



Distr.

GENERAL

E/C.12/FIN/Q/5

25 August 2006

Original: ENGLISH

## Economic and Social Council

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS Pre-sessional working group 22-26 May 2006

### IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON Economic, social and cultural rights

**List of issues to be taken up in connection with the consideration of the fifth periodic report of FINLAND concerning the rights covered by articles 1 to 15 of the International Covenant on Economic, Social and Cultural Rights (E/C.12/FIN/5)**

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#### I. GENERAL INFORMATION

1. Please provide information regarding the State party's "best practices" that it considers to be exemplary in the implementation of the Covenant.
2. Please provide further information as to how the State party intends to achieve, by 2010, the objective of 0.7 per cent of GDP being devoted to international cooperation for development (E/C.12/FIN/5, paras. 56-58).
3. The Committee would appreciate receiving more detailed information on the mandate and functions of the Minority Ombudsman, and in particular with regard to receiving individual complaints. In the latter case, the Committee would also like to receive information on the number of complaints and the substance received since the Minority Ombudsman began to function (E/C.12/FIN/5, para. 8).

#### II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)

##### Article 1: Right to self-determination

4. Please indicate how the State party measures are progressing towards solving the question of Sámi rights. Please also indicate whether the efforts to remove the obstacles to the ratification of International Labour Organization Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries have finally set the stage for the ratification of the Convention (E/C.12/FIN/5, paras. 60-79).

##### Article 2.2: Non-discrimination

5. Please provide data on the number of persons who have been sentenced pursuant to the recently amended chapter 6 of the Criminal Code and on the penalties inflicted on those who have been found guilty of acts of xenophobia, and racism or discrimination against persons belonging to national, racial, ethnic or other population groups (E/C.12/FIN/5, paras. 19 et seq.).
6. Please provide additional information on the implementation of the Non-Discrimination Act (21/2004), in particular with regard to its effective dissemination to the public at large. Please indicate what measures the State party has taken to ensure that victims of discrimination have adequate access to judicial authorities and to the National Discrimination Board established pursuant to section 13 of the Act and to an effective remedy for violations of their economic, social and cultural rights (E/C.12/FIN/5, paras. 108-109 and 175 et seq.).

##### Article 3: Equality between the sexes

7. Please provide further and more detailed information on why the gender wage gap persists, and the effects of measures undertaken in law and in practice to address these wage inequalities between men and women.

#### III. ISSUES RELATING TO SPECIFIC PROVISIONS OF THE COVENANT (arts. 6-15)

##### Article 6: Right to work

8. Please provide additional information with regard to the labour legislation in the State party aimed at guaranteeing the job security of

the most vulnerable groups of workers, such as part-time and “stand-by” workers. In particular, the Committee would like to know: (a) the definition of “justified reason” for the conclusion of a temporary contract; (b) whether the legislation in force provides for a shift in the burden of proof in cases of temporary contracts concluded for a justified reason; and (c) information regarding means of redress provided for by the law to part-time workers in cases where the competent judicial authority finds that the employment contract was terminated without a justified reason (E/C.12/FIN/5, paras. 32 et seq.).

### **Article 7: The right to just and favourable conditions of work**

9. Please provide additional information on how the State party ensures that the levels of minimum wages are sufficient to allow workers and their families in all sectors - including those who are not covered by a collective agreement - to enjoy a decent standard of living as provided for in the Covenant (E/C.12/FIN/5, para. 36).

### **Article 9: The right to social security**

10. Please provide disaggregated data on persons and families entitled to social welfare as well as benefits guaranteed. In this regard, please provide updated information on the impact of the new Act on the Status and Rights of Social Welfare Clients (812/2000) in order to guarantee “the client’s right to good service and treatment in social welfare without discrimination” (E/C.12/FIN/5, para. 369).

### **Article 10: Protection of the family**

11. Please provide updated, detailed information - including statistical disaggregated data over the past five years - on the measures undertaken to combat trafficking in human beings, in particular women and children. Please also provide information on the results of such measures and the difficulties encountered in their implementation.

12. Please provide updated information on measures taken to combat violence against women, including information on cases of rape and other forms of violence for which criminal proceedings were instituted and disaggregated data on the number of persons who have been victims of gender-based violence (E/C.12/FIN/5, paras. 133 et seq., esp. paras. 141 and 145).

### **Article 11: Right to an adequate standard of living**

13. Please provide information on the number of persons living below the poverty line and on the implementation of the National Action Plan to combat poverty and social exclusion for the years 2004-2005. Please also indicate the measures adopted by the State party to provide assistance and support to families with children and children living in poverty and other groups of individuals who are in serious danger of social exclusion (E/C.12/FIN/5, paras. 479-80).

### **Article 12: Right to health**

14. Please provide disaggregated data concerning the incidence of HIV/AIDS since the submission of the last periodic report.

15. Please provide further information on the impact of the national project which aims to “develop health care services in cooperation between the State and the local authorities so that everyone will have access to good-quality health care services needed”, irrespective of one’s financial position and place of residence. In this regard, the Committee would like to receive further information on the extent to which adequate health services are available in remote areas of the country, particularly for persons in need of mental health care (E/C.12/FIN/5, paras. 155-156 and 534).

### **Articles 13 and 14: Right to education**

16. Please provide further information in relation to the preconditions - as indicated in paragraph 578 of the State party’s report - applied to foreign students prior to admission to basic vocational education programmes. In this regard, how does the State party ensure that foreign students are not discriminated against on the basis of national origin or the language spoken?

### **Article 15: Right to take part in cultural life and to enjoy the benefits of scientific progress and the protection of intellectual property rights**

17. The Committee would appreciate the State party’s view on the essential elements of the right to take part in cultural life as provided for in article 15, paragraph 1 (a), of the Covenant, beyond what is already enumerated in paragraph 605 of the State party’s report.

18. Please provide information on the implementation of the Sámi Language Act (1086/2003) on the right of Sámi people to use their own language before the courts and other public authorities, with particular regard to its application outside Sámi homeland (E/C.12/FIN/5, paras. 162 et seq.).

19. Please provide information on the initiatives undertaken by the State party in the form of cultural support and consultation mechanisms, for other minorities aside from the Sámi and the Roma.

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