be given a specific benefit with which to buy food from a designated shop.

Mr. Kolovsov was concerned about genetically modified food as a lot of Finnish food is imported to Russia, where Mr. Kolovsov is from. He asked the delegation what legislation regulates the use of genetically modified products in Finland. The delegation responded that Finland abided by all relevant EU norms on this

¹¹ Finland's Constitution came into force in March 2000. It was drafted following Finland's accession to the European Union in 1995 in order to integrate a series of constitutional reforms and clarify the responsibilities of both the Prime Minister and President in relation to European affairs.

matter. Mr. Kolovsov was not familiar with these standards and did not know whether he should buy Finnish butter. Finland responded that Finnish butter was not genetically modified.

Family life

Mr. Sa'di noted that the age of consent for sexual relations and the age of consent for marriage are different in Finland. He asked what rights based approach this was based upon. Finland confirmed that the minimum age for marriage is 18 and for sex it is 16. It did not comment on the rationale behind this.

Mr. Sa'di also questioned Finland's policy of allowing same-sex marriages, and argued that international law only talks about the relationship between a man and a woman. Finland did not respond to Mr Sa'di's objection, but stated that same sex marriages generally provide for the same rights as all marriages, except in the case of adoption, as same sex partners may not adopt.

Culture

Ms. Bonoan-Dandan observed that after describing the Finnish study on the ethical dimensions of cultural studies, the delegation mentioned developing international indicators on 'fair cultural life'. She said that this was the first time the Committee had heard of a State party engaging in this kind of work, and asked for further details of the project.

Women

Discussion on women's rights revolved around both equality in public life and the workplace and the problem of violence against women.

Women: Equality in public life and the workplace

Ms. Barahona Reira noted that despite Finland's extensive and commendable legislation aimed at tackling gender inequality, a gender gap persists. She asked why this was the case and whether it was the result of a problem in implementing legislation or a persistent social problem. Ms. Bras-Gomes supported this inquiry, commenting that for a country that pays so much attention to gender-based discrimination, there are comparatively few women in management positions in Finland. She recommended that more be done to improve this. In response, Finland cited reforms expected to tackle the gender gap in the coming years. This was reiterated in the Committee's concluding observations, which called upon the State party to continue strengthening programmes the enhance equality between men and women in the workplace, particularly with regard to the pay gap. One example given was a pension reform that took effect in 2005, whereby women can accrue a pension for caring for their own children. A second related to the mainstreaming of gender issues into Government ministries, with ministers now obliged to assess how any legislation affects the position of women. Finland also noted that its new cabinet is composed of 12 women and 8 men, and that all committees in central government and municipalities must have at least a 40:60 gender balance. The new Government has also promised to pay special attention to women's opportunities to be leaders in both the public and private spheres.

In contrast to Ms. Bras-Gomes' criticism of the number of women in management positions, Ms. Barbara Wilson praised the number of Finnish women in high ranking positions, but expressed concern that only 18.4% of university professors are women. She asked what was being done to rectify this specific inequality. Finland responded that Helsinki University was engaging in research on this matter. While acknowledging the problem, it noted that currently 53% of all Finnish university students are women and 51% of Finnish doctoral students are women. On these grounds, it suggested that the problem of inequalities at the professor level should be resolved with time as these female students progress through the system.

Ms. Bras-Gomes asked for data on how many men take up paternity leave and what impact this has on the pay gap. Finland stated that it would try to gather more accurate statistics on this issue, but indicated that to its knowledge not all men use paternity leave.

Mr. Sa'di noted that women have a greater life expectancy than men in Finland and asked whether it is better to be a woman in Finland. Ms. Bonoan-Dandan asked for the Finnish delegation's permission to respond to this question on their behalf, and informed Mr. Sa'di that women had a greater life expectancy than men throughout the world.

Women: Violence against women

Mr. Tirado Mejia noted that for a developed country with such an impressive human rights record, the levels of domestic violence in Finland are surprisingly high. Further, he cited police reports showing an increase in these levels. Finland refuted these statistics, saying that its studies showed levels of violence by an intimate partner have slightly dropped and that violent deaths of women have decreased. In its concluding observations, the Committee requested that Finland include in its next report detailed information on the extent of the problem of domestic violence and the measures taken to combat this phenomenon

Ms. Barahona Reira noted that Finland had provided a lot of information concerning programmes tackling domestic violence, but that there was no specific law or specific crime listed in the penal code relating to this form of violence. The delegation responded that as a principle, Finland avoided 'double criminalisations' in the penal code and preferred to use 'general criminalisations'. It stressed that these general grounds are very well applied and that provisions already exist to increase the level of punishment if violence has been repeated. Finland added that the new Government will take domestic violence as a specific priority within its internal security programme. In particular, it aims to increase cooperation between different authorities to deal with and combat violence against women, for example by increasing cooperation between the police force and social services. The Ministry of Social Affairs and Health has already proposed the establishment of a unit charged with preventing intimate partner and domestic violence. Ms. Barahona was still dissatisfied with this response and told Finland that the international trend was to develop a definition to characterise violence against women within the family. This was reiterated in the Committee's concluding observations, where the Committee encouraged Finland to enact specific legislation to criminalise domestic violence.

Ms. Barahona Reira noted that there were plans to criminalise the buying of sexual services, and asked for more details on these plans. Finland confirmed that its penal code has been amended to include criminalisation of the buying of sexual services. It added that although little case law has been developed as yet, new legal problems surrounding evidential standards are still being clarified in court.

Mr. Sa'di commented that the number of prosecutions regarding trafficking was very small and inquired as to whether this was the cause of continuing trafficking in the region. Finland replied that the criminalisation of trafficking only came into force three years ago and since then 13 investigations have taken place, leading to one conviction. It added that in the cases where trafficking convictions had not been achieved, convictions for other crimes had sometimes been secured. It stated that a chief impediment to investigations was the frequent lack of proper documentation available for victims.

Children

Ms. Bras-Gomes asked Finland to provide clear statistics on child poverty and comment on what should be done to address it. Ms. Bonoan-Dandan noted that the poverty risk amongst Finnish children is 12.2% and commented that this seemed very high for a country as wealthy as Finland. Finland explained that its poverty figures had recently altered when it raised the poverty line from 50% to 60% of median income to bring Finnish statistics in line with those of the OECD and EU.

Ms. Barahona Reira and Ms. Wilson both asked about the situation concerning violence against children, following the NGO statement submitted to the Committee by the 'Global initiative to end all corporal

punishment of children'. Ms. Barohona Reira noted that despite including considerable information concerning violence against women, Finland had provided no information on violence against children. Finland responded that it did not have any figures on children as victims of domestic violence, but that some research is currently being carried out. Ms. Barohona Reira responded that she was aware that a report on this issue had recently been completed by the Ombudsman and asked for the recommendations to be made available to the Committee in the near future.

Ms. Bras-Gomes commented that there seemed to be a lack of contact with biological families for children who have been taken into care. Finland responded that child services were dealt with at the municipality level and that decisions about access for biological families often depended on whether the child had been a victim or witness to violence in the home. In its concluding observations, the Committee requested the State party to address the root causes of the high number of children who are removed from their families, and to ensure, insofar as possible, the maintenance of the links between the child and his/her parent(s).

The Sámi people

A considerable portion of the plenary was taken up with questions concerning the rights of the Sámi population.

- Ms. Wilson said that she had heard that a Finnish governmental study into the situation of this group had not been well received by the Sámi people. Finland responded that this study had explored the history of Sámi land rights and made no recommendations regarding their future.
- Ms. Wilson asked about the latest developments in land policy. Following up on this, Mr. Riedel commented that although the Government had drawn up a solution allowing some rights to access land, it was also important to ensure ownership of the land. He asked what concrete measures have been taken to turn legislative proposals from March 2007 into a serious compromise that both sides could accept. Mr. Sa'di asked what was preventing the Sámi from owning the land. Finland responded that what was important was ensuring that the Sámi could use all the natural resources necessary to continuing their cultural practices, such as raising reindeer. The delegation stated Finland's position that these problems can be solved without touching upon land ownership issues. It announced that in 2005 an initiative was launched to prepare a new Government proposal on this matter, with a ministerial working group set up to monitor this process. It stressed that local people and groups in the Lapland area, as well as Sámi people, should have a say in the final arrangements, and that private individuals should not have their rights interfered with as a result of this process. Finally, it stated that a proposal had been expected to be presented to parliament this spring, but that it had been delayed. In its concluding observations, the Committee reiterated concerns regarding the land rights of the Sámi people. It urged the State party find an 'adequate solution to the question of ownership and use of land in the Sámi homeland'.
- Ms. Bonoan-Dandan asked how the Sámis' right to use their land would be guaranteed when this land was owned by a private individual. Finland responded that on the whole Sámi land was owned by the State, so this problem would not arise. It added that it could not provide a full answer to the question of what should be done in this scenario, as the details of this are still being decided within the legislation drafting process.
- Mr. Sa'di asked whether Finland was yet in a position to ratify *ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries*. Finland stated that the Government has considered this and asked ministries for their opinions. It concluded that various other conventions already cover this field. It added that EU and national law already covered the provisions of *ILO Convention No. 169*. Ms. Barahona Reira said that *ILO Convention No. 169* was drawn up specifically because it covered issues that other Covenants did not cover. In its concluding observations, the Committee urged Finland to ratify this Convention.

- Ms. Bras Gomez cited the delegation's description of Finland's 'brand new Government programme' and what the role of the Sámi people would be in this programme. Finland responded that institutions such as the Ombudsman and the Sámi parliament should facilitate their involvement.
- Mr. Sa'di asked whether a Sámi person marrying on a non-Sámi person loses their Sámi identity. Finland responded that they would not lose their Sámi identity.
- Ms. Wilson expressed concern that there was very little teaching in the Sámi language outside of the Sámi homeland area. Finland acknowledged that it had had difficulties encouraging Sámi teachers to teach outside the Sámi area, but that virtual learning environments are being used to work around this problem.

Roma

The following issues were discussed concerning the Roma population of Finland:

- Ms. Bras-Gomes asked how easily minority groups such as the Roma can access labour markets. She wanted to know what measures Finland has taken to improve this access and what it felt should be done in the future. Finland stated that regional advisory boards on Roma affairs are playing an important role in helping Roma find employment, thus combating discrimination.
- Ms. Wilson commented that Roma are also discriminated against within access to housing. Finland replied that Roma people live in the same areas as the main population, but are often dependent on public housing due to their weak economic situation. If Roma feel they are experiencing discrimination in the allocation of public housing, they can appeal to the Ombudsman for Minorities or to Parliament. Finland cited a judgment of March 2006 from the National Discrimination Tribunal where the housing authority was found to have discriminated against a Roma family and the housing authority was cautioned with a fine.
- Committee member Mr. Azzouz Kerdoun noted that the State report observed that Roma children needed particular attention within the education system due to their dropout rate. He commented that Roma students attribute this problem to cultural difficulties, but Roma families attribute it to financial and social difficulties. He asked who the Committee should believe on this question and what new methods should be used to tackle these issues. Finland responded by acknowledging that the number of Roma children in secondary school is still relatively low. The delegation stated that the Government has a special unit implementing a Roma programme that will address these problems, based on a large study completed in 2001. The Finnish delegation stated that it was difficult to say whether the reasons for high dropout rates were social or financial. However, it was of the view that since Finland provides extensive social benefits for all and free education including school meals, the answer is more likely to relate to social issues. It suggested that formal education is new to Roma families, who are not used to staying in one place. It noted that adult Roma education is very popular and the Finnish Government believe that educated parents will support their children's schooling in the long run. Pre-school education is stressed and additional guidance services are offered for Roma families. In its concluding observations, the Committee reiterated its concern regarding the high drop-out rates of Roma Children, and urged Finland to address the negative prejudices and stereotypes regarding Roma in order to combat this problem. It also specifically recommended organising special training for teachers to increase their knowledge about the culture and traditions of Roma and to raise sensitivity to the needs of Roma children.
- Ms. Wilson noted there was very little teaching in the Roma language. Finland replied that this problem is being remedied by strengthening in-service training for teachers. It stated that every child may receive approximately three lessons each week in its mother tongue. Regarding this issue, the Committee's Concluding Observation encouraged Finland to facilitate the recruitment of Roma teachers and increase the availability of schoolbooks in the Romani language.

- Mr. Kerdoun commented that despite provision of free university education and scholarships, very few Roma children seemed to reach university. He asked what was causing this phenomenon. The Finnish delegation referred to the problem of drop out rates discussed above. It added that the number of Roma children reaching university is increasing steadily, but that no clear statistics were available as students are not listed according to their ethnic background.
- Ms. Bras Gomes expressed concern regarding reports of discrimination against Roma women who wear traditional costume. Finland responded that in fact, the State engages in positive discrimination for Roma women who wear traditional costumes, providing special benefits to cover their cost. Ms. Bras-Gomes noted a gap between this commendable example of positive discrimination and the problems faced by Roma women in traditional dress on a day-to-day basis, as they are discriminated against in restaurants and shops. Finland acknowledged the gap between its official message and national practice. However, it stressed the importance of the official message in tackling problems of discrimination in the long term.

Other minorities

Mr. Kolovsov asked whether the situation of human rights in the Aaland Islands was the same as that in mainland Finland. Finland stated that in order to protect the Swedish speaking population of these Islands, they have been granted extensive autonomy and self government, and that the right to acquire real estate there is reserved for those with 'homeland rights'. It added that there is currently a case pending in the European Court of Human Rights that relates to the Aaland Islands, regarding the non-implementation of a Finnish Supreme Court judgment.

Mr. Sa'di noted that in its description of minorities in Finland, the State report had listed 5.6% of the population as being Swedish. He asked whether this group could really be considered an ethnic group as in his view there is so little difference between Finnish and Swedish people. He asked why they are therefore considered to be a minority. Finland stated that being a distinct linguistic group, Swedish people were a *de facto* minority in Finland. It added that the Swedish community seemed to agree with this definition.

Immigration and asylum

Ms. Barahona Reira noted Finland's 2005 law on integrating immigrants. She asked what the results of this law had been and what protection was available for immigrants in vulnerable situations. Finland stated that legal aid is provided for handling applications from asylum seekers and that they are supported throughout this process. When a residence permit is received, the asylum seeker is entitled to an 'integration plan' which details measures applicable to them and their family. This includes measures to aid integration into society and working life, often including language courses. Provision for language training is expected to be increased in the coming years.

International cooperation

Mr. Riedel noted that despite the fact that Finland is a significant international donor, the percentage of GDP that it allocates to international aid and cooperation is still below the UN's recommended 0.7%. He enquired as to what plans had been established to rectify this. Committee member Mr. Chandrashekhar Dasgupta added that although Finland had proposed to increase its contributions, this must be done more quickly in order to meet the Millennium Development Goals. Finland responded that it was hoped that the level of Finnish development aid would reach 0.55% in 2011, but that this was of course dependent on economic growth. In its concluding observations, the Committee recommended that Finland increase its official development assistance to 0.7%.

Committee member Mr. Mohamed Ezzeldin Abdel-Moneim asked whether Finland's supply of aid was linked to the respect for human rights demonstrated by recipient countries. Finland responded that the human

rights situation was ‘one of the most important considerations’ in allocating aid. Ms. Bras Gomes praised this approach and asked whether it was extended to govern private Finnish companies. In particular, she wished to know whether Finland had created codes of conduct for Finnish companies operating in developing countries. She suggested this would represent a more ‘pro-active approach’.

Mr. Kerdoun enquired about Finland’s position on self-determination in Western Sahara. Finland responded that it subscribes fully to the policy of the EU, but did not discuss the nature of this policy.

Conclusions and next steps

The session closed with the delegation and the chair of the Committee expressing their thanks to each other for the dialogue. No significant concluding statements were offered by either party.

The comments made by the Committee throughout the plenary and in its concluding observations show considerable continuity with comments made to Finland in the concluding observations of other treaty bodies in the past. In 2000, the Committee on the Elimination of Discrimination Against Women expressed concern regarding continuing discrimination against immigrant and minority women living in Finland, particularly Roma and Sami women, who suffer from double discrimination, based on both their sex and ethnic background.¹² It also noted high incidence of violence against women throughout the population, and urged Finland to facilitate an increase in the number of women in high-ranking posts. In the same year the Committee on the Rights of the Child expressed concern regarding the high dropout rates among Roma children, while noting measures taken by Finland to strengthen the status of the Roma language in school teaching, develop teaching material in Romani and train teachers.¹³ It urged Finland to ensure these measures were implemented. It also commented on the large number of Finnish children placed in alternative care and urged the State to ensure that children are placed outside their family only when it is evidently in the best interests of children and for the shortest period possible. In 2001, the Committee on the Elimination of Racial Discrimination requested that Finland pursue efforts, together with Sámi people, towards adequate resolution of the problem of land ownership.¹⁴ It also urged Finland to ratify *ILO Convention 169 concerning Indigenous and Tribal Peoples in Independent Countries*. Concerns regarding the Sámi land dispute were reiterated in 2004 by the Committee on the International Covenant on Civil and Political Rights.¹⁵ This Committee also commented on the persistence of the gender pay gap in Finland. Both of these two Committees commented on the persistent discrimination faced by Roma people in the fields of housing, education, employment and access to public places.

Finland’s next report is due on 30 June 2010.

¹² A/56/38(SUPP) (CEDAW, 2000)

¹³ CRC/C/15/ADD.132 (CRC, 2000)

¹⁴ CERD/C/304/ADD.107 (CERD, 2001)

¹⁵ CCPR/CO/82/FIN (HRC, 2004)

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ABOUT THE PUBLICATION

The *Treaty Body Monitor* forms part of the Human Rights Monitor Series produced by ISHR. It reports on each country reviewed by the seven treaty bodies and provides an overview of every treaty body session. It is currently an online publication that can be found at <http://www.ishr.ch/hrm/TMBs>.

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