



Submission concerning the third UPR Mid-Term Report on Finland

The Finnish League for Human Rights (FLHR) is a Finnish human rights organisation that focus on the comprehensive human rights situation on Finland. The FLHR highlights human rights violations and promotes the implementation of human rights in Finland through advocacy work towards decision-makers, raising awareness and providing human rights training. The FLHR was established in 1979.

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Background note

Since the adoption of the UPR recommendations, the government of Finland changed in May 2019. The new Government Programme is more human rights oriented compared to its predecessor. The FLHR is pleased about the positive development but has concerns on the sufficiency of resources for the implementation, as well as concrete plans for implementing various commitments. Budget cuts and legislative changes by the previous government have affected human rights negatively and considerable amount of work is still required to overcome challenges caused by the aforementioned development.

Topic: Rights of Sami people		
93.15 Norway	Engage the Sami people in the ratification process of ILO Convention No 169 concerning Indigenous and Tribal Peoples in Independent Countries	Government's response and progress information: accepted and partially implemented
Comments from the FLHR: The ratification of the ILO169 convention on indigenous and tribal peoples is still in a standstill. The government should take immediate and effective action to enable the ratification.		
93.143 Guatemala	Protect the economic, social and cultural rights of the Sami people from the negative effects that may result from logging and other activities carried out by private agents	Government's response and progress information: accepted and partially implemented
<p>Comments from the FLHR: Since the previous monitoring cycle, the FLHR has witnessed negative developments with regard to self-determination of the Sami. The right of the Sami to free, prior and informed consent has been reiterated in several government documents and legislation but it has not been lived up to in all legislative and other procedures where needed. Some branches of the government still fail to respect the obligation to obtain free, prior and informed consent of the Sami in legislative and administrative processes that may affect them.</p> <p>In the negotiations between Finland and Norway in 2016-2017, on common fishing regulations for the Teno River the Finnish government ignored its obligation to consult with the Sami. The Finnish Chancellor of Justice stated in 2017 that the negotiations violated the Finnish Constitution and the Act on Sami Parliament. Despite the statement, no new negotiation took place and the regulations that have detrimental effect on Sami culture remain in force.</p> <p>Some positive developments have occurred since then, such as the guideline memorandum drafted by the Finnish Ministry of Justice and Sami Parliament in cooperation on negotiations between public authorities and the Sami Parliament that was adopted in 2017. The memorandum emphasises the need to engage in genuine negotiations in a timely manner. However, even after adopting the guideline memorandum, proper consultation with the Sami did not take place with regard to e.g. plans to build a railroad across the Sami homeland from Rovaniemi to the Arctic Ocean.</p> <p>In some procedures, the negotiation procedure as such has been appropriate but the outcome has not reflected the will of the Sami due to lack of political will from the state. An example of this is proceeding with the Sami parliament elections according to the original schedule despite the request from the Sami Parliament to delay the elections based on the rulings from the UN Human Rights Committee in early 2019. The Human Rights Committee recommended in its ruling the Government of Finland to reform the legislation concerning the eligibility of voting in the Sami Parliament elections.</p>		
Topic: Violence against women		
93.25 Timor-Leste	Provide its existing and new national institutions and bodies for the advancement of women and gender equality with adequate human technical and budgetary resources	Government's response and progress information: accepted and partially implemented

93.105 Iceland	Ensure the implementation of measures aimed at combatting violence against women	Government's response and progress information: accepted and partially implemented
93.106 Iraq	Strengthen efforts to prevent violence against women	Government's response and progress information: accepted and partially implemented
<p>Comments from the FLHR: Note that this comment focuses on two aspects; so-called honour-based violence and on female genital mutilation (FGM) that are the areas on which the FLHR works.</p> <p>Several relevant Finnish authorities and professionals have insufficient knowledge on so-called honour-related violence including forced marriage according to a study conducted by the FLHR in 2016. No compulsory or systematic training on the subject is included in training programmes of most authorities or professionals.</p> <p>Some improvements have taken place in recent years, especially increased training for e.g. immigration officers as well as professionals working within the integration process and within the judicial system. However, civil society organisations conduct almost all trainings. For instance, in 2017-2018 the FLHR provided national trainings for professionals in the field of integration commissioned by the Centre of Expertise in Immigrant Integration at the Ministry of Economic Affairs and Employment. These trainings were included in the National Action Plan of the Istanbul Convention. In addition, in September 2019, the FLHR trained judges and legal assistants (145 persons) of district courts on honour-related violence including forced marriage. The Ministry for Justice requested the training. In order to ensure that victims of forced marriage can get the protection they are entitled to, more training for authorities is necessary.</p> <p>More effort and resources are required for the implementation the Istanbul Convention, including specific forms of violence against women such as FGM and so-called honour-based violence. The Government needs to ensure systematic training on FGM and so-called honour-based violence for professionals working in relevant fields (e.g. health, social services, day care and police) in line with the Istanbul Convention. More resources are required for the proper implementation of the National Action Plan for the Prevention of FGM.</p> <p>In addition, there is need for legislative changes. The possibility to annul forced marriage as well as the assessment of possibility of criminalising forced marriage are included in the new Government's programme. Currently, there is no separate section on forced marriage in the Finnish Criminal Code. Forced marriage can be punishable as trafficking in human beings, aggravated trafficking in human beings or coercion. However, the legislation on trafficking in human beings cannot cover all forms of forced marriage. In addition, coercion is a complainant offence, which means that the police starts</p>		

<p>investigation only if the plaintiff reports the suspected crime to the police. It might be impossible for the victim of forced marriage to report because of being often in a vulnerable position in many ways. As of now, the protection of victims of violence in Finland has not been sufficient and consequently the threshold for reporting forced marriage is high. Even the memo commissioned by the Ministry of Justice in 2017 stated that the current legislation is not adequate or functional. The same memo acknowledged the need for annulling forced marriages. This would be especially important for the victims, since after an annulment, the marriages entered into under force do not exist. In addition, by annulling, the state would note the violation of victim's human rights. The Government is to be commended for proceeding with the process of making an annulment possible at the Ministry of Justice. The schedule of these proceedings, however, remains open.</p>		
<p>Topic: Human rights institutions</p>		
<p>93.27 Pakistan</p>	<p>Further strengthen its national human rights institutions especially in the form of greater resource allocation.</p>	<p>Government's response and progress information: accepted and partially implemented</p>
<p>93.28 Guatemala</p>	<p>Provide the NHRI with sufficient resources to carry out its mandate effectively and independently, including the promotion and protection of economic, social and cultural rights</p>	<p>Government's response and progress information: accepted and partially implemented</p>
<p>Comments from the FLHR: The Finnish Human Rights Centre has a wide mandate. The current resources are very limited in relation to the mandate and tasks, including in relation to economic, social and cultural rights, despite the small extra resource allocated for the Centre recently.</p>		
<p>Topic: Mandate of the Non-Discrimination Ombudsman</p>		
<p>93.30 Indonesia</p>	<p>Further assist the efforts carried out by the new Non-Discrimination Ombudsman in providing legal protection and remedies against all forms of discrimination.</p>	<p>Government's response and progress information: accepted and partially implemented</p>
<p>94.43 Slovenia</p>	<p>Improve access to effective legal remedies for victims of discrimination</p>	<p>Government's response and progress information: accepted and partially implemented</p>
<p>93.44 Montenegro</p>	<p>Ensure implementation of comprehensive legislative reform that guaranteed same level of protection for all grounds of discrimination, in particular discrimination on the grounds of sexual orientation and gender identity</p>	<p>Government's response and progress information: accepted and fully implemented</p>
<p>Comments from the FLHR: The current Non-Discrimination Act and Act on Equality between Men and Women have been in effect since 2015 including the following monitoring bodies: the Non-Discrimination Ombudsman, Ombudsman for Equality and National Non-Discrimination and Equality Tribunal.</p>		

In practice, there have been gaps because of e.g. the exclusion of employment discrimination except for cases based on gender (including discrimination based on gender identity and gender expression).

The current legislative framework makes it difficult to recognise multiple discrimination. For an individual experiencing discrimination, the asymmetric mandates of the Ombudsmen and Tribunal may be confusing and hinder access to justice.

Ombudsmen or the Tribunal do not have mandate to grant financial compensation to victims of discrimination. This means that such a compensation requires going through civil procedure, which includes strict timeframe, lengthy procedures and cost risk for victims.

Regarding the same level of protection for all discrimination grounds, the legislation provides almost same level of protection to all covered grounds. The protections against ethnic discrimination in the Non-Discrimination Act are somewhat stronger than concerning the other grounds of discrimination. However, in practice, access to rights seems to vary. Within the Non-Discrimination Act, there have been only few complaints based on sexual orientation. Similarly, complaints concerning discrimination based on gender identity or gender expression submitted to the Ombudsman for Equality have been rare. According to studies¹, the lack of trust in authorities, inefficiency of procedure, lack of knowledge on one's rights and how to file a complaint might be examples of reasons for the low number of complaints to authorities from vulnerable groups.

An intervention from the Ombudsman for Equality is required for taking a case to the Tribunal (according to the Act on Equality between Men and Women) while there is no such a requirement under the Non-Discrimination Act. Having same processes under both legislation would promote access to justice. In addition, the Non-Discrimination Ombudsman can take a case to the Tribunal only with victim's name, which means that it is not possible to address discrimination targeted at a group of people based on e.g. ethnicity, religion or sexual orientation.

Topic: National Action Plan on Fundamental and Human Rights		
93.31 Philippines	Continue allocating adequate financial and human resources to effectively implement its national action plan on human rights.	Government's response and progress information: accepted and partially implemented
Comments from the FLHR: The two National Action Plans have been important steps towards a coherent human rights policy. However, contentwise the plans have been disappointing. Instead of structural reforms and long-term commitments, the action plans have rather been a collection of short-term projects.		

¹ E.g. Uhrien kokemuksia viharikoksista Suomessa vuosina 2014-2018 (available at <https://www.pakolaisneuvonta.fi/en/legal-services/>)

The current government plans to start preparing third National Action Plan on Fundamental and Human Rights in 2020. The next National Action Plan should be ambitious and aim for systematic and structural changes to respect, promote and protect human rights. The FLHR has concerns on the sufficiency of resources for the implementation of the National Action Plan.

In general, Finnish authorities' awareness on human rights needs to be further strengthened to make it possible to ensure that governmental policies and programmes actively promote human rights on respective sectors, and ensure that they do not have negative impact on human rights.

Topic: Human rights education

93.33 Bosnia and Herzegovina

Sustain and create new platforms for human rights education

Government's response and progress information: accepted and partially implemented

Comments from the FLHR: At the moment, human rights education is still implemented incoherently and insufficiently in different sectors of society. Even though the importance of human rights education is increasingly recognised, providing such education has so far been sporadic and typically project-based, temporary and not integrated into official structures.

The Government announced the strengthening of awareness on human rights of state authorities. However, the scope of the measures remain unclear, as resources are scarce. It is necessary to note that the awareness on human rights is important for all authorities, not only for teachers and for youth workers. According to the Non-Discrimination Act, authorities and other stakeholders have the obligation to promote equality through adoption of equality plans in which part awareness on human rights plays an important role.

Human rights education targeted at authorities and individuals is a key element in securing the implementation of rights as well as ensuring the access to rights. Without awareness on one's rights and remedies available, it is challenging to address human rights violations.

Raising awareness on human rights is also a matter of resources. For instance, the resources of the Human Rights Centre, which forms the core of the Finnish National Human Rights Institution, remain insufficient despite increased funding. Moreover, the FLHR has concerns about the inconsistency in financial support for non-governmental organisations that focus on human rights in Finland.

93.34 Slovenia

Provide sufficient resources to continue with systematic human rights education and training of teachers at all levels of national education.

Government's response and progress information: accepted and partially implemented

93.94 Maldives

Undertake efforts to strengthen the education system through the provision of mandatory training on human rights education

Government's response and progress information: accepted and partially implemented

Comments from the FLHR: The new core curricula for various levels of education reflect the principles of human rights education. However, human rights training for teachers remains unsystematic and uncoordinated. Fundamental and human rights training should be part of education programmes for all teachers as well as complementary training for teachers.

A study published by the Finnish Human Rights Centre in 2012 showed that teachers lacked capacity to provide human rights education to the pupils because this component was not included in teacher training programme. It also became evident that human rights education at school focused mainly on human rights as generic values instead of legal norms. After 2012, human rights has been included when the national curricula for basic education was amended. It is of utmost importance that this change is reflected in teachers' training in order to equip them with required skills.

Topic: Hate speech and hate crime		
93.42 Brazil	Adopt a long-term and comprehensive framework to tackle discrimination, racism and xenophobia, focusing both on prevention and on combating human rights violations.	Government's response and progress information: accepted and partially implemented
93.36 South Africa	Enhance efforts aimed at the elimination of racism, racial discrimination, xenophobia and related intolerance by adopting a long-term systematic response to these scourges	Government's response and progress information: accepted and partially implemented
93.62 Estonia	Continue to introduce effective measures to combat all forms of discrimination, hate speech and hate crime, both online and offline, and ensure that such crimes are effectively investigated	Government's response and progress information: accepted and fully implemented
93.149 Argentina	Take urgent measures for the investigation and punishment of acts of hate and discrimination towards migrants, refugees and minorities, and to deepen its programmes of awareness to the population in general and to public officials	Government's response and progress information: accepted and partially implemented

Comments from the FLHR: There have been numerous projects in recent years to prevent and stop hate speech and other hate crimes. However, short-lived projects are not sustainable solutions for the problem. The FLHR welcomes Government's plans to launch an action plan against racism and discrimination. Specific action is necessary to combat and prevent racism effectively. The scope of the action plan is still unclear. The programme should cover all discrimination grounds and meet the needs of vulnerable groups.

Long-term commitment and systematic response from the highest political level are required to recognise and tackle racism and islamophobia. It is problematic that there are people convicted of hate crime serving as Members of the Parliament.

Research shows that both the police and border guards as well as private guards in cities use illegitimate ethnic profiling in performing their duties. The response of authorities to this issue has so far been insufficient. The Aliens Act forbids ethnic profiling but the legislation lacks implementation.

According to a report by the Ministry of Justice, in several reported cases of crimes that can be classified as hate crimes, the hate motive has either not been reported by the victim or has not been recorded by the police. Many victims lack trust in the legal system, fear repercussions or lack information about their rights. In addition, the authorities sometimes lack adequate knowledge of the significance of assessing and including a potential hate motive in the process. In order to improve the access to rights, the underreporting of hate crime by groups at risk of discrimination requires attention.

The police has organised trainings on hate crimes with the OSCE and has afterwards continued with such trainings on their own. This could be considered as a positive step even though the general level of awareness on human rights among the police needs to be increased. Human rights education is part of the curricula of the police academy to some extent but this component requires regular assessment. In addition, there should be compulsory human rights education for senior police officers. So far, human rights sessions have been voluntary and not systematically integrated in police training. The quality and results of human rights education for the police should be evaluated regularly using good practice from other countries as benchmark.

Topic: Employment rights

93.137 Colombia

Continue efforts on the promotion of opportunities of productive and paid employment for persons with disabilities

Government's response and progress information: accepted and partially implemented

Comments from the FLHR: The Finnish labour market does not provide adequate support to people with disabilities to facilitate their participation in employment. Only approximately 15-20% of persons with disabilities are employed, which means that about 30 000 persons with disabilities are outside labour market.

The social security system makes it challenging for persons with disabilities to combine disability benefits (such as pension) and employment. Several persons with disabilities start receiving pension already at the age of 16. Some authorities do not expect persons with disabilities to participate in the labour market.

For long time, the government policy has been viewing persons with intellectual and developmental disabilities rather as receivers of social benefits instead of active contributors in the labour market. As part of the prevalent view, municipal authorities have established and run work centres where persons with intellectual disabilities work without employment relationship and any work-related benefit (such as salary, occupational health care or labour law). The system also places persons with intellectual disabilities in regular jobs (e.g. care centres or kitchens) without employment relationship. Persons with intellectual disabilities involved in work centre activities receive a marginal remuneration of 0-12 euros per day despite tasks reflecting

characteristics of paid employment. Currently, only three percent of persons with intellectual disabilities in the working age are in employment relationship. The FLHR calls for urgent assessment of the current situation and a holistic renewal of the current system in a way that ensures the labour rights of people with disabilities.

Topic: Rights of the Roma		
93.141 Peru	Continue with the policies of inclusion of the Roma population	Government's response and progress information: accepted and partially implemented
93.142 Timor-Leste	Continue its efforts to prevent discrimination against Roma	Government's response and progress information: accepted and partially implemented

Comments from the FLHR: Experiences of discrimination are prevalent among Finnish Roma. Discrimination is experienced particularly when applying for work and housing. The education level of the Roma has improved but access to internships and jobs remain at the lower level compared to the general population. It is important to involve persons of Roma origin in policy measures targeted at improving the situation of Roma as a group.

Topic: Rights of transgender people		
93.50 Sweden	Revise the Trans Act by abolishing the need for sterilization, other medical treatment, and a mental health diagnosis, as requirements for a person's legal recognition of their gender identity and ensure that medical procedures performed on intersex infants and children take into account the best interest of the child	Government's response and progress information: partially accepted and partially implemented

Comments from the FLHR: The Government has pledged to launch a reform of the Trans Act. According to the Government's programme, self-determination will be the base for legal gender recognition in the future. This is a long-awaited turn. It is very unfortunate though that the Government has announced that the reform will be limited to persons over 18 years of age and that there will be a reconsideration period before the actual legal gender recognition. It is also unclear what is meant by "a grounded proof about belonging to another gender" needed from the person acquiring legal gender recognition. The process of legal gender recognition should be quick, transparent, accessible, and based on real self-determination and be available for minors.

Unnecessary and nonconsensual genital normalising surgery and other non-consensual, not medically necessary interventions on (intersex) children's sex characteristics violate the child's right to self-determination, physical integrity and bodily autonomy. The Government has pledged in its programme to stop this kind of surgeries. The scope of the reform is still unknown. It is essential that the ban should cover all kinds of non-consensual and medically unnecessary medical interventions on person's sex characteristics such as hormonal treatment, and not only genital surgery.

