



Economic and Social Council

Distr.: General
30 March 2021

Original: English

Committee on Economic, Social and Cultural Rights

Concluding observations on the seventh periodic report of Finland*

1. The Committee considered the seventh periodic report of Finland (E/C.12/FIN/7) at its 5th, 7th and 8th meetings (see E/C.12/2021/SR.5, 7 and 8), held virtually for the first time due to the coronavirus disease (COVID-19) pandemic, on 17–19 February 2021, and adopted the present concluding observations at its 27th meeting, held on 5 March 2021.

A. Introduction

2. The Committee welcomes the submission by the State party of the seventh periodic report, through the simplified reporting procedure, in response to the list of issues prior to reporting (E/C.12/FIN/QPR/7). The Committee appreciates the acceptance by the State party of this procedure, which helps focus the review. The Committee also appreciates the frank and constructive dialogue held with the State party's interministerial delegation.

B. Positive aspects

3. The Committee welcomes the legislative, institutional and policy measures taken to ensure a high level of protection of economic, social and cultural rights in the State party, such as extending compulsory education until the age of 18 and making upper secondary education compulsory, and adopting the first-ever national Child Strategy, as well as the measures mentioned in the present concluding observations.

C. Principal subjects of concern and recommendations

Domestic application of the Covenant

4. The Committee notes that the provisions of the Covenant are rarely invoked in courts, in spite of its status as a constitutional act in the State party's domestic legal order (art. 2 (1)).

5. **Noting the explanation provided by the State party that the Covenant and the rights that it enshrines are reflected in national laws and regulations which domestic courts invoke more readily, the Committee recommends that awareness of the Covenant among the legal profession be promoted, given that domestic law should be interpreted as far as possible in a way that conforms to the rights and obligations under the Covenant. The Committee thus recommends that the State party:**

(a) **Enhance training for judges, lawyers and public officials on the Covenant and the justiciability of the rights therein;**

* Adopted by the Committee at its sixty-ninth session (15 February–5 March 2021).



(b) **Raise awareness of economic, social and cultural rights and the communications procedure under the Optional Protocol among the public;**

(c) **Conduct impact assessments on the Covenant rights, including on equal rights of men and women, not only for proposed legislation, but also in policymaking processes.**

Business and human rights

6. While appreciating the State party's leadership in promoting the business and human rights agenda in regional and international forums, the Committee is concerned at the limited impact of the implementation of its National Action Plan on Business and Human Rights and at the absence of legal obligations for businesses under the State party's jurisdiction to exercise human rights due diligence. In this regard, the Committee is concerned at reports about the lack of a thorough human rights impact assessment of a project operated abroad by UPM, a company domiciled in the State party (art. 2 (1)).

7. **The Committee recommends that the State party adopt a regulatory framework on human rights due diligence making it compulsory for companies domiciled in the State party or under its jurisdiction to identify, prevent and address human rights violations in their operations, including abroad. Such companies should be liable for violations. Victims, including non-nationals, should be able to access effective remedies in the State party. Moreover, the Committee urges the State party to conduct investigations when reports of human rights violations by Finnish companies are brought to its knowledge. The Committee refers the State party to its general comment No. 24 (2017) on State obligations under the Covenant in the context of business activities.**

Access to COVID-19 vaccines and drugs

8. Noting the State party's intention to use its own ongoing research and development projects to support global availability and accessibility of COVID-19 vaccines, the Committee regrets that the State party did not give an indication, at the time of the dialogue, that it would play an active role in advocating for universal, equitable and affordable access to COVID-19 vaccines and drugs in regional and international organizations of which it was a member (arts. 2 (1), 12 and 15).

9. **The Committee recommends that the State party make every effort to exercise its leverage in the regional and international organizations of which it is a member to advocate for universal, equitable and affordable access to COVID-19 vaccines and drugs, which should include the possibility of supporting the proposals made at the World Trade Organization to establish a temporary waiver for some intellectual property rights for vaccines, at least for as long as the pandemic continues. The Committee draws the attention of the State party to its statement made in 2020 on universal and equitable access to vaccines for the coronavirus disease (COVID-19) (E/C.12/2020/2), to paragraph 82 of its general comment No. 25 (2020) on science and economic, social and cultural rights and to paragraph 39 of its general comment No. 14 (2000) on the right to the highest attainable standard of health.**

Official development assistance

10. The Committee regrets the State party's slow progress towards reaching the internationally agreed target for official development assistance (art. 2 (1)).

11. **The Committee recommends that the State party step up its efforts to meet the internationally agreed target for official development assistance of 0.7 per cent of gross national income. It also recommends that the State party ensure that its contribution to the Green Climate Fund is over and above the current level of official development assistance and is not to the detriment of development assistance in other areas.**

Data collection

12. The Committee notes with appreciation the generally high level of enjoyment of economic, social and cultural rights in the State party. Nonetheless, it is concerned that some sections of the population are marginalized and disadvantaged in the exercise of the Covenant rights, as is addressed in the present concluding observations, and that the lack of disaggregated statistical data hampers a reliable assessment of the extent of inequality and discrimination as well as the possibility of using data to inform related policies (art. 2 (2)).

13. The Committee recommends that the State party improve its data-collection system with a view to producing reliable data disaggregated on the basis of prohibited grounds of discrimination and to identifying those groups that are disadvantaged in their exercise of economic, social and cultural rights. In this regard, the Committee also recommends that the State party: (a) apply a participatory approach and appropriate methodologies in order to collect data on “hard to count”, marginalized populations and those who may be excluded from traditional household surveys; and (b) use, on the basis of the principle of self-identification, proxy indicators to circumvent the legal prohibition on collecting data on the basis of ethnicity. The Committee refers the State party to the publication by the Office of the United Nations High Commissioner for Human Rights on a human rights-based approach to data.

Non-discrimination

14. The Committee notes with concern reports of continued discrimination against groups such as the Sami and those with a migrant background, which necessarily hampers the equal exercise of rights in areas such as employment, housing and education. The Committee is also concerned at information about a lack of visibility of these groups in society in the State party (art. 2 (2)).

15. The Committee recommends that, in the revision of the Non-Discrimination Act and other relevant laws, the State party: (a) expand the scope of its legislation to cover discrimination committed by individuals; and (b) improve the effectiveness of the anti-discrimination institutional framework. The Committee also recommends that the State party implement the action plan to combat racism and discrimination and other relevant policies in a participatory manner, paying particular attention to combating discrimination in the exercise of economic, social and cultural rights as well as to increasing the visibility of those groups that are not from the ethnic majority, with a view to promoting greater respect for cultural diversity in the State party. The Committee draws the attention of the State party to its general comment No. 20 (2009) on non-discrimination in the enjoyment of economic, social and cultural rights.

Rights of persons with disabilities

16. The Committee notes with concern the additional difficulties experienced by persons with disabilities due to measures taken to contain the spread of COVID-19, such as the lack of access to services, and isolation (art. 2 (2)).

17. While noting the statement by the State party that COVID-19 response measures also apply to persons with disabilities, the Committee draws the attention of the State party to the differing effect of these measures due to disabilities. Thus, the Committee urges the State party to consult with organizations and representatives of persons with disabilities with a view to designing the most appropriate preventive measures.

Equal rights of men and women

18. The Committee is concerned at the gender segregation in the labour market and in educational choices. While noting that the State party’s social security system provides coverage for carers, it remains concerned that women continue to bear the primary responsibility for unpaid care work in the family and that uptake of parental leave among men remains low (art. 3).

19. The Committee recommends that the State party allocate adequate resources for the implementation of the recommendations of the research project entitled “Breaking

down the barriers: reasons for young people’s educational choices and ways of reducing gender segregation in educational and occupational fields (2017–2019)”. The Committee also recommends that, in addition to the “strategic desegregation” project and other projects planned under the Equal Pay Programme 2020–2023, the State party:

- (a) Implement temporary special measures in order to accelerate representation in educational and occupational fields where either sex is underrepresented;**
- (b) Pursue awareness-raising campaigns challenging stereotypical expectations of gender roles;**
- (c) Implement measures to facilitate the return to work of carers of the family, especially those who are unemployed;**
- (d) Strengthen legal protection against discrimination and unfair dismissal from work of pregnant workers;**
- (e) Review the parental leave system and consider introducing non-transferable parental leave for either parent, with a view to encouraging men to take up care responsibilities;**
- (f) Mitigate the impact of care-related career interruptions on older women’s pension benefits.**

Gender pay gap

20. The Committee is concerned at the slow pace at which the gender pay gap is narrowing in the State party. It also notes that while the preparation of the Equal Pay Programme has been completed, full implementation of the Programme without binding measures will not significantly accelerate the reduction of the gender wage gap (arts. 3 and 7).

21. The Committee recommends that the State party establish time-bound targets for closing the gender pay gap. It also recommends that the State party:

- (a) Put into place an institutional mechanism for the promotion of equal pay and the monitoring of progress;**
- (b) Legislate on remuneration transparency, with a view to making it easier to challenge unequal pay;**
- (c) Conduct surveys of rates of remuneration across organizations, enterprises and professions with a view to identifying underremunerated functions and re-evaluating applicable rates;**
- (d) Address other root causes of the gender pay gap, such as women’s overrepresentation in temporary employment.**

22. In this regard, the Committee refers the State party to paragraphs 11 to 17 of its general comment No. 23 (2016) on the right to just and favourable conditions of work.

Unemployment

23. While welcoming measures such as the Youth Guarantee Programme, the improvement of the existing apprenticeship model, and other measures implemented pursuant to the Youth Act, the Committee is concerned that young people experience difficulties in securing stable and decent employment. Moreover, the Committee is concerned at the loss of jobs due to the COVID-19 crisis, especially among groups that have traditionally been affected by unemployment, such as young people, persons with disabilities, those who are over 50 years old and women with a migrant background (art. 6).

24. The Committee recommends that the State party strengthen specialized services, such as the One-Stop Guidance Centres, to assist and support jobseekers in order to enable them to identify and find available employment, especially in the context of fewer job opportunities due to the COVID-19 crisis. The Committee also recommends that

the State party monitor the implementation of temporary adjustments to labour legislation in response to the COVID-19 pandemic in order to prevent abuse by employers and to ensure that employment contracts that have been temporarily suspended are indeed reinstated as soon as conditions so permit.

Conditions of work

25. The Committee notes with concern reports that provisions on minimum pay in collective agreements are not always respected, especially for migrant workers. The Committee is also concerned at the lack of legal protection of the labour rights of seasonal workers in the agricultural sector, such as pickers of wild berries, who are often employed without a contract and thus vulnerable to exploitation (art. 7).

26. **The Committee recommends that the State party investigate reports of breach of provisions on remuneration in collective agreements and increase labour inspection in sectors of the economy where such violations are likely to occur. It also recommends that the State party improve complaints mechanisms in these sectors to make them easily accessible, assist victims in obtaining redress, and ensure that contravening employers, even when they are based abroad, are subject to sanctions. Moreover, it recommends that the State party extend coverage by labour and social security legislation to seasonal workers, including those in the agricultural sector, ensuring, among other things, that they receive fair wages reflecting their conditions of work. In this regard, the Committee refers the State party to paragraph 47 of its general comment No. 23 (2016) on the right to just and favourable conditions of work.**

Right to social security

27. While noting the information from the State party that the amounts of several social security benefits have been increased, the Committee is nonetheless concerned that cuts in benefits and the freeze on the National Pensions Index during the 2015–2019 parliamentary term rendered these benefits inadequate and disproportionately affected groups that had already been disadvantaged (art. 9).

28. **The Committee urges the State party to include in the reform of the Social Security Act safeguards to ensure that social benefits remain adequate and that such cuts as are contemplated, including in the context of austerity measures:**

- (a) **Are temporary, covering only the period of crisis;**
- (b) **Are necessary and proportionate, in the sense that the adoption of any other policy, or a failure to act, would be more detrimental to economic, social and cultural rights;**
- (c) **Should not disproportionately affect disadvantaged and marginalized groups;**
- (d) **Are accompanied by other measures such as social transfers to mitigate inequalities arising in times of crisis;**
- (e) **Preserve a core amount of benefit that enables beneficiaries to have an adequate standard of living. The Committee refers the State party to its general comment No. 19 (2007) on the right to social security, as well as to the letter of its Chairperson (2012) on austerity measures (E/2013/22-E/C.12/2012/3, annex VI (B)).**

Labour and pension rights for persons with disabilities

29. The Committee is concerned that persons with disabilities are disadvantaged in the labour market. It is also concerned at the current “integrated shelter work” arrangements, which are without pay or leave entitlements or any contribution to old age pension for persons with disabilities placed therein. Moreover, it notes with concern that neither the amount of the pension for persons with disabilities nor its eligibility requirements adequately take into account disability-related costs (arts. 6, 7 and 9).

30. **The Committee recommends that the State party ensure that workers with disabilities enjoy the right to just and favourable conditions of work on an equal basis**

with others. In this regard, it recommends that the State party discontinue the practice of segregating workers with disabilities in sheltered workplaces, amend legislative provisions thereon, and ensure that persons with disabilities:

- (a) **Are guaranteed reasonable accommodation in the workplace;**
- (b) **Receive fair remuneration for the work they perform, providing a decent living for them and their families;**
- (c) **Enjoy equal remuneration for work of equal value and do not suffer wage discrimination due to a perceived reduced capacity for work.**

31. **Moreover, the Committee recommends – while the State party seeks to abolish poverty traps – that it ensure that the amount of pension benefits adequately covers both income replacement and disability-related costs. Furthermore, the Committee recommends that the State party adopt a definition of “disability” that will allow a better collection of data on the situation of persons with disabilities.**

Protection of children and the family

32. The Committee is concerned at reports of more frequent recourse to placing children in alternative care, and of insufficient assistance being provided to children of undocumented migrants and to unaccompanied children (art. 10).

33. **The Committee recommends that the State party prioritize efforts to keep children in, or return them to, the care of their family and to ensure families’ access to forms of support in the caregiving role. In this regard, it recommends that the State party increase the capacity of preventive social care services, address the shortage of qualified personnel that has been identified and ensure that children of undocumented migrants and unaccompanied children benefit effectively from social care services.**

Rights of older persons

34. The Committee is also concerned at the shortage of affordable residential care for older persons (art. 10).

35. **The Committee recommends that the State party:**

- (a) **Guarantee in its legislation the rights of older persons both to independent living and to affordable and quality care, including residential care, as well as the right to self-determination;**
- (b) **Pursue and monitor the realization of these rights in the restructuring of social services;**
- (c) **Increase the overall supply of affordable residential care, with adequate and qualified personnel.**

Poverty

36. Noting the measures taken by the State party to mitigate the impact of the COVID-19 pandemic on the population, the Committee is concerned that past cuts in social security benefits as well as the COVID-19 crisis have put a greater number of households, especially those with children, at risk of poverty or exclusion, and that austerity measures implemented during the 2015–2019 parliamentary term affected income redistribution in the State party (arts. 10 and 11).

37. **The Committee recommends that the State party monitor the impact on reduction of poverty and inequalities from the reforms of the social and health services as well as from the programmes that it will put in place to improve services for families with children and to secure their income.**

Homelessness

38. The Committee notes that programmes implemented by the State party in 2018 and 2019 have reduced long-term homelessness by nearly 50 per cent. At the same time, the

Committee notes with concern the lack of measures targeted at the prevention of homelessness among certain groups, such as former inmates (art. 11).

39. **The Committee recommends that, as a priority, durable solutions be sought for homeless persons. It also recommends that the State party prevent homelessness by, among other things:**

(a) **Increasing shelter capacity, including places exclusively for women, and increasing the availability of affordable housing, throughout the country;**

(b) **Enabling social support and ensuring that housing and rental agencies do not engage in practices that discriminate against groups such as persons with poor or no credit history, former inmates and those who have served community sentences, lesbian, gay, bisexual, transgender and intersex persons, and migrants.**

40. **The Committee refers the State party to its general comment No. 4 (1991) on the right to adequate housing.**

Health system

41. The Committee is concerned that primary health-care services are not sufficiently available and accessible throughout the country. The Committee is also concerned that certain groups experience greater difficulties in accessing services (art. 12).

42. **Noting the objectives of the State party's restructuring of health and social services to reduce inequalities in health and well-being and to improve the quality and availability of affordable health and social services, the Committee recommends that the State party monitor the impact of the reform on availability, equal access, affordability and quality of health and social services throughout the country. In this regard, the State party should ensure that the stronger role for third-sector organizations in the promotion of health and well-being is premised on the right to health for all. The Committee also recommends that, in addition to taking account of regional characteristics, the reform should address the obstacles to access to services by groups such as unemployed persons, older persons and undocumented migrants. Recalling its general comment No. 14 (2000) on the right to the highest attainable standard of health, the Committee recommends that the State party ensure that all persons, including migrants, have in law and in practice equal access to preventive, curative and palliative health services, regardless of their legal status and documentation.**

Mental health care

43. The Committee notes with concern the mental health-care deficit in the State party, including due to an uneven geographical coverage of services and unequal access to appropriate treatment and care for disadvantaged groups (art. 12).

44. **The Committee recommends that the revision of the Mental Health Act and the Act on Substance Abuse as well as the implementation of the National Mental Health Strategy 2020–2030 and other relevant strategies be based on the right to health. It thus calls on the State party to:**

(a) **Increase the availability of mental health care, especially community-based care, in underserved regions and settings, such as schools and prisons;**

(b) **Enhance services for preventive and early interventions;**

(c) **Increase the availability of affordable mental health care.**

45. **Moreover, it recommends that the Strategy include targeted measures for groups such as children and young people, asylum seekers and refugees, low-income households, and former inmates, addressing obstacles to their access to appropriate services.**

Right to education

46. The Committee notes with concern the findings of the school health survey highlighting poorer educational outcomes and bullying at school of pupils of migrant origin, children with disabilities, children in alternative care and lesbian, gay, bisexual, transgender and intersex pupils. The Committee is also concerned that Roma pupils continue to experience discriminatory attitudes at school, report higher dropout rates, and are often de facto schooled in segregated classes, in spite of the State party's philosophy of inclusion in the education system (arts. 13 and 14).

47. **Recalling that bullying and discrimination are impediments to the enjoyment of the right to education, the Committee recommends that the State party incorporate the promotion of understanding and tolerance as well as prohibition of discrimination in school curricula, and that it provide the necessary training thereon, including on the provisions of the Non-Discrimination Act and the Act on Equality between Women and Men, to teaching personnel. It also recommends that the State party monitor the effectiveness of the Programme for the Prevention of Discrimination and Bullying in School that it is implementing. Moreover, the Committee reiterates the recommendation in its previous concluding observations, urging the State party to ensure equal access to inclusive education for all children, including children with a migrant background and Roma children. Furthermore, it recommends that the State party address the socioeconomic root causes of dropping out of school and that it ensure that delivery systems at all levels of education respond to the needs of students from different social and cultural backgrounds.**

Language rights

48. While noting that online teaching of Sami languages has been rolled out, the Committee is concerned that teaching of and education in Sami languages remains insufficient, especially outside the Sami homeland. It is also concerned at the fact that the right of the Sami to receive services in their languages, as provided by the Sami Language Act, is not always guaranteed (arts. 13–15).

49. **The Committee recommends that the State party recognize teaching of and education in Sami languages as a right. In this regard, it recommends that in the context of the implementation of the revised Strategy for the National Languages and the language policy programme, the State party improve the availability, accessibility and quality of Sami languages education by: (a) allocating more resources for the development of teaching materials; (b) training more Sami languages teachers; and (c) expanding the reach outside the Sami homeland of existing Sami languages courses, including those delivered through distance learning. Moreover, the Committee recommends that the State party ensure that actors in the health and social care sectors, including private actors and outside the Sami homeland, comply with the obligation under the Sami Language Act to guarantee service provision in the Sami languages.**

Cultural rights of the Sami

50. The Committee is concerned that legislative changes, infrastructure projects and incursions into their lands have eroded the rights of the Sami to maintain their way of life and traditional livelihoods, including reindeer husbandry and fishing. It is also concerned at the lack of a legal obligation to conduct consultations with a view to obtaining the free, prior and informed consent of the Sami on matters that affect their lands and resources. Moreover, the Committee regrets the delay in the ratification of the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169) (arts. 1 (1), 2 (2), 11 and 15).

51. **The Committee urges the State party to act upon instances of infringement on the rights of the Sami in order to maintain their culture, way of life and traditional livelihoods. In this regard, it recommends that the State party assess the impact of existing laws on these rights and enact the necessary amendments, including in the context of the revision of the Reindeer Husbandry Act. Moreover, the Committee urges the State party to strengthen the legal recognition of the Sami as indigenous peoples and**

the legal and procedural guarantees for obtaining the free, prior and informed consent of the Sami in line with international standards. It also encourages the State party to expedite the ratification of the Indigenous and Tribal Peoples Convention, 1989 (No. 169). The Committee refers the State party to its general comment No. 21 (2009) on the right of everyone to take part in cultural life.

D. Other recommendations

52. The Committee notes the State party's assessment regarding the progress in the implementation of the 2030 Agenda for Sustainable Development in areas relating to social sustainability, the economy and work. The Committee also renews its recommendation to take fully into account obligations under the Covenant and the objective of full realization of the rights enshrined therein in the implementation of the 2030 Agenda at the national level, including in the recovery from the COVID-19 pandemic. Moreover, the Committee recommends that the State party support the global commitment of the decade of action to achieve the Sustainable Development Goals.

53. The Committee recommends that the State party take account of the present concluding observations in the preparation of its third National Action Plan on Fundamental and Human Rights. It also requests that the State party disseminate them widely at all levels of society, including at the national and municipal levels, in particular among parliamentarians, public officials and judicial authorities, and that it inform the Committee in its next periodic report about the steps taken to implement them. The Committee encourages the State party to continue its practice of engaging with the Finnish Human Rights Centre, non-governmental organizations and other members of civil society in the follow-up to the present concluding observations and in the process of consultation at the national level prior to the submission of its next periodic report.

54. In accordance with the procedure on follow-up to concluding observations adopted by the Committee, the State party is requested to provide, within 24 months of the adoption of the present concluding observations, information on the implementation of the recommendations contained in paragraphs 7 (business and human rights), 9 (access to COVID-19 vaccines and drugs) and 28 (right to social security) above.

55. In line with the Committee's planned predictable review cycle, the State party will be notified of the new due date of its next periodic report, which will replace the current due date of 31 March 2026. The State party will receive the Committee's list of issues prior to reporting at least one year before the new date. The replies to that list will constitute the eighth periodic report, in accordance with article 16 of the Covenant. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words.
