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Committee on Economic, Social and Cultural Rights Sixty-ninth session

Summary record of the 5th meeting*

Held via videoconference, on Wednesday, 17 February 2021, at 12.30 p.m. Central European Time

Chair: Mr. Zerbini Ribeiro Leão

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Seventh periodic report of Finland

* No summary records were issued for the 2nd to 4th meetings.

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The meeting was called to order at 12.35 p.m.

Consideration of reports

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

Seventh periodic report of Finland (E/C.12/FIN/7; E/C.12/FIN/QPR/7)

1. *At the invitation of the Chair, the delegation of Finland joined the meeting.*
2. **Ms. Oinonen** (Finland) said that the promotion of human rights was a clear cross-cutting objective in the Government's programme. The Government was currently preparing its third National Action Plan on Fundamental and Human Rights, which would focus on the development of monitoring. The practice of impact assessments for proposed legislation, with particular attention paid to human rights, was also being developed.
3. The Government had taken emergency measures in March 2020 to respond to the coronavirus disease (COVID-19) pandemic; the state of emergency had been lifted in June 2020 following improvements in the epidemiological situation. The Government had introduced restrictions to curb the spread of COVID-19 and taken supportive measures to alleviate their economic consequences. The restrictions had been relatively successful – for example, authorities were not aware of any major outbreaks at housing units for persons with disabilities. Information on COVID-19 had been provided in many languages, including sign language, and in Braille. Public authorities had maintained dialogue during the pandemic with organizations of persons with disabilities and studied its impacts on the Roma population. To strengthen social security in the pandemic context, the amount that jobseekers could earn without losing any unemployment benefit had been increased and the right of self-employed persons to unemployment insurance had been expanded.
4. During the current Government's term of office, the Non-Discrimination Act would be amended and a national action plan to combat racism and discrimination would be issued. The minimum age for the end of compulsory education would be raised to 18 years, student guidance and student welfare services would be improved and capacity-building efforts would ensure that comprehensive schools provided all students with the necessary skills for upper secondary education.
5. During the pandemic, the Government was striving to save existing jobs by providing support to companies and helping those who had lost their jobs to find new work. It was planning improvements to employment services, such as lifelong counselling and guidance, and would particularly target those in the weakest position on the labour market, including migrants, young persons and older persons.
6. To address gender inequality, the Government had pledged to introduce an equal pay programme and parental leave reform and to promote pay transparency; it had also produced an Action Plan for Gender Equality. It had prepared the country's first national child strategy, with objectives including assessment of the impact of decisions on children, improved budgeting to take account of children, social inclusion of children and young persons and the mitigation of the effects of the COVID-19 pandemic on them.
7. Reforms were under way to overhaul legislation on social security, health care and social welfare, services for older persons and persons with disabilities, patient self-determination and gender recognition for transgender persons. A national Programme on Ageing 2030 had been adopted to ensure a socially and economically sustainable service system for older persons. The National Policy on Roma was intended to support the progress made with respect to the social integration of the Roma community and the safeguarding of their linguistic, cultural and social rights.
8. Finland had reported twice on its implementation of the 2030 Agenda for Sustainable Development and been the first country in the world to include non-governmental representatives in the report drafting process. It had made progress on many objectives related to social sustainability, the economy and work.

9. Finally, the Government had set ambitious national climate targets and was working to achieve carbon neutrality by 2035. The Climate Change Act would be amended with a view to strengthening its human rights aspects to guarantee that climate action would be fair and just.

10. **Mr. Mancisidor de la Fuente** (Country Rapporteur) said that he would like to know whether the emergency measures taken in response to the COVID-19 pandemic had ended since the submission of the report. He would appreciate an overview of their impact on the enjoyment of economic, social and cultural rights and of the measures taken to prevent discrimination against members of ethnic minorities, migrants, asylum seekers and refugees in their application. He would be interested to hear what steps had been taken to share resources for vaccination with other countries and what the Government's position was on use of the maximum flexibility permitted by the World Trade Organization to facilitate vaccination of the global population.

11. He wondered how the National Action Plan on Fundamental and Human Rights would incorporate economic, social and cultural rights on an equal footing with other human rights. He would appreciate an update on implementation of the National Action Plan for the implementation of the United Nations Guiding Principles on Business and Human Rights. He wished to have more information about the complaint mechanisms, required under the Guiding Principles, for persons whose human rights had been violated by multinational corporations, including citizens of non-European Union countries.

12. He would like to know whether the delegation included a representative of the Sami Parliament and, if not, whether the Government agreed that the current review was a missed opportunity to include the Parliament in aspects of international relations pertaining to its competencies. He would appreciate an explanation of the authorities' obligation to negotiate with the Sami people and, specifically, how negotiations differed from consultations. He would like to know the Government's position on the criticisms expressed by the Sami Parliament in the periodic report (E/C.12/FIN/7) and the measures that would be adopted to address them.

13. He would be interested to hear about any cases in which the Covenant had been invoked as the basis for a decision in the national courts. He wished to be given specific examples of the activities of the national human rights institution related to economic, social and cultural rights. Lastly, he would like to know how the Government planned to meet its commitment to spend 0.7 per cent of gross national income on development assistance, given that almost no increase was foreseen in the spending plans up to 2023.

The meeting was suspended at 1.10 p.m. and resumed at 1.15 p.m.

14. **Ms. Oinonen** (Finland) said that, although infrequently invoked by the Courts, the Covenant and the rights it enshrined were reflected in numerous laws, regulations and policies. International human rights treaties to which Finland was a party had binding force in domestic law. Nevertheless, the adoption and the implementation of an international treaty must be approved and detailed in separate legislative acts. As a result, the courts naturally invoked domestic laws more readily than the treaties from which those laws derived. In their judgments, however, courts were obliged to take into account the obligations of Finland under international human rights treaties.

15. In respect of the official development assistance target of 0.7 per cent of gross national income, the Government had spent €989 million, or 0.41 per cent of gross national income, on development cooperation in 2019. In line with the budgets for 2020 and 2021 and the spending limits decided for the period 2021–2024, development cooperation appropriations as a percentage of gross national income were: 0.46 per cent in 2020; 0.52 per cent in 2021; 0.49 per cent in 2022 and 2023 and 0.48 per cent in 2024.

16. Following its declaration of a state of emergency on 16 March 2020 in relation to the coronavirus disease (COVID-19) pandemic, the Government had taken a number of measures to curb the spread of the disease and to protect groups of at-risk persons. The parliament had closely and transparently monitored implementation of the measures and of the Emergency Powers Act. None of the measures restricting rights had been adopted with a view to derogating from the State's obligations under the European Union and international

human rights treaties, but rather because they had been deemed necessary, justified, proportionate and limited in time, and had served to protect other fundamental rights.

17. **Mr. Pohjola** (Finland), noting that the emergency measures taken by Finland had been moderate as compared to those taken by other States, including in the European Union, said that the Government had sought to ensure that the Finnish people could continue to work and access essential services during the pandemic. As for access to COVID-19 vaccines, which were the best tool to fight the pandemic globally, Finland was firmly committed to supporting the European Union mechanism for providing vaccines to developing countries.

18. **Ms. Huhta** (Finland) said that special measures had been taken to ensure that social and health-care services could be maintained during the pandemic, especially for vulnerable groups such as older persons and persons with disabilities. At the same time, some necessary restrictions on activities, owing to the closure of public parks and buildings, for example, had made life particularly difficult for vulnerable groups. Institutional care facilities had been forced to stop visits by relatives and friends, and many recreational activities had been shut down, which had taken its toll on the persons living in such facilities. The government authorities had generally tried to strike a balance between saving lives and allowing people to live their lives unfettered. Efforts had been made, in particular, to disseminate information about the pandemic and related measures in a variety of ways, including in Braille and sign language. Thankfully, the measures adopted had had the desired effect, in that they had kept the pandemic in check.

19. **Ms. Mikander** (Finland) said that, although day-care centres had not closed during the pandemic, the Government had issued a strong recommendation to parents to keep their children at home. Schools for the compulsory years of education, first through ninth grades, on the other hand, had closed for a few months in the spring of 2020. A number of studies had been conducted on the impact of distance learning on children; the results suggested that the impacts varied considerably among schools and municipalities. Migrant children had continued to benefit from in-person schooling.

20. **Mr. Puurunen** (Finland) said that border controls and travel restrictions related to the pandemic had not affected the right to seek asylum. Nevertheless, because of the many restrictions imposed across Europe, the number of asylum seekers in Finland had decreased markedly since the beginning of the pandemic, so that just under 1,300 applications had been lodged in 2020; similar decreases had been noted across Europe.

21. **Ms. Heinonen** (Finland) said that Finnish law provided for the right of third-country nationals and non-governmental organizations (NGOs) to file complaints with the Government regarding human rights violations by multinational enterprises.

22. **Ms. Nyman** (Finland) said that the National Action Plan on Fundamental and Human Rights for 2020–2023, rather than promoting a specific set of rights, such as those enshrined in the Covenant, focused on the development of fundamental and human rights indicators. There were, however, a number of other action plans under way that tackled issues specific to the Covenant, such as the national action plan to combat racism and discrimination and promote good relations between population groups.

23. A committee had been established, with a mandate for the period December 2020–May 2021, to propose amendments to the Act on the Sami Parliament. One of the major issues to be discussed by the committee, whose membership included representatives from both the Government and the Sami Parliament, was the strengthening of the obligation to negotiate with the Sami Parliament. Several years previously, the Government had prepared, together with the Sami Parliament, a memorandum on best practices for the fulfilment of the obligation to negotiate; training had also been offered to officials at the national, regional and local levels, and had garnered great interest.

24. The Human Rights Centre, as part of the national human rights institution, carried out initiatives to protect and promote the rights enshrined in the Covenant; it had recently been granted additional staff resources to focus specifically on the rights of older persons. The Centre organized educational activities relating to human rights and also monitored implementation of the Convention on the Rights of Persons with Disabilities.

25. The Government had sent a survey to NGOs with a view to gathering information on the effects of the pandemic on minority groups; the results showed that vulnerable persons suffered from similar issues to others, but to a greater degree. The Sami Parliament representatives of Finland, Norway and Sweden had issued a statement on the effects of the pandemic on the Sami people, which had subsequently been discussed with the ministries responsible for Sami issues; while border closures had been problematic in some cases, the Sami Parliament had emphasized the importance of protecting older persons against COVID-19 above all. The Finnish authorities were in discussions with the Sami Parliament on the specific subject of reindeer herding across borders.

26. **Ms. Oinonen** (Finland) said that, while the contributions of the Sami Parliament to the ongoing dialogue with the Committee were most welcome, it was the Government of Finland that was responsible for upholding economic, social and cultural rights in the country. Therefore, the delegation did not include a representative of the Sami Parliament, which was an independent entity. At previous sessions of the Committee, which had been held in person, members of the Sami Parliament had been invited to attend meetings as observers; unfortunately, that had not been possible for the present, virtual, session.

27. **Mr. Windfuhr** said that he would appreciate an update on the Government's plans to ratify the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization (ILO), including any specific issues that were delaying ratification.

28. **Mr. Uprimny** said that safe and effective vaccines had been approved by health regulators around the world, but there remained an acute problem of enforceability and accessibility, especially with regard to poor countries. It would be interesting to learn whether Finland, as a member of the European Union or in other international contexts, would support the proposal put forward by several countries of the global South to waive intellectual property rules for COVID-19 vaccines. Such a waiver would make vaccines more accessible and affordable for all.

29. **Mr. Mancisidor de la Fuente** said, while it was a common practice for State party delegations to include only government representatives, the Committee appreciated it when their composition was more diverse, including, for instance, representatives of the legislative and judicial branches of government and of civil society. The Committee had received reports of a major investment project being carried out by a Finnish company in Uruguay; he would welcome information on any measures being taken to ensure oversight of the company's compliance with human rights standards. Noting that, according to the State party's core document ([HRI/CORE/FIN/2020](#)), it was illegal to process personal data revealing racial or ethnic origin, he would like to know how the authorities were able to identify members of the Sami ethnic group. He would also be interested to hear about the Government's efforts to ensure respect for and make use of traditional knowledge in attempting to mitigate climate change.

30. **Ms. Oinonen** (Finland) said that a major project was being carried out in Uruguay by UPM-Kymmene Oyj, a multinational forestry company that had voluntarily undertaken to abide by the United Nations Guiding Principles on Business and Human Rights wherever it operated. Its positive approach to corporate responsibility had led to its recognition by the United Nations Global Compact as a leader in that field. The company had ranked third in a national benchmarking of human rights performance in Finland and was clearly above average in international comparisons. It had recently engaged with the Special Rapporteur on human rights and the environment during his visit to Uruguay. The Finnish Government did not represent the company, which was a private entity, but it had received information, which it would forward to the Committee, relating to the company's agreement with the Government of Uruguay and specific arrangements for its investment and activities.

31. Obtaining disaggregated data was difficult for any country whose domestic legislation had to comply with that of the European Union. The Finnish Personal Data Act prohibited the processing of sensitive personal information, including information on ethnicity. Statistics Finland, the national statistics agency, compiled information on residents on the basis of their nationality, language and country of birth, and statistics could also be gathered on their country of origin, which in the Nordic countries meant the country where the

individual's parents had been born. Because the census was carried out on the basis of the official registry, the Government was unable to furnish statistics on any ethnic groups.

32. **Ms. Nyman** (Finland) said that a bill on ratification of ILO Convention 169 had been before the parliament from 2014 to 2019, when it had been withdrawn for technical reasons, as the proposed legislation had become outdated. While ratification was still under consideration, interest among NGOs and the Sami Parliament in the ratification of the instrument had recently been overshadowed by an initiative to sign the Nordic Sami Convention.

33. The Ministry of Justice was examining methods of obtaining disaggregated data. A number of surveys of ethnic groups, including the Sami people, had been carried out, and such studies provided a parallel source of information on those groups.

34. **Mr. Pohjola** (Finland) said that Finland was bound by the decisions of the European Union in relation to the purchase and distribution of vaccines. The Government strongly supported the donation and sale of vaccines to countries outside of the European Union, including developing countries, but the contracts between the European Union and the pharmaceutical companies that produced the vaccines led to issues relating to intellectual property rights, which kept prices for vaccines at a high level.

35. **Ms. Vaara** (Finland) said that a bill was currently being drafted by the Ministry of the Environment on the adoption of a new national climate act, in respect of which negotiations had been held with Sami representatives, who had made it clear that the incorporation of traditional knowledge would be useful in dealing with climate change. The Ministry was considering the establishment of an independent group consisting of members of the Sami community well versed in both traditional and scientific knowledge to make contributions to the climate plans to be implemented under the Act.

36. **Ms. Shin** said that, while it was within the purview of the Government to decide on the composition of its delegation, in the Committee's view, it was advisable for delegations to include representatives of the judicial and legislative branches, as well as of civil society. It was important for them to be involved in the dialogue with the Committee and aware of its provisions to ensure that they were able to implement it to the fullest extent possible.

37. **Ms. Oinonen** (Finland) said that the general understanding in the State party had been that, during the dialogue with the Committee, it was for the Government to set out the measures it had taken to implement the Covenant. Civil society and the Sami Parliament were always involved in the drafting of the State party's periodic report, which was submitted to the national parliament and the judiciary. The concluding observations were always translated into Finnish and Swedish, and some parts were also translated into Northern Sami; they were broadly distributed, including to the parliament's Constitutional Law Committee and the judiciary. Parliamentary observers were generally invited to take part in the dialogues with the treaty bodies, but they had been unable to do so at the present session owing to scheduling conflicts.

38. On a previous occasion, when a Finnish delegation to the Human Rights Committee had been chaired by a member of the judiciary, Finnish NGOs had expressed the view that the delegation should represent the views of the Government, in order to make responsibilities as clear as possible.

The meeting rose at 2.35 p.m.