



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

### Fifty-third session

#### Summary record of the 47th meeting

Held at the Palais Wilson, Geneva, on Thursday, 13 November 2014, at 10 a.m.

*Chairperson:* Mr. Kedzia

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### Consideration of reports (*continued*)

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

*Sixth periodic report of Finland (continued)*

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*The meeting was called to order at 10.05 a.m.*

**Consideration of reports** *(continued)*

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

*Sixth periodic report of Finland* (continued) (E/C.12/FIN/6; E/C.12/FIN/Q/6 and Add.1; HRI/CORE/1/Add.59/Rev.2)

1. *At the invitation of the Chairperson, the delegation of Finland took places at the Committee table.*
2. **Ms. Arrhenius** (Finland), responding to questions put by Committee members during the previous meeting, said that the Government had devised a national action plan to combat violence against women, which provided for a number of awareness-raising and education measures and contained specific initiatives for Roma women and women with disabilities. The Government had also launched a domestic violence prevention training scheme for medical professionals, teachers, social service workers and the police and provided funding for five women's shelters. Such measures had not yet resulted in a significant decrease in the number of victims, but it was hoped that the number of cases of domestic violence would decline over time.
3. **Ms. Yli-Pietilä** (Finland) said that the Government had taken a series of measures to uphold the principle of equal pay for work of equal value, including the establishment of the Equal Pay Programme in 2006 which aimed to reduce the gender pay gap from 20 per cent to 15 per cent by 2015. Women working full-time in Finland currently earned an average of €2,960 per month. The Government had also taken steps to improve women's economic empowerment and eliminate gender-based stereotypes. Under the Government Action Plan for Gender Equality, efforts had been made to ensure a better work-life balance for women, eradicate gender segregation in the labour market, particularly within traditionally male-dominated sectors, and promote women's participation in decision-making and leadership roles. The Government continued to monitor progress made towards gender equality and would consider introducing temporary special measures if the situation failed to improve. As for access to education, the Government remained committed to implementing gender equality targets in its national education policies.
4. **Ms. Tiusanen** (Finland) said that the Government had been in discussions with the Sámi Parliament concerning the subjective nature of the definition of the Sámi contained in the Act on the Sámi Parliament, and several amendments to the Act had been proposed. The Government had previously received conflicting advice on how to include elements of both self-identification and group identity in the definition, but considered that the amended Act struck the right balance between the two components.
5. **Mr. Puurunen** (Finland) said that the State owned 90 per cent of the land inhabited by the Sámi and private companies owned the remaining 10 per cent. The Government had recently included several new provisions in national mining, environmental and water management legislation to protect the Sámi culture and traditions and intended to ratify the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169) in the near future.
6. **Mr. Kosonen** (Finland) stressed that the Government involved the Sámi people in national decision-making processes and ensured that they were consulted on matters that might directly affect their status as an indigenous people or that concerned their traditional lands, such as logging and mining activities.

7. **Ms. Bras Gomes** asked whether, pursuant to the United Nations Guiding Principles on Business and Human Rights, the State party accepted extraterritorial responsibility for the activities of Finnish companies operating abroad and ensured that those companies respected relevant international human rights standards at all times. She also wished to know whether the State party intended to incorporate additional, newer grounds for discrimination in its anti-discrimination legislation.
8. **Ms. Shin** asked whether efforts had been made to study the gender pay gap and compare the salaries of men and women working in similar positions.
9. **Mr. Martynov** asked for further clarification of the land rights of the Sámi and the measures that would be taken to implement ILO Convention No. 169.
10. **Mr. Marchán Romero** (Country Rapporteur) asked whether measures had been taken to tackle discrimination against ethnic minority groups in Finland, particularly persons of Russian and Somali descent. He also requested clarification on the sexual and reproductive health rights of women with disabilities, particularly women with psychosocial disabilities, including information on whether steps had been taken to combat forced sterilization. Lastly, he wished to know what efforts had been made to guarantee access to health care for asylum seekers and migrants in an irregular situation.
11. **Ms. Tiisanen** (Finland) said that the Government had established a working group responsible for assessing and implementing the provisions of the United Nations Guiding Principles on Business and Human Rights. The working group had concluded that an in-depth study of Finnish legislation would be required before the Guiding Principles could be implemented.
12. **Ms. Yli-Pietilä** (Finland) said that gender segregation in the labour market remained high, which made it difficult to study the gender pay gap effectively. The Government had begun to amend the Equality Act so as to strengthen the principle of equal pay for work of equal value and had taken steps to make salary information more readily available for analysis and discussion.
13. **Mr. Koskinen** (Finland) said that the Sámi were a nomadic people whose traditional lands spanned four national borders, namely those of Finland, Norway, the Russian Federation and Sweden. There were around 2,000 Sámi living in northern Finland in a small area of around 60 square kilometres. The Government had taken steps to strengthen their rights to use their traditional lands, including the water reserves and natural resources located there.
14. **Mr. Puurunen** (Finland) added that the Government had recently come to an agreement with the Sámi Parliament on the measures required to implement the provisions of article 15 of the Covenant.
15. **Ms. Arrhenius** (Finland) said that in 2012, the National Institute for Health and Welfare had carried out a study involving persons from the Russian, Somali and Kurdish communities which had indicated an overall improvement in access to health care and public services for those ethnic groups, and that it would be conducting a similar study on the Roma community in the near future. The results of the study had shown that around 90 per cent of Somalis and 82 per cent of Russians rated their quality of life in Finland as good or very good, and only 5 per cent of Somalis reported that they had unmet health-care needs.
16. **Ms. Jalkanen** (Finland) said that national anti-discrimination legislation addressed all sectors of life, including employment, and covered all forms of discrimination against all groups of people. The Government worked in partnership with non-governmental organizations (NGOs) to combat discrimination and had conducted regular surveys of persons from various ethnic minority backgrounds to identify and assess the types of discrimination they faced.

17. **Ms. Jouttimäki** (Finland) said that the informed consent of women with disabilities or their legal representatives was required before any form of medical treatment, particularly sterilization, could take place.

18. **Ms. Jalkanen** (Finland) said that the definition of discrimination contained in the amended Non-Discrimination Act adhered to the guidelines provided for in European Union Directives No. 43 on anti-discrimination and No. 78 on equal treatment in employment and accounted for newer forms of discrimination.

19. **Mr. Koskinen** (Finland) said that the amended Non-Discrimination Act was currently before the parliament, and steps had been taken to ensure that the wording of the Act clearly prohibited all forms of discrimination.

20. **Ms. Arrhenius** (Finland) said that illegal drug-taking was not common in Finland, and there had been only 156 drug-related deaths recorded in 2010. Despite public discussion concerning the legalization of cannabis, the Government had no plans for decriminalization. As for tackling the obesity epidemic, the Government had issued healthy eating guidelines to all school catering companies and had removed vending machines located in schools across the country in an effort to combat the increasing number of overweight children. It had also introduced clearer food nutrition labelling standards for packaged foods and was considering adopting a tax on unhealthy food products, such as sweets. Regarding the recent Ebola outbreak, the Government had strengthened its cooperation with local and regional authorities and had devised general guidelines for handling suspected cases of Ebola. University hospitals were prepared to receive suspected Ebola victims and relevant health-care protocols had been updated and enhanced. The Government had also played an active role in the international Ebola prevention and treatment initiatives led by the European Union and the World Health Organization.

21. **Ms. Yli-Pietilä** (Finland) said that, although most women in Finland worked full-time, the fertility rate was high, at 1.82 children per woman, and consequently measures to help parents achieve a work-life balance were of particular importance. The Government was trying to encourage mothers to return to the workplace sooner than in the past and had introduced a flexible care allowance to permit parents with children under the age of 3 to work shorter hours. Uptake of parental leave by men was still low; to address that problem, a new quota of nine weeks' leave to be taken before the child's second birthday was available only to fathers. All children in Finland were guaranteed a place in day care; however, new amendments reduced the daily hours for the child of a parent who was at home with a new baby. The home-care allowance was divided between the mother and the father, each having the right to one year's allowance for children under the age of 3.

22. **Ms. Tiusanen** (Finland) said that sexual harassment, defined as acts involving touching in violation of another person's sexual autonomy, was now a separate criminal offence in the Criminal Code, subject to 6 months' imprisonment. No statistics were yet available as the amendment had entered into force only two months previously.

23. **Ms. Arrhenius** (Finland) said that there were long waiting lists for social housing provided by municipalities for low-income households. Studies showed that Somali families generally lived in small rented apartments, where they rarely had one room per person because of their family size; about a third were on low incomes and half said it was difficult to earn an adequate income. A 2012 survey had found that Roma families had a standard of housing similar to that of the majority population and faced similar problems. There was some indication of discrimination against them in the deprived housing market, the situation being especially difficult for young Roma people, who traditionally left home at an early age. The Ombudsman had considered many complaints from Roma, mainly concerning access to housing, choice of residence and the possibility of changing residence, although discrimination had been an issue in only a few. Good practices in relation to the

Somali and Roma communities included mediation with neighbours, which had been used in some cities with positive results.

24. The Government had adopted a resolution on reducing homelessness by 50 per cent between 2008 and 2011 and had allocated €3 million to three of the major cities to that end. The work was continuing beyond the original completion date, and the number of long-term homeless had fallen by 40 per cent by 2012. In 2013, there had been 7,500 homeless persons and 400 homeless families in the country; 3,000 homeless persons had been given apartments during the first phase of the programme. In the past, the homeless population had consisted of street dwellers, persons with drugs problems and recently released prisoners; immigrants, families and young people had now joined their number. Two thirds of homeless persons lived in metropolitan areas and, of the 4,000 persons currently homeless in Helsinki, 1,600 came from a migrant background.

25. **Ms. Tiusanen** (Finland) said that measures taken in 2012 to promote equal access to housing for Roma people had included seminars with the regional advisory boards for Roma affairs to exchange good practices, the publication of an information brochure for Roma people on the housing process, and events for Roma NGOs on issues related to equality within the community. Those forms of action, all based on dialogue between the communities, the authorities and the private housing companies, had been chosen to address the lack of information and the prejudice that existed despite the legislation.

26. **Ms. Shin** asked whether the legislation on sexual harassment encompassed verbal harassment.

27. **Mr. Abdel-Moneim**, referring to the delegation's mention during the previous meeting of refusal to take a job being a consideration in decisions on the special benefits available to immigrants, reminded the delegation that, despite a recent ruling by the European Court of Justice concerning access to unemployment benefits for an immigrant who had not tried to find a job, a State party's obligations under the Covenant took precedence over those under any other instrument.

28. **Ms. Tiusanen** (Finland) said that, under the Criminal Code, the separate offence of sexual harassment concerned only acts of touching. However, other acts might be covered by other legal provisions.

*The meeting was suspended at 11.25 a.m. and resumed at 11.35 a.m.*

29. **Ms. Arrhenius** (Finland) said that, although the child poverty rate was still higher than it had been 20 years previously, the income of families with children had improved more than that of other population groups. There were 635,000 persons in Finland living under the poverty threshold and 300,000 of them were living on less than 50 per cent of the median income; of those, 24 per cent were students, 24 per cent pensioners, 18 per cent unemployed persons, 15 per cent employed and 15 per cent families with children. Policies intended to address the situation included the development of children's services to prevent exclusion, measures to overcome health inequalities, mental health services, parenting and income support and promotion of a life-work balance. Parliament was discussing amendments to the Social Welfare Act focusing on general services, client equality and cooperation between the authorities.

30. **Ms. Tiusanen** (Finland) said that the Act on self-government of the Åland Islands had been passed in 1991. A high-level parliamentary committee, including strong representation of the Åland parliament, had now been established to prepare proposals for new legislation. Its mandate would end in April 2017.

31. **Ms. Jouttimäki** (Finland) said that she could not provide information on individual child welfare cases because personal information was protected. However, municipal and supervisory authorities implemented the Child Welfare Act carefully in accordance with

Government and Ministry of Social Affairs and Health guidelines. A May 2014 recommendation on the quality of child welfare established the child as the primary client of all child welfare activities. Service provision was underpinned by the ethical principles of human dignity and fundamental rights, the child's best interests and professional accountability. The child welfare development implementation plan placed emphasis on exchange of information and cooperation between the authorities concerned.

32. The Ministry of Social Affairs and Health had established a working group to consider legal recognition of the gender of transsexuals, repealing the former requirements of infertility and singleness. The group would conclude its work by the end of 2014. Discrimination against transsexuals was included in the amendment to the Equality Act.

33. **Ms. Koivuranta** (Finland) said that the 2006 Occupational Safety and Health Act was accompanied by strategic guidelines on well-being in the working environment up to 2020. The Government's aim was to restrict the "grey" economy and to encourage longer working careers. It gave priority to high-risk workplaces, paying particular attention to early intervention, health care and psychosocial issues. Good resources were available, with more than 300 health and safety inspectors working in the field. The number of fatal accidents at work had fallen from 3.5 per 100,000 employees in 1992 to just over 1 currently, although that still represented a few deaths each month.

34. **Ms. Porkka** (Finland) said that long-term unemployment was rising and affected older men with low levels of education in particular. Special measures to be introduced in 2015 included the simplification of the wage subsidy system, used to encourage employers to take on persons who had problems finding jobs. The subsidy would be permanent for new employees over the age of 60. A new service model would also be introduced, with a network combining services for the long-term unemployed with social and other services. It had already been trialled in some areas and would now be extended nationwide. Strict deadlines were to be introduced for part-payment by municipalities of the long-term unemployment allowance to encourage them to find innovative solutions to the problem. Adapted training was also necessary, given that many long-term unemployed had very low levels of education.

35. In the area of youth unemployment, the European Union had used the Finnish youth guarantee scheme, introduced in 2013, as a basis for its Youth Guarantee for Europe. Personal contact had been shown to have a clear effect in reducing unemployment and the Finnish scheme therefore provided easy access for young people to personalized information on employment and training opportunities. The wage subsidy system was the same for young people as for others, and a related marketing campaign specifically promoting the employment of young people had been successful; the ultimate aim however was to have them fully integrated into the open labour market. The relatively high level of youth unemployment in Finland was a result of the generally poor economic situation. However, young Finnish people experienced shorter periods of unemployment than young people in other European countries. Particular attention was being paid to ensuring that training and studies met the constantly changing needs of the labour market.

36. Regarding the placement of refugees in municipalities, the accumulated backlog had been dealt with in 2014 and refugees were now arriving again from countries of first asylum after having been allocated a place. By October 2014, 875 refugees had been resettled after a waiting time of about 1.5 months in the reception centre. Placement and integration procedures had been developed with the help of projects financed by the European Refugee Fund, which included financial incentives, and municipalities were now more prepared to receive refugees.

37. **Mr. Cortés Téllez** (Finland) said that the 2003 Sámi Language Act gave Sámi speakers the right to use their mother tongue in dealings with the authorities in the Sámi

Homeland, but obstacles noted by the Sámi Parliament included a serious lack of qualified Sámi speakers in the civil service, meaning that interpretation, originally intended as only a secondary means of communication, often had to be used. The migration of Sámi persons to other parts of Finland, where they had less strong rights, was also a problem. A Ministry of Education and Culture working group had reported in 2012 that all three Sámi languages spoken in Finland were endangered. Consultations had been held with stakeholders, as had negotiations with the Sámi Parliament, with a view to the development of a programme of action for the revitalization of the Sámi languages, and a decision in principle had been adopted by the Government on 3 July 2014. It included measures to boost the creation of Sámi language nests, of which seven were currently in operation, including the first to be established outside the Sámi Homeland, in Helsinki, host to the largest Sámi community in Finland. Greater access was given to education in Sámi, a right in the Sámi Homeland, and provision had been made for distance learning. Educational materials in Sámi were available, including a recent web-based publication of the Sámi Parliament.

38. Under the Basic Education Act and the Constitution, the right to education had been guaranteed for all, whether citizens or not, since 1999, with equal access being a priority. The State subsidized weekly mother-tongue classes for persons of non-Finnish or non-Swedish origin. Training materials for teachers on equality were provided in Finnish and Swedish. School dropout rates were not a major concern, as over 99 per cent of pupils completed their basic education. However, attention was being paid to Roma children, who had a higher dropout rate, and the results were encouraging, with a rise in the number of Roma children going on to further and pre-university education. Literacy among the adult population was 100 per cent, but functional literacy rates varied between population groups. Encouragingly, Finnish pupils had been ranked third in the 2013 Programme for International Student Assessment (PISA) survey by the Organisation for Economic Co-operation and Development.

39. **Ms. Jalkanen** (Finland) said that civil servants in Finland had the right to join trade unions and that national legislation on the subject was in line with the international instruments to which Finland was a party. Civil servants were permitted to initiate industrial action, although their options in that regard were more restricted than those of employees in the private sector. The Government had adopted a national action plan to reduce the number of people working in the illegal economy, and to that end the Ministry of Employment and the Economy had submitted to parliament proposed amendments to various national laws. The illegal economy was estimated to make up 5.5 per cent of the country's gross domestic product. Undeclared work was most common in sectors such as the transport and hospitality sectors.

40. **Mr. Marchán Romero** asked to what extent the social welfare provisions set out in Finnish law applied to immigrants in an irregular situation. He wished to know whether, in addition to the Sámi, other groups such as the Russian, Somali and Kurdish communities were also recognized by law as ethnic minorities so as to protect their cultural identity. Lastly, he asked what steps had been taken to combat bullying and discrimination against Roma and other minorities in schools and to prevent cultural intolerance.

41. **Mr. Kerdoun** asked whether the children of immigrants in an irregular situation were allowed to attend school.

42. **Mr. Schrijver** requested further information about how the State dealt with refugees and asylum seekers who did not possess identity documents. According to information before the Committee, in practice the placement of refugees and asylum seekers in municipalities was subject to long delays, and in the interim they were forced to remain in camps and could not integrate in Finnish society. He asked the delegation to comment on that situation.

43. **Mr. Mancisidor** requested further information on how the State party planned to achieve its objective of becoming a forerunner in scientific research by 2017.

44. **Mr. Sadi** asked what follow-up had been given to the problems brought to light in studies on the situation of minorities, immigrants and asylum seekers. He wished to hear the delegation's views about why Kurdish and Somali immigrants often suffered from depression and required psychological counselling, and he wondered whether it might not be attributable to separation from their families. Lastly, he asked whether the Government's policy was to integrate the Sámi into mainstream Finnish society, including with regard to education and housing.

45. **Ms. Bras Gomes** said that, while she welcomed the fact that civil servants were allowed to join trade unions, she was concerned by reports that they were not allowed to form such unions. She looked forward to hearing the results of the Government's study of the issue of extraterritorial obligations but pointed out that Finland had already accepted that principle with regard to child labour.

46. **Ms. Shin** said that the Convention on the Rights of Persons with Disabilities had set high standards with regard to the health and reproductive rights of persons with psychosocial or mental disabilities. If Finnish law allowed legal guardians or anyone else to take decisions about the sterilization of such persons on their behalf, then that law should be amended.

47. **Ms. Arrhenius** (Finland) said that immigrants in an irregular situation could access acute health services and some social services, such as income support, but that they were not entitled to other services such as day care for their children. The National Institute for Health and Welfare had recently drawn up a report on the right of immigrants in various situations to access health-care services. In the report, the Institute had proposed three possible models for providing health care to those immigrants. Under the most extensive model, they would be entitled to the same health coverage as that enjoyed by other residents of Finland, while the least extensive would provide only acute health care for most of those immigrants, apart from children, pregnant women and women who had recently given birth, all of whom would receive full coverage. Under all three models, the Government would compensate the municipalities for the costs incurred. The various options proposed in the report were still being considered. One of the main reasons that Kurdish and Somali immigrants suffered from depression was that the majority of them had experienced severe trauma in their country of origin.

48. **Ms. Tiusanen** (Finland) said that, while only the Constitution made specific reference solely to the Sámi and Roma peoples as groups with the right to maintain and develop their own language and culture, that fact by no means diminished the rights of other groups that were not specifically mentioned.

49. **Mr. Koskinen** (Finland) said that the Sámi were strongly opposed to assimilation, and that the Government therefore provided them with extensive support to help them maintain their own traditions.

50. **Ms. Männistö** (Finland) said that bullying in school was being combated through an evidence-based programme called KiVa, while a national anti-discrimination programme addressed issues related to cultural intolerance. Many training materials had been created for teachers on equality and non-discrimination and on the history and culture of certain groups, notably the Roma. The "good relations" project sought to improve relations between people from diverse backgrounds.

51. **Mr. Cortés Téllez** (Finland) said that instances of bullying had diminished significantly as a result of the KiVa programme, while students' motivation to attend school had increased. All population groups had the right to access education on an equal basis. To



that end, the Government employed a two-pronged strategy of ensuring that immigrant children mastered either the Finnish or Swedish language, while at the same time providing two hours of instruction per week in their native tongue so that they could maintain their own language. No distinction was made in the education system between the recently arrived Russian-speaking immigrants and those whose families had lived in Finland for more than 100 years. Somali immigrants enjoyed the same education rights as other linguistic minorities. The issue of education for child asylum seekers was problematic, as there had been considerable debate about whether the municipalities should consider them to be permanent residents. Nevertheless, all school-age asylum seekers currently in the country were receiving an education.

52. The Finnish Society of Sciences and Letters played a major role in promoting diversification among institutions of higher education and enhancing the impact of scientific research and outreach to society; it also ran a programme to encourage interest in science among school pupils. Students at the basic education and pre-university levels fared well in scientific subjects.

53. **Ms. Jalkanen** (Finland) said that civil servants in Finland had the right not only to join trade unions but also to form them.

54. **Mr. Kosonen** (Finland) added that those rights had been confirmed in the landmark judgement issued by the European Court of Human Rights in the case *Vilho Eskelinen and others v. Finland*.

55. **Ms. Jouttimäki** (Finland) said that, under very limited circumstances, the process of authorizing the sterilization of a person with disabilities could be initiated at the request of the person's legal guardian without their informed consent, but that the case would be further examined by various doctors and by the National Supervisory Authority for Welfare and Health before authorization was granted. The Government had reviewed the relevant legislation prior to ratifying the Convention on the Rights of Persons with Disabilities and had determined that it was in line with that Convention.

56. **Mr. Schrijver** requested further information about the role played by the Constitutional Law Committee in reviewing the constitutionality of human rights treaties before they were incorporated into national law.

57. **Mr. Koskinen** (Finland) said that there was no Constitutional Court in Finland, and that the Supreme Court had very limited powers with regard to determining the constitutionality of laws. It was therefore the Constitutional Law Committee of the Finnish parliament that reviewed bills submitted by the Government, particularly those connected with the rights set out in the Constitution, and made suggestions about how they might be amended during the parliamentary process in order to bring them into line with the Constitution. The statements issued by that Committee were well-respected by the courts and the civil administration.

58. **Mr. Kosonen** (Finland) expressed his satisfaction with the constructive dialogue and said he was certain that both sides had learned more about economic, social and cultural rights through their participation in the dialogue. Steady progress was being made in the field of economic, social and cultural rights, and that progress could not but be enhanced by the Committee's consideration of States parties' reports and of individual communications under the Optional Protocol to the Covenant, as well as by its use of the inquiry procedure.

59. **Mr. Marchán Romero** said he agreed that the dialogue had been useful for both the delegation and the Committee. Much progress had been made since the State party's previous report, and that fact would be reflected in the Committee's concluding observations. He asked Finland to include in its next periodic report information on any

cases in which the Covenant had been directly applied by the courts. He also asked the State party to continue to attach priority to issues concerning the Sámi people and to ensure that its upcoming decision about its interpretation of ILO Convention No. 169 adequately took into account the economic, social and cultural rights of the Sámi people, including their right to self-identification. He welcomed the Government's commitment to continue to provide official development assistance and hoped that the State party's next report would show an increase in the amount of such assistance. It was his hope that the efforts to adopt a non-discrimination bill and a separate bill on gender equality would result in a comprehensive anti-discrimination framework covering all relevant sectors. He also hoped that the State party's next report would contain information on the results achieved through the many initiatives Finland was undertaking to promote and protect the Covenant rights.

60. **The Chairperson** expressed his appreciation for the composition of the delegation, which included highly professional representatives from a variety of government bodies. He also appreciated the fact that Finland had not only ratified the Optional Protocol to the Covenant but had also recognized the competence of the Committee to initiate inquiry procedures. In addition, it had worked to actively promote ratification of the Optional Protocol through the Group of Friends of the Optional Protocol.

*The meeting rose at 1.05 p.m.*