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FINLAND'S FOURTH UNIVERSAL PERIODIC REVIEW 2022

Individual submission from the Human Rights Centre/ Finland's National Human Rights Institution

The Human Rights Centre (the Centre) was established in 2012. The Centre is an autonomous and independent expert institution whose tasks according to the legislation are:

- to promote information provision, training, education and research on fundamental and human rights
- to draft reports on the implementation of fundamental and human rights
- to take initiatives and give statements for the promotion and implementation of fundamental and human rights
- to participate in European and international cooperation related to the promotion and protection of fundamental and human rights
- to perform other similar tasks associated with the promotion and implementation of fundamental and human rights

The Centre does not handle complaints or other individual cases.

The Human Rights Centre, its Human Rights Delegation and the Parliamentary Ombudsman together form Finland's National Human Rights Institution (FINHRI). The Human Rights Delegation is the pluralistic composition of the FINHRI. The Ombudsman examines complaints, conducts on-site inspections and takes own initiatives. FINHRI was re-accredited with the highest A status in 2019.

The Human Rights Centre has a task to promote, protect and monitor the implementation of the United Nations' Convention on the Rights of Persons with Disabilities (CRPD) together with the Parliamentary Ombudsman.

In accordance with its legislative duties, the Centre takes part in and represents the Finnish NHRI in international and European cooperation.

This submission is made by the Human Rights Centre representing the Finnish NHRI. The submission contains one Annex.

Human rights architecture¹

1. Despite some positive developments to clarify the division of tasks of certain human rights actors, the fragmentation of human rights structures continues.² Recently, new actors have been created and tasks allocated to existing actors without analysing the impact of these changes on the overall efficiency and comprehensibility of the structures.³ This results in overlaps and risks creating confusion. The fragmentation also leads to a silo effect, missing the interdependence and interrelatedness of human rights.
2. Also gaps in mandates prevail. The powers of Non-Discrimination Ombudsman, Equality Ombudsman and the Non-Discrimination and Equality Tribunal offer different levels of legal protection for different grounds of discrimination.⁴ A partial reform of the Non-Discrimination Act is underway, but the Equality Act should be reviewed simultaneously to harmonise the legal protection against discrimination and strengthen the intersectional perspective.⁵
3. **Recommendations:**
 - a) **Assess the changes to the national human rights structure holistically with a view to strengthen its efficiency and coherence.**
 - b) **Review the Non-Discrimination Act and the Equality Act together to harmonise the legal protection of victims and to better tackle multiple discrimination.**

Coordination, impact assessment and monitoring⁶

4. Internal coordination between ministries and departments (see e.g. below the section on violence against women and domestic violence) and coherence between Government's national and international human rights activities is insufficient, for example on the rights of indigenous peoples (Sámi). Coordination between state and lower levels of administration needs strengthening, as the role of regional and municipal administrations in the implementation of recommendations from treaty monitoring bodies and other human rights standards is unclear.
5. The human rights impact assessment on the new legislation, governmental strategies, and budgetary estimates must be improved. Methods are needed to consider intersectionality and negative effects compounding on vulnerable individuals or groups.

6. The Third NAP⁷ on Fundamental and Human Rights of the Government focuses on the monitoring of human rights and includes a framework of human rights indicators.⁸ This is a welcome development as such. Many important themes are not included as they lack national statistics or other objective and reliable data. This leaves gaps in monitoring the implementation of human rights by the Government.
7. **Recommendations:**
 - a) **Ensure overall coherence in Government's human rights actions. Engage regional and local authorities actively in the design and implementation of human rights policies.**
 - b) **Strengthen and provide resources for a procedure to systematically carry out human rights impact assessment on new Government bills, budget proposals and policies.**
 - c) **Further develop disaggregated national statistics and other objective data to enable additional themes to be included in the indicator framework of the national action plan on fundamental and human rights.**

Access to justice⁹

8. The delays and costs in access to justice have increased in recent years creating a persistent problem.¹⁰ The Government plans to accelerate criminal investigations and legal proceedings yet no tangible changes have taken place.¹¹ The risk is mainly on civil proceedings for costs.
9. The core funding of the courts was recently considered insufficient by the Parliament's Legal Affairs and Finance Committees and the National Courts Administration.¹² Also criminal investigation and prosecution lack resources which risks lengthening proceedings when court cases have already been congested due to pandemic. Additionally, difficulties exist in recognising specific crimes and identifying victims, especially in cases of human trafficking and sexual violence, where victims are vulnerable.¹³ As a result, the accelerated or prioritized criminal proceedings in these cases, as in cases of child victims, are not followed nor do the victims always receive necessary and timely assistance.
10. Non-Discrimination and Equality Tribunal, as an alternative, low threshold means of justice, considers discrimination cases for free. It may impose conditional fines to enforce compliance with its decisions but only courts can grant compensation. This puts financial risk for victims as legal costs have risen considerably.¹⁴ The losing party is liable for legal costs of the opposing party, in addition to its own.¹⁵ The Tribunal should be given the possibility to grant compensation by amending the law.¹⁶

11. Recommendations:

- a) To ensure proper and timely investigation and access to justice, allocate adequate resources to police, prosecutors and courts and guarantee their possibility to prioritise cases concerning children and other vulnerable victims of crime.**
- b) Enable the National Non-Discrimination and Equality Tribunal, as a low threshold access to justice, to grant compensation to victims of discrimination.**

Human rights education (HRE)¹⁷

12. The Government claims university autonomy as obstacle to promoting HRE in teacher education. A lack of obligatory and systematic national education programmes for teachers persists. Despite the importance of autonomy, general HRE needs active support. In addition to providing education on human rights norms and mechanisms, especially equality and non-discrimination must be promoted in education to reduce ableism, discrimination against minorities, Sámi and immigrants, but also sexual and gender-based discrimination. There is also need for general and specific HRE for professionals concerning, e.g., linguistic and cultural rights, and self-determination in health and social services.

13. Recommendations:

- a) Ensure long-term measures, sufficient funding, structures, and staff to enhance teachers' pre- and in-service training on human rights.**
- b) Promote actively human rights education at all levels and secure sufficient public servants' and different professionals' (e.g. health care) training on human rights.**

Persons with disabilities (PWD)¹⁸

14. There are significant discrepancies among the different administrative branches towards the full implementation of the Convention on the Rights of Persons with Disabilities (CRPD).¹⁹ PWDs still face challenges in the achievement of their rights. The Parliamentary Ombudsman has repeatedly identified shortcomings that include, e.g., accessibility to premises and services, such as polling stations, non-availability of reasonable accommodation, use of limitations to self-determination in special care for persons with intellectual disabilities and lack of individual consideration of needs in competitive tendering for services.²⁰

15. According to the Centre's survey on the rights of PWDs, 48 % of the respondents feel that respect for the dignity of PWDs has diminished during the preceding years, while 34 % of the respondents feel that prejudices against PWDs have increased.²¹ Fundamental rights

barometer results disclosed that 28 % of PWDs have experienced discrimination on the ground of their disability in working life during the past five years.²²

16. The government is preparing a new act on services for persons with disabilities. A cause for concern is that the draft law contains a provision that would exclude from services persons whose disability is caused mainly by old age. The CRPD does not provide for such a qualification.

17. **Recommendations:**

- a) **Actively promote labour market participation of persons with disabilities and ensure effective legal protection against discrimination in the labour market.**
- b) **Ensure that the new law on services for persons with disabilities does not exclude those whose disability is caused mainly by old age.**

Rights of older persons

18. According to the Centre's survey on care-home personnel, there are several threats to self-determination of older persons in care-homes, caused mainly by misconceptions, lack of human-rights-based training and lack of relevant legislation.²³

19. No legislation exists on promoting or limiting fundamental and human rights in social and health care. The legislative proposals to strengthen the right to self-determination of patients and clients in social and health care services will be prepared in stages. The first legislative proposal covers long overdue legal remedies for involuntary medication and regulation on personal autonomy for persons with intellectual disabilities.²⁴ Proposals on autonomy for children, persons with disabilities and older persons, as well as autonomy in somatic and psychiatric care, are due 2023–2027. Given the importance of the legislation for the rights of vast numbers of health and social care clients, sufficient resources must be allocated for the legislative proposals to be completed without delay.

20. Legislation on improving services for older persons has been amended recently. Sufficient resources are yet to be allocated for the implementation of those services. An adequate human rights impact assessment on that legislation was not done and should have notably included impacts on the right to social security and the right to equal treatment of older persons with disabilities.

21. Recommendations:

- a) **Conclude drafting and grant sufficient resources for effective implementation of the new legislation on the self-determination of patients and clients in social and health care services.**
- b) **Ensure by legislation equal access to services for older persons and allocate sufficient resources for implementation.**

Violence against women and domestic violence²⁵

22. In addition to insufficient amount of multiprofessional and nationwide services for victims of domestic violence, there are two competing ministerial action plans on violence against women and implementation of Istanbul Convention.²⁶ Parallel work risks overlaps and gaps and may result in ineffective coordination and use of existing resources.

23. Persons with disabilities are at a higher risk of being victims of domestic violence. Violence might not be recognised or taken seriously, which leads to challenges in acquiring help. In addition, accessible services are not widely available and the service structures do not sufficiently take into consideration the individual needs of victims, such as women with disabilities.²⁷

24. Recommendations:

- a) **In the implementation of regional and international obligations addressing violence against women, ensure coordination between authorities, cooperation with NGOs and engagement of local and regional level, especially in the development of service structures.**
- b) **Secure sufficient, multiprofessional, individually tailored, accessible and geographically distributed services for victims of domestic violence and violence against women.**

LGBTI children and youth²⁸

25. Currently, no national treatment practice regarding intersex children exists. These children risk being subjected to medically unnecessary surgeries without their consent.²⁹ While the government is drafting a recommendation on protecting the self-determination of intersex children, there is no law specifically prohibiting unnecessary, sex “normalising” treatments.³⁰

26. About 1 in 10 young persons in Finland belong to sexual and/or gender minorities. The challenges faced by this group at home and in school still require more active measures by the authorities. Physical violence by a parent is twice as common for LGBTI youth than for others. Bullying in school affects particularly gender minorities. LGBTI youth also report anxiety and symptoms of depression more often than non-LGBTI youth.³¹

27. Recommendations:

- a) **Respect intersex children's right to self-determination by introducing effective legal and other measures to prohibit unnecessary surgeries.**
- b) **To improve the well-being of LGBTI youth, ensure a safe learning environment and provide low threshold services for those ones experiencing violence and suffering from mental health problems.**

Immigration policies³²

28. When developing Finland's immigration and refugee/asylum policies, particular attention should be paid in ensuring that protection is offered in a coherent and non-discriminatory manner, even during crisis. This concerns persons fleeing war, persons applying for asylum for some other reason or persons who have remained without documentation, being unable to return to their country of origin. The special needs of protection for human rights defenders and their families, in and outside Europe, should also be considered and protection mechanism or program should be set up, for example by offering urgent humanitarian visas for defenders.
29. The general reform of the Aliens Act (2023–2027) offers an opportunity to systematically address the problems caused by previous partial reforms on migrants' human rights and, for example, on the rights of the child.³³
30. The government is currently amending legislation on family reunification, and some concerns should be addressed in the amendment. The best interest of the child is not always prioritized in family reunification as half of the decisions for families of unaccompanied children in international protection are negative.³⁴ Unlike refugees, the beneficiaries of subsidiary protection must provide sufficient income, despite both being international protection statuses that should be treated equally.³⁵
- ## 31. Recommendations:
- a) **Ensure systematic and rights-based immigration procedures and policies, which also take into account special protection needs of human rights defenders as a policy priority for the Government.**
 - b) **Ensure that family reunification is accessible for all beneficiaries of international protection without discrimination.**

The effects of climate change, especially on Sami

32. Arctic is warming at a rate of about four times the global average.³⁶ Climate change, mitigation actions and omission of those actions affect Arctic nature causing biodiversity loss at unprecedented levels. This has

direct, already visible negative impacts on the traditional Sámi way of life, Sámi livelihoods and culture.

33. Children, older persons and people with chronic illnesses are particularly vulnerable to extreme weather patterns.³⁷ The wider impact of climate change, its effects on food security and for example global migration may result in challenges to the realisation of human rights.

34. Legislative reforms are underway to enable Finland to reach its mitigation goals under the Paris Agreement. The reforms either leave out human rights impacts completely or refer to them insufficiently, despite the growing international recognition of the right to a clean, healthy and sustainable environment as a human right.³⁸

35. Recommendations:

- a) When implementing legislation on environment and climate change, assess human rights impacts especially on vulnerable groups, and indigenous people Sámi.**
- b) Consult actively the Sámi Parliament and the new Sámi Climate Council on issues relating to Sámi, environment and climate change, utilising FPIC-principle.³⁹**

¹ Relates for example to UPR 3rd cycle recommendations 93.30. (Indonesia), 93.38. (State of Palestine), 93.39. (Albania) and 93.40. (Bulgaria).

² Government's proposal (HE 179/2021) reforming the division of tasks of the supreme guardians of law is available in Finnish and Swedish at: <https://www.finlex.fi/fi/esitykset/he/2021/20210179>.

³ These issues are considered in the study on the fundamental and human rights actors in Finland, conducted by the Finnish Human Rights Centre and published in June 2022.

⁴ See Annex I of this submission.

⁵ More information on the partial reform of the Non-Discrimination Act in Finnish at: <https://oikeusministerio.fi/hanke?tunnus=OM013:00/2021> and in Swedish at: <https://oikeusministerio.fi/sv/projekt?tunnus=OM013:00/2021>.

⁶ Relates to the UPR 3rd cycle recommendation 93.19. (Hungary).

⁷ National Action Plan.

⁸ Finland's National Action Plan on Fundamental and Human Rights 2020–2023 available at: <https://julkaisut.valtioneuvosto.fi/handle/10024/163742>.

⁹ Relates to the UPR 3rd cycle recommendations 93.83. (Bulgaria) and 93.43. (Slovenia).

¹⁰ See statistics of the Police for 2019–2021: <https://poliisi.fi/en/operational-environment-and-statistics>. See also Parliamentary Ombudsman's Annual Report 2020, p. 161. Available at: <https://www.oikeusasiamies.fi/en/web/guest/annual-reports>.

¹¹ Programme of Prime Minister Sanna Marin's Government 2019. Available at <https://julkaisut.valtioneuvosto.fi/handle/10024/161935>.

¹² Parliament's Legal Affairs Committee 2021, statement LaVL 1/2021 vp. Available in Finnish at: https://www.eduskunta.fi/FI/vaski/Lausunto/Sivut/LaVL_1+2021.aspx and in Swedish at: https://www.eduskunta.fi/SV/vaski/Lausunto/Sidor/LaUU_1+2021.aspx.

Parliament's Finance Committee 2021, statement VaVM 33/2021. Available in Finnish at: https://www.eduskunta.fi/FI/vaski/TalousarvioMietinto/Sivut/VaVM_33+2021.aspx and in Swedish at:

https://www.eduskunta.fi/SV/vaski/TalousarvioMietinto/Sidor/FiUB_33+2021.aspx. National

Courts Administration's press release 2022. Available at:

<https://tuomioistuinvirasto.fi/en/index/ajankohtaista/currentissues/2022/lackofbasicfundinghamperedthefunctioningofcourtsin2021.html>.

¹³ In the legal oversight of the police, problems to recognize the constituent elements of crimes of human trafficking and delays in the investigations of those cases have been discovered. See decision OKV/1233/70/2021 by the Deputy Chancellor of Justice on 28 December 2021. Available in Finnish at: <https://www.okv.fi/fi/ratkaisut/id/1616/>.

¹⁴ Sarasoja & Carling 2020. *Oikeudenkäyntikulut pääkäsitellyssä ratkaistuissa riita-asioissa 2019*, p. 59–60. Available in Finnish at: <https://www.edilex.fi/artikkelit/21403.pdf>.

¹⁵ There are some exceptions to this rule. For example, if it would be manifestly unreasonable to render one party liable for the legal costs of the other, the court may on its own motion reduce the payment liability of the party. See Code of Judicial Procedure, Chapter 21, Section 1 and Section 8 b §. Available in English at: https://finlex.fi/fi/laki/kaannokset/1734/en17340004_20150732.pdf.

¹⁶ This will be considered in the partial reform of the Non-Discrimination Act.

¹⁷ Relates to the UPR 3rd cycle recommendations 93.33. (Bosnia and Herzegovina), 93.34. (Slovenia) and 93.94. (Maldives)

¹⁸ Relates for example to UPR 3rd cycle recommendations 93.136. (United States of America) and 93.137. (Colombia).

¹⁹ The Government has drawn up a National Action Plan on the UN Convention on the Rights of Persons with Disabilities (2020–2023). Available at: <https://julkaisut.valtioneuvosto.fi/handle/10024/162687>.

²⁰ See for example the Parliamentary Ombudsman's Annual Report 2020, available at: https://www.oikeusasiamies.fi/documents/20184/39006/summary2020/2de02ec5-378a-4cf3-8948-89f346b2be3a_

²¹ The survey on the rights of persons with disabilities was carried out together with the Finnish Disability Forum in 2018. Survey is available in Finnish at:

<https://bin.yhdistysavain.fi/1586428/3Ta34WoNWua29CrBizhv0UnVV-/Vammaisten%20henkil%C3%B6iden%20oikeuksien%20toteutumisen%20arjessa.pdf>

²² The barometer was carried out by the Human Rights Centre and the Ministry of Justice and published in 2021. Available in Finnish at:

<https://julkaisut.valtioneuvosto.fi/handle/10024/163261>.

²³ The survey was carried out in cooperation with the National Supervisory Authority for Welfare and Health and the Regional State Administrative Agency for Southern Finland and published in 2021. Survey is available in Finnish at:

https://bin.yhdistysavain.fi/1586428/G1TemXOK4sG2Zatkyzf00VkkR8/IMO-raportti_2021_FI.pdf and in Swedish at

https://bin.yhdistysavain.fi/1598742/32QyClhkFslGegioYk9E0WZwuN/IMO-raportti_2021_SE_24_8.pdf.

²⁴ For cases of European Court of Human Rights concerning involuntary medication, see *X. v. Finland*, 34806/04, Supervision of the execution of the European Court's judgments, https://search.coe.int/cm/pages/result_details.aspx?objectId=0900001680a48ac7 and two other recently communicated cases: *E.S. v. Finland*, 23903/20

<https://hudoc.echr.coe.int/eng?i=001-209024> and *H.H. v. Finland*, 19035/21

<https://hudoc.echr.coe.int/eng?i=001-214960>.

²⁵ Relates for example to UPR 3rd cycle recommendations 93.82. (Chile), 93.104 (Georgia), 93.105 (Iceland), 93.115 (Germany), 93.116 (India) and 93.119 (Sierra Leone). Several other recommendations concerning violence against women were made during the UPR review of Finland.

²⁶ Istanbul Convention is the Council of Europe Convention on preventing and combating violence against women and domestic violence. Action Plan for Combating Violence against Women for 2020–2023 is available in Finnish at: <https://oikeusministerio.fi/naisiin-kohdistuvan-vakivallan-torjuntaohjelma> and in Swedish at:

<https://oikeusministerio.fi/sv/programmet-for-bekampning-av-vald-mot-kvinnor>. More information on the Action Plan for the Istanbul Convention for 2022–2025 can be found in Finnish here: <http://urn.fi/URN:ISBN:978-952-00-8659-6>.

²⁷ Luoma et al. (2022), *Frequency of domestic violence experienced by persons with disabilities and availability of services. A quantitative and qualitative examination*. Available

in Finnish at: <http://urn.fi/URN:ISBN:978-952-383-016-5>.

²⁸ Relates to UPR 3rd cycle recommendation 93.50. (Sweden).

²⁹ Oikarinen, Tikli (2019), *No information or options: Study on the rights and experiences of intersex persons*. Available in Finnish at: <http://urn.fi/URN:ISBN:978-952-259-737-3>.

³⁰ Report by the working group tasked to draft proposal to improve the situation of gender minorities is available in Finnish here: https://api.hankeikkuna.fi/asiakirjat/3e8dd589-9843-4fb7-bef9-bdae9e5746be/d48353e1-bab9-4404-8066-b0c5a6bf82e6/RAPORTTI_20200207144129.pdf.

³¹ Jokela et al. (2020), *Sukupuoli- ja seksuaalivähemmistöihin kuuluvien nuorten hyvinvointi. Kouluterveyskyselyn tuloksia 2019*. Available in Finnish at: <https://urn.fi/URN:ISBN:978-952-343-580-3>.

³² Relates to UPR 3rd cycle recommendations 93.126. (France), 93.146. (Peru), 93.151. (Egypt), 93.152. (Kazakhstan) and 93.153 (Honduras).

³³ A study commissioned by the Government investigated the combined impacts of the amendments made to the Aliens Act in 2015–2019 on the status of people applying for and receiving international protection and on the realisation of the best interests of the child. More information available in English at: https://valtioneuvosto.fi/-/1410869/ulkomaalaislain-muutosten-yhteisvaikutuksia-selvitettiin-monet-suositelluista-toimista-valmisteilla?languageld=en_US.

³⁴ The Finnish Non-Discrimination Ombudsman (2020), *Children without Families – Family Reunification of Under-Age Beneficiaries of International Protection*. A summary of the report is available at:

[https://syrijinta.fi/documents/25249352/0/Children+without+families+%E2%80%93+family+reunification+of+under-age+beneficiaries+of+international+protection+\(PDF\).pdf/2ecb870c-69e9-378b-9312-4b63d07b21d9/Children+without+families+%E2%80%93+family+reunification+of+under-age+beneficiaries+of+international+protection+\(PDF\).pdf?t=1612968552586](https://syrijinta.fi/documents/25249352/0/Children+without+families+%E2%80%93+family+reunification+of+under-age+beneficiaries+of+international+protection+(PDF).pdf/2ecb870c-69e9-378b-9312-4b63d07b21d9/Children+without+families+%E2%80%93+family+reunification+of+under-age+beneficiaries+of+international+protection+(PDF).pdf?t=1612968552586)

³⁵ The Council of Europe Commissioner for Human Rights (2017), *Realising the right to family reunification of refugees in Europe*. Available at: <https://rm.coe.int/prems-052917-gbr-1700-realising-refugees-160x240-web/1680724ba0>

³⁶ Mika Rantanen et al. (2021), *The Arctic has warmed four times faster than the globe since 1980*. Available at: https://assets.researchsquare.com/files/rs-654081/v1_covered.pdf?c=1631873458.

³⁷ More information on the impacts of climate change in Finland available at the webpage of Finnish institute for health and welfare: <https://thl.fi/en/web/environmental-health/climate-and-weather/climate-change>.

³⁸ The UN Human Rights Council has adopted a resolution recognising the right to a clean, healthy and sustainable environment as a human right.

³⁹ FPIC = Free, Prior and Informed Consent.