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# Statement by the Finnish Human Rights Centre (NHRI)

CHECK AGAINST DELIVERY

1. This oral statement is prepared by the Finnish Human Rights Centre/NHRI, Reference is made to our written submissions on 4 June 2021 and 3 September 2022.
2. In this statement I will touch upon human rights structures and resources, human rights impact assessment and disaggregated statistics, climate change, migrant women and trans act and intersex children.

## Human rights structures and resource

1. Due to the continuous evolvement and complexity of Finnish human rights structures, the Finnish Human Rights Centre conducted a study on the current state of these structures, focusing especially on how they function, the clarity and sufficiency of their competencies in law and their capacity and resilience. The study has been published in Finnish and Swedish in 2022 and an English translation is underway.
2. The study shows that there is a clear need for a more holistic approach to human rights structures. Balance should be sought especially between **general** and **specific human rights mandates**. When structures become too fragmented, resources and expertise are scattered for several different actors which risks weakening the clarity, coherence, and efficiency of the structures. Before considering new actors, the existing human rights structures should be strengthened.
3. There is continuous tendency to create new actors. This is evident recently with the establishment of ombudsman for older persons as well as rapporteur for violence against women, both within the office o the non-discrimination ombudsman. The rapporteur would have been better placed within the office of the equality ombudsman to better include gender perspective and related other activities.

## Human rights impact assessment and lack of disaggregated statistics

1. Impact assessment on the fundamental and human rights must be carried out continuously, systematically and comprehensively. The Government report, as well as legislative drafts in general, do not include sufficient analysis, comparable information or reflections on the measures taken and the effects they have on the enjoyment of human rights for individuals or groups of individuals and especially on women and girls.
2. Gender mainstreaming and equality impact, multiple and intersecting discrimination and effects on specific age groups, minorities or persons with disabilities is not always considered sufficiently while preparing draft laws or planning policy actions.
3. Some of the reasons for this are the insufficient data collection, the lack of disaggregated data and shortage on relevant research. This has become evident also during the preparation of the framework for human rights indicators, included in the governments third Action Plan on Fundamental and Human Rights (for 2020–2023) Information is lacking on many important rights and fields of life and therefore they are left out from indicators, for example, where the right solution would be to improve the data collection
4. Decision making and administration is divided in sectors and cooperation and coordination needs development. The resources remain scarce and the specific human rights related work in the administration is too often dependent on individual civil servants rather than the system as a whole. A need for an overarching and cross cutting human rights approach and increased human rights education within the entire public administration is necessary.

## Climate change and disaster risk reduction

1. The Ministry of Economic Affairs and Employment has prepared a gender impact assessment in relation to the national climate and energy policy. Although a broad gender impact assessment is necessary, all climate policies and law reforms would benefit from a policy-specific gender impact assessment.
2. The existing assessment has been referenced to in other climate policies but this does not address policy-specific challenges. The assessment’s observations are not visible in the measures suggested in the policy. This is a visible trend in climate policies and climate law reforms.

## Migrant women

1. One alarming development relates to **foreign nursing staff**, mainly women. According to Ministry experts, by 2030 at least 10 % of persons employed in social and health care sector have to be recruited from abroad. This has already started more than 10 years ago.
2. However, **regulations** are almost non-existing, recruitment takes places in many ways and even from countries where shortage of nursing staff exists. Currently, many women with specialised knowledge in a specific field of nursing end up in lower paid assisting jobs for long periods of times, despite additional education and training. This results in them losing their expertise but also leaves them with income levels that do not enable them, due general net income limits set by migration legislation, to bring their spouses or children with them, thus preventing them from enjoying family life. Better **regulation** and **coordination** over sectoral limits of administration is needed and more attention needs to be paid to the **income limits** in migration legislation.

## Trans Act and Intersex children

1. The Act on Legal Recognition of the Gender of Transsexuals or the **Trans Act** is currently under reform. The draft was discussed by the parliament plenary last week, with unpleasant and non-respective tones. The draft does include the removal of the **infertility** requirement and bases the legal recognition on an explanation on gender rather than a medical statement, but it still contains a requirement for the person requesting gender recognition to be at least 18 years old. This excludes **trans children**, although the draft states that this is not in line with the rights of the child.
2. With regard **intersex** **children**, no national treatment practice exists. Treatments that aim at sex “normalising” are still practiced. Children are at risk of being subjected to **medically unnecessary surgeries** without their consent. Although the ministry has recently proposed research, education and guidance for health care professionals on intersex children, no legislative measures are initiated.

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