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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Thirty-eighth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 12th MEETING

Held at the Palais Wilson, Geneva,
on Monday, 7 May 2007, at 3 p.m.

Chairperson: Mr. TEXIER

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The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS:

- (a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 8) (continued)

Fifth periodic report of Finland (continued) (E/C.12/FIN/5; E/C.12/1/Add.52; E/C.12/FIN/Q/5 and Add.1; HRI/CORE/1/Add.59/Rev.2)

1. At the invitation of the Chairperson, the members of the delegation of Finland resumed their places at the Committee table.

Articles 10 to 12 of the Covenant (continued)

2. Ms. WILSON, referring to the opinion on Finland of the Council of Europe's Advisory Committee on the Framework Convention for the Protection of National Minorities, according to which quite a large number of Roma children had been placed in special education units, asked what the reason was for that situation. Recalling that the teaching of minority languages outside traditional minority areas helped reduce discrimination and xenophobia considerably, she enquired why it was difficult for Sami children living outside their traditional homeland areas to have classes in the Sami language.

3. Ms. BONOAN-DANDAN, referring to the area of culture, which had been addressed in the last paragraph of the Finnish delegation's introduction, sought more detailed information on the initiatives taken by the State party to establish international indicators of cultural policy ethics.

4. Ms. KROGER (Finland), replying to a question on the minimum wage, referred to the information contained in paragraphs 35 and 127 to 132 of the fifth periodic report and added that the system in place in Finland covered a large number of different cases, the basic principle being that the minimum wage was agreed in the framework of collective agreements in each sector of activity, and its implementation was ensured by the act on the general applicability of those agreements. If there was no applicable collective agreement, the labour contracts determined the minimum wage, which must be reasonable and was based on wages applicable in similar employments. Collective agreements guaranteed the payment of a wage to workers with disabilities; when such persons worked part-time, the social security system paid the requisite additional amount.

5. Every temporary employment contract must be duly substantiated by the employer, and at the end of the contract, it was verified whether it was not possible for the employer to offer a permanent contract. Although the number of temporary jobs had declined slightly in 2006, women, and young women in particular, were more affected by fixed-term contracts, primarily because they made use of their right to family leave. The working group referred to in paragraph 125 of the report had suggested that the unwarranted use of temporary contracts be monitored more closely and that the requirement that the employer substantiate such contracts be matched by a criminal clause sanctioning violators. It had also been proposed to modify the enforcement of the act on the protection of employment to encourage employers to reconsider the rationale

behind temporary employment. The Finnish Parliament would probably be asked to examine the proposal in the near future.

6. As to immigration and integration, the act on the integration of immigrants and the granting of asylum defined the modalities for assisting such persons. Once issued residence permits, immigrants and their families were eligible for integration programmes (including classes in Finnish and Swedish). The results of the implementation of the integration act would be reviewed in late 2007 and the requisite improvements made.

7. Mr. KOSONEN (Finland) said that the State party's sixth periodic report would contain statistics on health care and waiting lists, as well as on paternal leave. With regard to the employment of Roma, he referred to paragraphs 95 to 99 of the report and confirmed that the authorities were doing their best to address the issue.

8. Ms. MAJURI (Finland) said that, to avoid double jeopardy, the Finnish Penal Code did not contain any specific provision on domestic violence, but sentences could be increased for repeat offences. With regard to the purchase of sexual services, the Penal Code had been amended to prohibit that practice with victims of trafficking in human beings. As the provision had just entered into force in October 2006, there had not been any court rulings yet.

9. Ms. PUIRO (Finland), referring to the paragraph in the delegation's introduction on violence, said that one of the objectives of the internal security programme was to promote cooperation between the authorities (between the police and social workers, for example) in cases of violence against women and children. A permanent body responsible for the prevention of marital and domestic violence, which the working group on the coordination of jurisdictions and the prevention of violence had proposed in January 2007, would probably be established if budget allocations were approved.

10. Ms. MAJURI (Finland) said that acts of violence against women had not increased, and marital violence and the number of violent deaths of women appeared to have declined slightly.

11. Ms. KOIVURANTA (Finland), recognizing the lack of statistics on children who were victims of domestic violence, said that a study under way ought to provide a better idea of the situation. Social services had been expanded at municipal level, and staff at day-care and pre school centres had been trained to recognize when children had been victims of domestic violence or had witnessed acts of violence in the family. Protection measures were taken as soon as it was established that a child had been exposed to such violence. As to the question of whether those measures sometimes were taken too soon, she said that Finland proceeded on the principle that every effort should be made upstream – for example by granting family allowances and conducting youth programmes – to assist families in raising their children in favourable conditions.

12. The Finnish system was sufficiently flexible to ensure a minimum income for all; welfare helped to reduce any gaps. Welfare needs had declined in the country with the upswing in employment. On gender equality, the new Government had committed itself to devoting all necessary attention to the question. By and large, women and men were equally represented in all committees and other decision-making bodies.

13. Ms. ROTOLA-PUKKILA (Finland) said that, pursuant to section 19 of the Constitution, anyone who could not obtain the means necessary for a life of dignity was entitled to welfare assistance. It also required that the competent authorities promote the right to housing. The objective of the act on the improvement in housing conditions was to ensure that every family had housing that was adequate in size, adapted to its needs and in good condition and that the rent and service charges were not out of proportion with its disposable income. The local authorities must also see to it that every measure was taken to improve the housing conditions of persons living in insalubrious apartments and that services were provided to homeless persons. Individualized rent subsidies were granted as a function of the financial and material situation of the household applying for such aid; the nationality of the applicant was completely irrelevant. The aim of the new programme introduced by the Government was to increase the number of low-income and state-subsidized dwellings.

14. For their part, the Roma were dependent on the supply in the public housing sector, because prejudices and the fact that they usually did not have sufficient financial guarantees stood in the way of their having access to the private market. Roma also encountered difficulties obtaining a rented dwelling, although the situation had improved somewhat. With regard to access to social housing, however, they were on an equal footing with other Finnish families, as shown by the directives in the Finnish National Fund for Housing Assistance guide for the selection of tenants, which prohibited any form of discrimination in the procedure for granting housing. Roma who believed that they had been discriminated against could lodge a complaint with the Fund, the Ombudsman for Minorities or the Parliamentary Ombudsman. In March 2007, one municipality had been criticized for discrimination after denying a Roma family an apartment when several apartments had been vacant.

15. Ms. MAJURI (Finland) said that the provisions of the Penal Code making acts of discrimination an offence applied solely to commercial activities, and not to contracts concluded between individuals. The fact that there had been few decisions on cases involving acts of discrimination in housing did not mean that such discrimination did not exist: sometimes victims might not have lodged complaints.

16. On the question as to why the Sami land ownership study had been preceded by the history of the situation of that people, she explained that it was important to ascertain whether at a particular time in its past the Sami people had had property rights to the lands concerned, because that would give it a weighty argument in the current discussions. For that reason, the Sami Parliament had carried out its own investigation, and the Ministry of Justice had also ordered an independent inquiry on the question. It should be borne in mind that other populations groups had also had land rights in Lapland since time immemorial, and the question must therefore be decided on the basis of all the facts and must be the subject of very clear legislation. In any event, section 17 of the Constitution guaranteed the right of the Samis, as an autonomous people, to maintain and develop their own language and culture, and section 121 gave them the right to linguistic and cultural self-government in their native region.

17. Ms. KROGER (Finland) said that measures had been taken in Finland to promote day-to-day health, whether at child-care centres, in schools, at the workplace or during leisure activities. To prevent obesity, for example, emphasis had been placed on the importance of physical exercise and good eating habits. In connection with its accession to the European Union in 2004, Finland had been required to lower taxes on alcoholic beverages; the result had been an

increase in alcoholism. On the other hand, drug consumption appeared to have declined slightly. The Government endorsed the European norms on transgenic crops and had established a special committee to supervise the marketing of new agricultural products.

18. Finland had the most rapidly aging population in Europe, and it was estimated that in 2020, persons 65 years of age and older would account for nearly ten per cent of the population. However, the rate of functional capacity had improved considerably, and the objective was to ensure that elderly persons continued to live at home or in their families for as long as possible. To that end, ambulatory and home help services had been put into place, institutions and other services having also been established for persons who required nursing care.

19. Ms. MERILAMPI (Finland) said that to a large extent, the school drop-out rate in the Roma population had cultural causes, because nothing prevented Roma children from enrolling in school, where they were entitled to three warm meals a day in the cafeteria and free school transport, just like all other children. In the past, Roma had not been in the habit of staying at the same place long enough for their children to enrol in school; that was no longer the case. The fact that more and more Roma parents were taking adult education courses gave reason to hope that in the future, they would send their children to school. The number of Roma students enrolled at university was also growing, but the delegation was unable to provide statistics in that regard, since there was no requirement to specify ethnic identity upon enrolment.

20. Finland emphasized language acquisition from a very early age, because language was an asset for consolidating one's identity and preventing social exclusion and was of enormous assistance in facilitating intercultural dialogue. Aware that language learning must be diversified and that a knowledge of several languages reduced the risk of exclusion, in 2006 the Ministry of Education had allocated additional funds to teach the Sami language. In the near future, it intended to promote virtual distance learning and to address the shortage of teachers of Sami outside the areas traditionally inhabited by Samis. Broadly speaking, every child had the right to take three classes a week in his or her mother tongue.

21. Ms. MAJURI (Finland) confirmed the existence of the right to appeal a decision taken to administer treatment for mental illness without the consent of the patient, and she referred to sections 7 and 21 of the Constitution.

22. Ms. KROGER (Finland) said that persons suffering from mild mental illness, including depression, were no longer stigmatized in Finnish society, and they increasingly applied for invalidity pensions. The growing use of antidepressants should not be interpreted as a social ill, but as better care for depression. Although it continued to be high, mortality due to suicides had declined.

23. In 2005, maternity and paternity allowances had increased slightly. The new Government planned to undertake a wide-ranging reform of the social security system, with three main objectives: combating poverty, guaranteeing the quality of social security services and arriving at a balance between social security and work incentives. Finland recognized that it had provided little information on child poverty; it had deemed it preferable to address the problem of poverty in the broad sense, since most children lived in families or were cared for by State institutions.

24. Mr. KOSONEN (Finland) said that the Finnish authorities had studied the possibility of ratifying the International Labour Organization (ILO) conventions concerning migrant workers but had concluded that it was not necessary, since those questions were already covered by national and European legislation. The post of Ombudsman was held by a woman, an eminent legal expert, who was fully independent.
25. Mr. SADI asked why the problem of trafficking in human beings persisted in Finland although it was duly punished by the Penal Code and was the subject of a national plan of action. Why had so few cases been brought before the courts? He also enquired why the minimum age of marriage was not the same as the age of sexual consent. Lastly, he would like to have some information on same-sex marriage, which was permitted in the State party, and on the prohibition on smoking in public places.
26. Ms. BARAHONA RIERA did not agree with the delegation that the ILO Conventions concerning migrant workers did not contribute anything new to European legislation; on the contrary, they were essential to the protection of the rights of migrant workers. She also asked what recommendations had been formulated by the Parliamentary Ombudsman in his report on violence against women and children. As she understood it, domestic violence was not a criminal offence; she asked for more specific information on the subject.
27. Ms. WILSON sought information on the underlying causes of discrimination and xenophobia. In particular, why were so few cases of discrimination reported to the police? Did that not suggest that the victims feared police reprisals?
28. Ms. BONOAN-DANDAN, although welcoming that section 19 of the Constitution provided that the State must promote the right to housing, pointed out that, above all, the State was under an obligation to enforce the right to housing. She would also like to obtain information on specific legislation and policies aimed at guaranteeing the right to adequate food, in particular for Roma and Samis. Those questions were particularly important, given that nearly 12.2 per cent of children below the age of 16 lived under the poverty line. She drew the delegation's attention to the Committee's general comment No. 12 on the right to adequate food.
29. Mr. RZEPLINSKI asked for information on the compulsory hospitalization of the mentally ill for psychiatric treatment. He would also like to know whether public sector employees who reached retirement age in excellent physical and mental health could continue to work, and if so, on what terms. He enquired about legislation and practices concerning organ trafficking for transplantation; according to some sources, Finnish hospitals had imported organs from the Islamic Republic of Iran. He also asked whether human rights education was the subject of a separate course in school.
30. Ms. BRAS GOMES was pleased to note that minimum welfare benefits had been raised, but would like to know whether minimum benefits ensured the right of everyone to an adequate standard of living. The information provided by the State party and the delegation was too vague to have an exact idea of the situation.
31. Mr. KOLOSOV asked why Finland had ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict but not its Optional Protocol on the sale of children, child prostitution and child pornography. He would like to have

information on the pernicious influence on children of the media, in particular the Internet, and also on the problem of child pornography on the Internet. He also asked what the State party's policy was with regard to genetically modified organisms (GMOs).

32. Ms. PUIRO (Finland) said that trafficking in human beings had not been made a criminal offence until 2004. The small number of convictions – 13 cases of trafficking had been recorded, and only one had been tried as such in court, the indictments in the others having been changed – was due to the recent nature of the legislation but also to the difficulty of identifying cases of trafficking. Finland was a country of transit, which meant that in general, when the persons concerned entered its territory, they had identity papers and did not even know yet that they were future victims. Nevertheless, efforts had been made to improve the training of civil servants and cooperation with non-governmental organizations (NGOs) in the area.

33. To her knowledge, there was no organ trafficking in Finland. It was highly unlikely that organs from Iran had been used, given the distance between the two countries and the fact that transplantations must be performed within several hours.

34. The possession and distribution of material involving child pornography were prohibited by the Penal Code, and the police were authorized to send the list of web sites which ignored that prohibition to the telecommunication companies so that they could prevent them from being accessed.

35. Mr. KOSONEN (Finland) said that smoking in public places was prohibited and that in 2007 the prohibition would be extended to restaurants.

36. Ms. MAJURI (Finland) said that the criminal provisions on the principle of non-discrimination were applicable to situations in which civil servants were guilty of discrimination in the exercise of their duties, notably in providing services to the population, and not to situations in which an individual negotiated with another. Discrimination against a member of the Roma community in the context of a search for housing, for example, was not covered.

37. The minimum age of marriage was set at 18 years, that of consent to sexual relations at 16. Homosexuals could not marry, but could conclude a partnership agreement which guaranteed them more or less the same rights, apart from the right to adopt children. Debates were under way on the subject, and in the future, one of the partners might well be allowed to adopt the other's child.

38. Ms. KOIVURANTA (Finland) said that the welfare act contained specific provisions on access to food, clothing, housing and medicine. It gave effect to the right to food in various ways, notably by providing nutritional care in residences for the elderly, free meals in school cafeterias, and food aid in kind rather than in cash to needy families in which one of the members was an alcoholic.

39. The increase in the number of persons below the poverty line was due to a change in the way the poverty line was calculated, because to bring it into line with the statistics of the European Union and the Organization for Economic Cooperation and Development (OECD), Finland had decided in 2004 to raise the poverty line from 50 per cent to 60 per cent of average

income. The relative poverty rate continued to be one of the lowest in the European Union. In recent years, the income of the poorest had increased, but to a lesser degree than that of the rest of the population. The Ministry of Social Affairs and Health planned to raise minimum welfare benefits by 2015 in order to combat poverty and exclusion and ensure an adequate standard of living for everyone. Of course, that increase would have to take account of the State's budgetary constraints, but it would clearly be a major point of the social security reform which had just been launched.

40. When finished products were made from transgenic foodstuffs (for example, soybean imported from the United States), it must be indicated on the packaging.

41. Ms. KROGER (Finland) said that the labour force participation rate in Finland of persons 50 years of age and older was one of the highest in the European Union. The working careers of persons in that age category had increased by twelve months in recent years and continued to grow. The new act on labour contracts contained a provision facilitating retirement in the private sector, pursuant to which all labour relations automatically terminated without prior notice at the end of the calendar year in the course of which the employee celebrated his or her sixty-eighth birthday. If they wished, the employer and the employee could sign a fixed-term contract to continue the labour relation beyond the sixty-eighth birthday of the employee. In the civil service, the retirement regime had been reformed in 2005. It was now more flexible, and civil servants could retire between the ages of 63 and 68.

42. Ms. MAJURI (Finland) said that the report of the Parliamentary Ombudsman on violence and abuse had been considered by Parliament, which had agreed to amend the act on the protection of children in order to extend to medical personnel and other professionals the obligation to report to the police any abuse or violence brought to their attention.

43. Under the mental illnesses act, only the director of a mental health institution could take a decision on placement. The decision must be re-examined every three months, and the patient (or legal representative if he or she had been declared incapable) could lodge an appeal in court. The Constitution guaranteed the right to appeal in court for all persons deprived of their liberty, whether on account of their mental health or for any other reason, for example in connection with a prison sentence.

44. Mr. KOSONEN (Finland) informed the Committee that the European Court of Human Rights had concluded that there had been no violation in the cases of abuse brought before it, and said that, having taken part in the drafting of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, Finland would soon pass the legislative texts needed in order to ratify it.

45. In closing, he assured the Committee that the indivisible nature of all human rights was taken increasingly into account in Finland, as shown by the provisions of the country's new Constitution and a wide range of activities undertaken to protect economic, social and cultural rights. Of course, there was still a long way to go, and thus the Finnish authorities looked forward to learning the Committee's opinions and recommendations. The Committee's concluding observations would be forwarded to all ministries, presented to the public at large in press conferences upon publication and widely debated in round table discussions with NGOs.

46. The CHAIRPERSON, welcoming the State party's intention to publicize its exchanges with the Committee, said that the latter had completed its consideration of the fifth periodic report of Finland.

47. The delegation of Finland withdrew.

The public part of the meeting rose at 5.30 p.m.
