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HUMAN RIGHTS CENTRE



Human Rights Centre Annual Report 2015 Summary

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Summary

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1

Finland's National Human Rights Institution

THE HUMAN RIGHTS CENTRE and its Human Rights Delegation, together with the Parliamentary Ombudsman, constitute Finland's National Human Rights Institution (NHRI). NHRIs are statutory bodies for the promotion and protection of human rights. Their responsibilities, composition and methods of operation are defined in the so-called Paris Principles, which were adopted by the UN General Assembly in 1993. According to the Paris Principles, national human rights institutions should be established by the government by law, be autonomous and independent, and have a pluralist composition. They must be vested with a broad mandate to protect and promote human rights at national level, and they should also have adequate resources and powers of investigation.

The International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) granted Finland's NHRI an 'A' status in 2014. Institutions accredited with 'A' status are considered to be in full compliance with the Paris Principles. The status entitles Finland's NHRI to participate and take the floor in the sessions of the UN Human Rights Council and to vote in ICC meetings.

The Human Rights Centre (HRC) was established through an act which entered into force on 1 January 2012 (Act on the Amendment of the Parliamentary Ombudsman Act, Act 535/2011 of 20 May 2011). The HRC operates autonomously and independently, although administratively it is part of the Office of the Parliamentary Ombudsman.

According to the law, the HRC has the following tasks:

- 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 comparable tasks associated with the promotion and implementation of fundamental and human rights.

The Centre does not handle complaints or other individual cases.

The Parliamentary Ombudsman appoints the Centre's Director for a four-year term, after having received a statement on the matter from Parliament's Constitutional Law Committee. Parliamentary Ombudsman Petri Jääskeläinen appointed Sirpa Rautio, Master of Laws trained on the bench, for a second term as the Director of the HRC on 21 December 2015. Rautio's second four year term will begin on 1 March 2016.

The Human Rights Delegation functions as a statutory national cooperative body of fundamental and human rights actors, deals with fundamental and human rights matters of a far-reaching significance and principal importance and yearly approves the HRC's plan of action and annual report. The Delegation has 20 to 40 members, who are appointed by the Parliamentary Ombudsman. The Ombudsman appoints the members for four years at a time after hearing the view of the Director of the HRC, who chairs the Delegation.

The Parliamentary Ombudsman oversees that the authorities and civil servants obey the law and fulfil their obligations. The Ombudsman's oversight also covers other actors entrusted with public authority. The duties of the Ombudsman are defined in the Constitution of Finland and in the Parliamentary Ombudsman Act. As part of his duties, the Ombudsman pays particular attention to the implementation of fundamental and human rights. He also has the special responsibility to monitor how the police employ coercive measures affecting telecommunications and conduct undercover operations. At Parliament's request, he also oversees that the rights of children are implemented. The Ombudsman also acts as the National Preven-

tive Mechanism (NPM) under the Optional Protocol to the UN Convention against Torture (OPCAT). The NPM is responsible for inspecting places of detention where persons deprived of their liberty are held.

Finland's National Human Rights Institution adopted its first joint long-term operative strategy in June 2014. The strategy forms the basis for developing cooperation to achieve common objectives.

Main objectives in the strategy of Finland's NHRI:

- 1.** General awareness, understanding and knowledge of fundamental and human rights is increased, and respect for these rights is strengthened.
- 2.** Shortcomings in the implementation of fundamental and human rights are recognised and addressed.
- 3.** The implementation of fundamental and human rights is effectively guaranteed through national legislation and other norms as well as through their application in practice.
- 4.** International human rights conventions and instruments should be ratified or adopted promptly and implemented effectively.
- 5.** Rule of law is implemented.

The Human Rights Centre and the Office of the Parliamentary Ombudsman are also in practice engaged in close cooperation with each other. The HRC is administratively connected to the Office of the Parliamentary Ombudsman, and they have shared premises. The Centre's Director weekly attends the meetings of the Office's management team, and its experts participate in the Office's internal working groups. The parties also benefit from cooperation when preparing statements and organising trainings.



2

Operation of the Human Rights Centre in 2015

THE HUMAN RIGHTS CENTRE'S Plan of Action 2015 defined the priorities of the Centre's activities for 2015. These included human rights education and training, information provision and the improvement of cooperation among different actors, for example through the Human Rights Delegation. Thematic priorities included in particular broad and cross-cutting issues that are of structural and principal importance, such as implementing equality and ensuring people's access to their rights.

This section describes the HRC's activities in 2015 in relation to its statutory tasks.

2.1 Promotion of information provision, training, education and research

One of the most important tasks of the Human Rights Centre is to promote information provision, training, education and research on fundamental and human rights as well as cooperation in these issues. Because the HRC's duty is to promote both human rights and fundamental rights, its information provision, training, education and research activities focus on national fundamental rights, international human rights or the fundamental rights dimension of the European Union, depending on the target group and the topic.

2.1.1 Information provision

Website

The Human Rights Centre's website (www.humanrightscentre.fi) provides basic information on the HRC and its Delegation. It also includes topical press releases and news on fundamental and human rights, HRC's publications and statements as well as links to websites, materials and documents published by other human rights actors.

In accordance with the Plans of Action for 2014 and 2015, the HRC website is being gradually developed into a comprehensive human rights portal within the limits of the Centre's resources. However, the HRC's current resources do not allow for building a comprehensive fundamental and human rights portal or information bank.

Human Rights Centre's newsletters

In the Plan of Action 2015, the development of information provision activities played a key role. Thus, the HRC focused during the year particularly on transmitting news on current human rights affairs.

In February, the HRC began to publish an international newsletter which compiles human rights news from key international actors. The international newsletter contains news concerning, for example, the UN, the EU, the European Union Agency for Fundamental Rights (FRA) and the Council of Europe, including significant rulings of the European Court of Human Rights. During the year, six issues of the international newsletter were published, approximately every two months.

In September, the HRC also began publishing a domestic newsletter. It was published twice before the end of the year. Topics covered in the domestic newsletter included Finland's progress in ratifying treaties and conventions, Finland's reports to the bodies monitoring human rights treaties, national reports and studies on fundamental and human rights, and important court decisions.

The newsletters are targeted at the HRC's stakeholders and anyone else interested in current human rights issues. The newsletters are published in Finnish and in Swedish. Readers can receive the newsletter directly via e-mail by subscribing to it on the HRC website. The newsletters are sent to Parliament's Constitutional Law Committee, the Supreme Court and the Supreme Administrative Court, the Ministry

for Foreign Affairs, and other HRC's stakeholders. The newsletters are also published on the HRC website and the Edilex legal information service (www.edilex.fi).

Social media

The Human Rights Centre actively uses its Facebook page to provide information on its own activities and topical matters concerning fundamental and human rights. At the end of the year, the Centre's Facebook page had 1,343 likes. At the end of 2014, the corresponding figure was 918, which means the growth has been significant.

To increase its social media visibility and to reach a wider audience, the HRC also set up a Twitter account (@FIN_NHRI) in December 2015.

Publications

With its publications, the Human Rights Centre aims to raise awareness of fundamental and human rights and to support the related education and training. The HRC's publications are free of charge, and most of them are freely available on the Centre's website. For example, various human rights organisations have used the HRC's publications in their own education and training activities.

In February 2015, the recommendations of the Human Rights Delegation for promoting human rights education and training were published as a separate electronic publication. The recommendations had been previously published in 2014 as a part of the HRC's study on human rights education in Finland. In June 2015, the recommendations were also published in Finnish sign language on the HRC website.

In the autumn, the HRC published on its website a human rights glossary that includes a selection of terms concerning human rights

and, in particular, human rights treaties and their monitoring systems. The terms are given in Finnish, Swedish and English. For some of the entries, short explanations are provided to clarify their background and meaning. The aim of the glossary is to help harmonise and standardise the human rights terminology used in Finland. The Centre hopes that the glossary will be useful to, for instance, translators, interpreters, journalists and others using the terminology of the field.

The HRC also published unofficial Finnish and Swedish translations of the publication *Core Human Rights in the Two Covenants* published by the Office of the United Nations High Commissioner for Human Rights (OHCHR). The guide discusses the non-derogable rights included in the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

HRC's publications in 2015:

- *Human Rights Centre Annual Report 2014* (full text available in Finnish and Swedish, a summary available in English)
- *Recommendations of the Human Rights Delegation for promoting human rights education and training in Finland* (electronic publication, in Finnish and Swedish)
- Translations into Finnish and Swedish of *Core Human Rights in the Two Covenants* (original publication by the OHCHR)
- *Human Rights Glossary* (available on the HRC website)
- HRC's international newsletter (6 issues)
- HRC's domestic newsletter (2 issues)
- A reprint of the HRC's brochure in English.



ABOVE: Hustle and bustle at the registration desk at the conference organised by the HRC, the Parliamentary Ombudsman and the Council of Europe in December.

2.1.2 Education and training

Promoting education and training on fundamental and human rights has been one of the Human Rights Centre's priority activities during its first four years of operation. Among other things, the HRC has published the first national baseline study on human rights education in Finland, promoted human rights education and training based on the results of the study, and supported communication, cooperation and coordination between different actors. The promotion of human rights education and training is also one of the objectives set in the common strategy of Finland's National Human Rights Institution.

Advocacy

After publishing its study on human rights education and training in 2014, the Human Rights Centre has publicised the results of the study and promoted the implementation of the recommendations put forward on the basis of the study. The follow-up on the study and the practical implementation of the recommendations are discussed in section 2.2.1.

In 2015, a special priority was to ensure that fundamental and human rights education and training are included in the next national action plan on fundamental and human rights. The Government intends to draw up an action plan on fundamental and human rights in 2016, and fundamental and human rights education and training have been a central element in the preparatory work. An HRC representative par-

ticipates in an advisory role in the Government network of contact persons for fundamental and human rights, which is preparing the action plan. The HRC has also provided the network with expert support particularly for those parts of the action plan that concern human rights education and training.

Efforts to influence the reforms of national curricula for basic and upper secondary education have been an essential part of promoting human rights education and training. In 2015, the HRC monitored the progress in the practical implementation of the national core curriculum for basic education that will enter into force in August 2016. In the spring of 2015, the HRC issued a statement to the Finnish National Board of Education on the draft core curriculum for upper secondary education, emphasising the role of human rights as legally binding international norms. The need to strengthen human rights education and training was also regularly brought up in other statements. For example, in August the HRC emphasised the importance of providing judges with training on fundamental and human rights in its own-initiative statement to the Ministry of Justice on the new courts act and on developing the training of judges.

During the year, the HRC also sought new channels for reaching education and training professionals. In collaboration with the Finnish National Board of Education, the HRC published an advertisement in the Opettaja trade union magazine for educators. The advertisement was published in the December issue of the magazine, and it encouraged teachers to celebrate the international Human Rights Day at school on 10 December using the educational material that the HRC collected on the edu.fi website maintained by the National Board of Education.

Education and training on fundamental and human rights are central in the preparation of the second national action plan on fundamental and human rights.

Events

Events are an important way of providing information and training on topical fundamental and human rights themes. The HRC's events have been popular, and the Centre has received positive feedback on them. Events are often planned and organised together with other actors. In 2015, events were organised in cooperation with, for instance, the Ministry of Justice, the Northern Institute for Environmental and Minority Law, the Office of the Parliamentary Ombudsman and the Council of Europe.

The HRC organised the following events in 2015:

The new Non-Discrimination Act - What has changed? 5 February 2015

The reformed Non-Discrimination Act entered into force on 1 January 2015. In the event organised in cooperation with the Ministry of Justice, participants were presented a summary of the contents of the Act as well as the changes and obligations it has brought about. They also heard about the experiences gained in Sweden in the application of non-discrimination legislation. The speakers included, for example, Minister of Justice Anna-Maja Henriksson, Non-Discrimination Ombudsman Eva Biaudet and the Swedish Equality Ombudsman Agneta Broberg.

Meeting of the Nordic Council of the Deaf, 10 April 2015

In cooperation with the Finnish Association of the Deaf, the HRC hosted a meeting of the Nordic Council of the Deaf, with participants from



ABOVE: Morten Kjaerum, director of the Raoul Wallenberg Institute of Human Rights and Humanitarian Law, at the conference organised by the HRC, the Parliamentary Ombudsman and the Council of Europe in December.

all Nordic countries. In the meeting, participants discussed the promotion of the linguistic and cultural rights of the deaf and Nordic cooperation between different actors. The speakers included Parliamentary Ombudsman Petri Jääskeläinen, Director of the Human Rights Centre Sirpa Rautio, Ombudsman for Children Tuomas Kurttila, Senior Adviser Robin Harms from the Office of the Non-Discrimination Ombudsman, and Director Johanna Suurpää, the head of the Unit for Democracy, Language Affairs and Fundamental Rights at the Ministry of Justice.

Human Rights Delegation's workshop on the UN Convention on the Rights of Persons with Disabilities, 25 May 2015

The purpose of the workshop was to prepare for the NHRI's upcoming task as the national

monitoring mechanism of the Convention. The workshop focused on the promotion, protection and monitoring of the Convention, and participants learned about other European monitoring mechanisms' experiences in similar tasks. In addition to Delegation members, the participants included representatives of various stakeholders.

How to develop research on human and fundamental rights in Finland?

10-11 September 2015

To mark the 30th anniversary of the Northern Institute for Environmental and Minority Law (NIEM) at the University of Lapland, NIEM and the HRC organised a two-day seminar on fundamental and human rights research in Rovaniemi, Lapland. The seminar focused on the

current state of research in Finland, its future prospects, and the development of collaboration among researchers. The seminar participants included university researchers as well as people working with fundamental and human rights matters in Finland and abroad.

Freedom of speech and news portals' liability on the internet - judgment of the European Court of Human Rights in Delfi v. Estonia, 6 October 2015

The lunchtime information session organised for Members of Parliament discussed the ruling of the Grand Chamber of the European Court of Human Rights issued in June 2015 on the liability of an internet news portal for the comments posted on its page. An introduction to the case was provided by Associate Professor Riku Neuvonen from the University of Tampere.

Council of Europe, National Human Rights Institutions, Equality Bodies and Ombudsman Offices Promoting Equality and Social Inclusion, 10-11 December 2015

The conference organised in cooperation with the Council of Europe and the Parliamentary Ombudsman presented good examples on how national human rights actors can work together to remove stereotypes in order to enable access to all human rights by all persons. Participants also discussed how national bodies and international and regional intergovernmental organisations can support each other in combating stereotypes and discrimination to improve the human rights situation in Europe. The event attracted more than 150 participants, including authorities from different countries, representatives of national and international civil society organisations, national human rights institutions, equality bodies, offices of ombudsmen, and researchers. Former President of Finland Tarja Halonen honoured the event with her presence.

The HRC is often invited to speak at events organised by other actors. During the year,

the HRC's representatives spoke, for example, at a national seminar for municipal disability councils, a seminar on social rights organised by the National Institute for Health and Welfare (THL), the Faculty Day of the Faculty of Law at the University of Turku, a round table discussion on a child's right to physical integrity organised by the Ombudsman for Children, a Keva workshop on Sustainable Development Goals, the publishing event of a study on the implementation of youth rights conducted by the Finnish Youth Co-operation - Allianssi and the Finnish Youth Research Society, and an event organised by the Ministry for Foreign Affairs, the European Parliament, the UN Association of Finland and the Finnish Committee for European Security STETE on Finland's role in the UN, the OSCE and the EU.

Training and lectures

Even though the Human Rights Centre is not a training organisation, its Director and experts regularly give lectures on fundamental and human rights in training events, seminars and other events. During the year, the HRC provided speakers particularly to training events organised for authorities, for example at the Ministry for Foreign Affairs, the HAUS Finnish Institute of Public Management Ltd - a state-owned company training civil servants - and a training event for court system representatives held at the Ministry of Justice. In August, the HRC participated in training human rights professionals and researchers in an intensive course on human rights and development organised in Turku by the Åbo Akademi Institute for Human Rights. In October, the HRC organised a training on human rights in public procurement for the staff of the Office of the Parliamentary Ombudsman. In addition, numerous groups of university students visited the HRC to learn about its activities.



ABOVE: Heli Aikio and Jessika Lampi's Aila Duo performed at the dinner event organised for the participants of the December conference.

2.1.3 Research

The Human Rights Centre's limited resources hardly enable the Centre to pursue its own research. However, the Centre has regularly discussed the promotion of research on fundamental and human rights with various research bodies. In 2015, the HRC paid special attention to improving collaboration among researchers in the field of fundamental and human rights and on disseminating information on human rights research.

During the operating year, the HRC collaborated with the Northern Institute for Environmental and Minority Law (NIEM) of the University of Lapland Arctic Centre to support Finnish research on fundamental and human rights. In September, NIEM and the HRC organised a

fundamental and human rights research seminar aiming to find ways to develop research conducted in Finland. The event was a success, and the seminar is intended to become an annual event, with universities conducting fundamental and human rights research taking turns organising it.

When preparing the event, NIEM conducted a preliminary mapping of Finnish human and fundamental rights research, and seminar participants further discussed the idea of creating a network of researchers working with fundamental and human rights issues. In early 2016, NIEM will conduct a study on human and fundamental rights research in Finland, a project commissioned by the HRC. The shared-cost project will map the current state of research in different fields and determine future research needs. Once the survey is completed, the aim is

to create a cooperation network for researchers working with fundamental and human rights issues. The HRC will also participate in the network.

The HRC also worked with other research institutes in the sector by providing speakers to various events and training courses. In March, the HRC participated in an international conference titled *Minority Protection at a Crossroads*, organised by the Åland Islands Peace Institute. In September, one of the HRC's experts chaired the *Scholars at Risk* panel discussion on academic freedom and human rights organised at the University of Helsinki. In October, the HRC participated in a round table meeting with representatives of the National Institute for Health and Welfare (THL) to discuss the role of fundamental and human rights in THL's activities and opportunities for cooperation. A separate meeting on the rights of persons with disabilities was organised among THL, the HRC and the Office of the Parliamentary Ombudsman.



2.2

Reports on the implementation of fundamental and human rights

2.2.1

Follow-up to the study on human rights education and training

In 2014, the Human Rights Centre published the first national baseline study on the implementation of human rights education and training in the Finnish education system. In 2015, the HRC focused on raising awareness of the results of the study, particularly among authorities and actors in the education and training sector, as well as on the practical implementation of the recommendations that the Human Rights Delegation adopted on the basis of the study, and on monitoring the impact of the study.

Towards the end of the year, the HRC conducted a mid-term evaluation of the implementation of the Human Rights Delegation's recommendations and the effectiveness of the study. The table below summarises the recommendations and the progress made. Some positive steps have been achieved with regard to all recommendations. Thus, it can be concluded that the study has had a significant impact on human rights education and training in Finland and the authorities are familiar with its results. The study has been referred to, for example, in the Government of Finland Human Rights Report 2014. It has contributed to the report's policy guideline no. 33, which recommends that the next national action plan on fundamental and human rights should contain a section on human rights education and training. The study has also been of great benefit to other actors in the field, such as civil society organisations, which have been able to promote human rights education and training by referring to the reliable and comprehensive research data included in the study.

Recommendation	Progress
<p>1. The Government should draft an action plan for human rights education and training.</p>	<p>The Government will draft an action plan on fundamental and human rights in 2016. Human rights education and training are a central element in the preparation of the action plan.</p>
<p>2. Human rights should be included in all forms of education and training.</p>	<p>Some progress has been made: e.g. human rights have been given a more prominent role in the new national core curricula for basic education and upper secondary education. The new core curricula will be gradually implemented, starting from autumn 2016. Local and school-specific curricula have not yet been finalised, making it impossible to evaluate the practical impact of the reforms.</p>
<p>3. Human rights education should support and promote the realisation of a learning environment where human rights are respected.</p>	<p>Recommendations 2 and 3 go hand in hand. In the new national core curricula for basic and upper secondary education, human rights are also taken into account in sections concerning the school learning environment.</p>
<p>4. The human rights knowledge and skills of teachers and educators should be strengthened.</p>	<p>A working group established by the Ministry of Education and Culture published in 2014 a report on how democracy and human rights objectives are implemented and their content processed in teacher training in universities and polytechnics. The report included several recommendations for improving teacher education and training. The HRC baseline study contributed to the launch of this survey.</p>

Recommendation	Progress
<p>5. The human rights knowledge and skills of public servants and other persons exercising public power and functions should be ensured.</p>	<p>Responsibility for the training of public officials lies primarily with the Government. Human rights training for public servants and other persons exercising public power and functions will hopefully be included in the future action plan on fundamental and human rights. Since the study was completed, the HRC has provided training for public officials at the Ministry for Foreign Affairs, the Ministry of Justice and HAUS. The Ministry of Justice published in 2013 a new version of a guidebook for those drafting legal texts (Lainkirjoittajan opas). The guide provides comprehensive information on how to take fundamental and human rights into account when drafting legislation.</p>
<p>6. The materials and methods for teaching human rights should be developed.</p>	<p>The more central role of human rights education in the national core curricula will be reflected in the teaching and learning materials used in comprehensive schools and upper secondary schools.</p>
<p>7. Human rights education, teaching, learning and knowledge should be monitored, evaluated and developed.</p>	<p>Representatives of the Office of the Parliamentary Ombudsman met representatives of the Finnish Education Evaluation Centre (FINEEC) in the autumn of 2015. Among other things, they discussed the importance of human rights education and training in the evaluation of education. The Parliamentary Ombudsman and the HRC will continue to draw attention to the matter.</p>

2.2.2

Persons with disabilities and their access to their rights

In the autumn of 2015, the Human Rights Centre conducted a broad round of interviews with the lawyers and other advisory employees of organisations representing persons with disabilities. The aim was to map the advisory services complementing the services provided by the authorities and to obtain information about the most common problems disabled persons face in their everyday lives. Through the meetings, the HRC was also able to significantly expand its network of contacts among disabled people's organisations, and the organisations received information about the HRC's activities.

The survey focused particularly on the representative organisations and rights of persons with disabilities, but meetings were also held with organisations representing the interests of other vulnerable groups. The purpose of the survey was to map the coverage, volume, type and target group of the advisory services provided by the organisations. The interviews also highlighted more extensive themes and shared problems. According to disabled people's organisations, shortcomings concern, for example, interpretation services provided to persons with disabilities, the accessibility of information, electronic services and access to information as well as mobility and transportation services.

Concerns were also expressed regarding the subjecting of services to competitive tendering and the privatisation of services, the pressure of austerity in public finances, and the implementation of the municipalities' obligation to provide advice. Moreover, disabled people's inclusion, individual needs and ability to influence decisions affecting their own lives are not currently implemented and taken into account in a manner that would enable them to fully participate in society.

A report on the survey will be published in early 2016.

In the interviews conducted by the HRC, disabled people's organisations highlighted numerous problems that affect the daily life of disabled persons and the implementation of their fundamental and human rights.

2.3

Initiatives and statements

In 2015, the Human Rights Centre gave several statements and comments to parliamentary committees, ministries and international bodies. The statements are listed in the boxes below.



Statements by the HRC in 2015:

- Own-initiative statement to the Administration Committee of Parliament on the government bill (HE 298/2014 vp) to the Parliament for an act to amend the Public Servants Act and for certain related acts
- Statement to the Administration Committee of Parliament on the Government's Human Rights Report
- Statement to the Foreign Affairs Committee of Parliament on the Government's Human Rights Report
- Statement to the Social Affairs and Health Committee of Parliament on the government bill (HE 284/2014 vp) to the Parliament on accepting the Convention on the Rights of Persons with Disabilities and its Optional Protocol as well as on acts bringing into force the provisions of the Convention and its Protocol pertaining to legislation and amending the Parliamentary Ombudsman Act
- Statement to the Ministry of Education and Culture on a draft government bill for an act on early childhood education and care
- Statement to the Finnish National Board of Education on a draft core curriculum for upper secondary education
- Statement to the Ministry of Justice on a draft government decree on a network of contact persons for fundamental and human rights
- Own-initiative statement to the Ministry of Justice on the draft government bill for the courts act and certain related acts as well as on the report *Developing the training of judges (Tuomareiden koulutuksen kehittäminen, Reports and statements 38/2015)* related to the project
- Statement to the Ministry for Foreign Affairs on the draft explanatory memorandum of the Recommendation of the Council of Europe Committee of Ministers on the UN Guiding Principles on Business and Human Rights
- Statement to the Ministry of Justice on draft guidelines on consultations in statute drafting
- Statement to the Ministry of Education and Culture on a draft government bill for a new youth act
- Statement for the 2016 annual report of the Ombudsman for Children



Statements to international organisations in 2015:

- Statement to the European Parliament's rapporteur on the situation of fundamental rights in the EU Member States
- Statement to the Office of the UN High Commissioner for Human Rights on equal participation in political and public affairs
- Statement to the Office of the UN High Commissioner for Human Rights on the role of prevention in the promotion and protection of human rights
- Statement to the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights on the participation rights of A-status NHRIs in the UN system
- Statement to the UN Special Rapporteur on the rights of persons with disabilities on the right of persons with disabilities to social protection
- Statement to the Office of the UN High Commissioner for Human Rights on civil society space
- Statement to the UN Independent Expert on the enjoyment of all human rights by older persons on the human rights implications of the implementation of the Madrid International Plan of Action on Ageing (MIPAA)
- Statement to the UN Special Rapporteur on the rights of persons with disabilities on the right of persons with disabilities to participate in decision-making

In addition, responses were submitted to questionnaires and queries sent by, for example, the UN Special Rapporteur on minority issues, the European Union Agency for Fundamental Rights, the European Ombudsman as well as NHRIs and their networks.

2.4 Participation in European and international cooperation

In accordance with its statutory tasks, the Human Rights Centre participates in European and international cooperation related to the promotion and protection of fundamental and human rights. The most important cooperation bodies and partners for the HRC are the networks of NHRIs, as well as the human rights bodies of the UN, the bodies of the Council of Europe, and the EU Agency for Fundamental Rights (FRA).

The 'A' status granted to Finland's NHRI at the end of 2014 was officially awarded to the institution at the ICC General Meeting in Geneva in March 2015. The accreditation status was

received by Director Sirpa Rautio and Expert Kristiina Kouros from the HRC together with Parliamentary Ombudsman Petri Jääskeläinen and Secretary General Päivi Romanov from the Office of the Parliamentary Ombudsman.

The European Network of National Human Rights Institutions (ENNHRI) is one of the HRC's most important international partners. During the year, the HRC participated in the work of ENNHRI's Working Group on the implementation of the UN Convention on the Rights of Persons with Disabilities, Business and Human Rights Working Group and the advisory group of ENNHRI's EU-funded project on the human rights of older persons and long-term care.

At the ENNHRI General Assembly meeting in November, the HRC as the representative of Finland's NHRI was elected as a member of the

European Coordinating Committee of NHRIs and to the ICC Bureau as of 1 March 2016.

During the operating year, the HRC collaborated with the Council of Europe particularly in connection with the conference held on 10-11 December. The HRC also participated in a meeting on economic, social and cultural rights organised in Strasbourg by the Council of Europe, FRA, ENNHRI and Equinet, the European Network of Equality Bodies.

Cooperation with the FRA was intensified after the HRC's Director Sirpa Rautio was appointed as the independent representative of Finland in the FRA Management Board in summer 2015. In September, the Management Board appointed Michael O'Flaherty from Ireland as the Agency's new director. In November, the HRC participated in the FRA's national stakeholder meeting organised in Vienna. The aim of the meeting was to strengthen cooperation between FRA and its various networks and for the first time to bring together all of the Agency's national partners. The Director of the HRC participated in preparing the event and held the opening speech.

In connection with the theme "access to rights", the HRC also participated in the FRA's Clarity project. The aim of the project is to create an online portal that provides information on where to turn to if one's rights are violated in an EU country. The FRA launched a pilot version of the tool in the autumn of 2015.

In October, an HRC representative took part in an Asia-Europe conference on global ageing and human rights of older persons, organised in Seoul, South Korea. In connection with the conference, a special NHRI session was held in order to discuss and plan global cooperation to promote the rights of older persons.

During the operating year, the HRC also participated in the UN Forum on Business and Human Rights, a European Commission work forum on the UN Convention of the Rights of Persons with Disabilities, and international training events on, for example, collaboration between NHRIs and international and regional organisations.

2.5

Cooperation with other fundamental and human rights actors

In addition to the actors represented in the Human Rights Delegation, the Human Rights Centre also cooperates with other authorities, organisations and research institutions working with fundamental and human rights matters. Cooperation involves, for instance, meetings, information exchange, advocacy and the organisation of events. Key cooperation partners among the authorities are the Government network of contact persons for fundamental and human rights, the Unit for Democracy, Language Affairs and Fundamental Rights at the Ministry of Justice, and the Unit for Human Rights Policy and the Unit for Human Rights Courts and Conventions at the Ministry for Foreign Affairs.

During the year, the HRC further expanded its network of contacts through numerous meetings with various civil society organisations. The HRC's activities were presented in a meeting organised for the network of lawyers working in different organisations, and the Centre met, for example, representatives of disabled people's organisations and the experts of the national umbrella organisation SOSTE, the Finnish Federation for Social Affairs and Health.

In November, the HRC organised a meeting with the Finnish Immigration Service (Migri) on asylum and refugee issues. In the meeting, the organisations discussed the asylum seeker situation and their legal protection in the asylum process and family reunification matters.

Since February 2014, the HRC has invited authorities responsible for monitoring fundamental and human rights to joint meetings. These authorities are the Parliamentary Ombudsman, the Chancellor of Justice of the Government, the Ombudsman for Children, the Ombudsman for Equality, the Data Protection Ombudsman and the Non-Discrimination Ombudsman. In 2015, these meetings were convened twice. Among other things, the par-

ties discussed improving their cooperation and exchanged information on current matters. The participants have considered the meetings useful and have expressed a wish to continue cooperation in this form.

In 2015, the HRC expanded its networks particularly among civil society organisations and researchers operating in different fields.

2.6 Cooperation with Parliament

The Human Rights Centre maintains a dialogue with Parliament through, for example, statements, committee hearings, events and meetings. Cooperation has been closest with the Constitutional Law Committee and the Parliament's Human Rights Group.

Due to the parliamentary elections held in the spring, a central focus during the operating year was raising awareness of the HRC among the new Members of Parliament. The HRC presented its activities in a training event organised for new MPs in May. The members of the Constitutional Law Committee visited the Office of the Parliamentary Ombudsman and the HRC in October, and in November a meeting was held with the members of Parliament's Human Rights Group. In October, the HRC's Director was called to speak to the Constitutional Law Committee about the FRA and its activities before the Committee's visit to the FRA.

2.7 Other tasks associated with the promotion and implementation of fundamental and human rights

2.7.1 Promoting the bringing into force of human rights conventions and monitoring the implementation of Finland's international human rights obligations

The duties of the Human Rights Centre also include other tasks which are associated with the promotion and implementation of fundamental and human rights but are not explicitly stated in its statutory tasks. According to the Government Bill on establishing the HRC, the most important one of these would be to follow independently that Finland complies with international human rights conventions, implements the recommendations and decisions given by international monitoring bodies, and enforces the judgements of the European Court of Human Rights.

The HRC monitors the implementation of Finland's international human rights obligations particularly on the basis of the recommendations given by international monitoring bodies. It also presents written and oral opinions in connection with periodic reporting and regularly replies to questionnaires and queries of UN human rights bodies concerning the human rights situation in Finland.

During the operating year, the HRC did not issue statements associated with periodic reporting. A list of the Centre's other statements to UN bodies can be found in section 2.3.

During 2015, some matters concerning the ratification of international human rights conventions were being prepared by the Government and debated at Parliament. The HRC actively monitored the ratification processes and shared information on them through the HRC website, newsletters and Facebook.

During the operating year, the HRC continued

to promote the implementation of the UN Guiding Principles on Business and Human Rights at the national level, for example by providing training and information on the matter. In early 2015, one of the HRC experts chaired a retail round table convened by the Ministry for Foreign Affairs. The process resulted in the participants', i.e. the representatives of trade, civil society organisations and authorities, shared vision on how the UN principles should be implemented in the supply chains of consumer goods retail.

In May, the Director of the HRC chaired a session in the event Combating Racism and Intolerance in Finland organised by the European Commission against Racism and Intolerance (ECRI) and the Non-Discrimination Ombudsman. The event focused on ECRI's report on Finland and the recommendations put forward in the report.

In October, the HRC met the Advisory Committee monitoring the implementation of the Council of Europe Framework Convention for the Protection of National Minorities during the Committee's visit to Finland. At the meeting, the parties discussed the position and rights of minorities in Finland. Deputy-Ombudsman Maija Sakslin and university researchers working in the field also took part in the meeting.

The HRC provides information on the human rights situation in Finland to, for example, the bodies of the UN and the Council of Europe.

2.7.2

Preparing for functioning as the national monitoring mechanism for the UN Convention on the Rights of Persons with Disabilities

According to Article 33(2) of the UN Convention on the Rights of Persons with Disabilities (CRPD), States Parties shall designate or establish an independent mechanism to promote,

protect and monitor the national implementation of the Convention. In Finland, this role will be taken on by the entity consisting of the Parliamentary Ombudsman, the Human Rights Centre and its Delegation. This is the first statutory duty assigned to Finland's NHRI as a whole.

Finland is expected to complete the ratification of the Convention in 2016. Even though the ratification process was still under way in 2015, the HRC was already preparing for its upcoming duties as part of the CRPD monitoring mechanism. In February, the HRC issued a statement to the Social Affairs and Health Committee of Parliament emphasising the importance of the speedy ratification of the Convention.

The Human Rights Delegation has a working group preparing the establishment of a disability section. During the year, the group discussed how persons with disabilities could be involved and participate in the work of the monitoring mechanism, and the May meeting of the Delegation focused on preparing for the new duties. The rights of persons with disabilities were a special focus area in the survey on access to rights. In connection with the survey, meetings were held with Finnish disabled people's organisations. These meetings helped the HRC to prepare for its new task both in terms of gathering information and forming contacts with the organisations. During the operating year, the HRC also conducted a preliminary mapping of the information provision needs on the CRPD and its ratification. In December, the Director of the HRC spoke at a national event for municipal disability councils, explaining the Centre's future role in promoting and monitoring the Convention. Moreover, the HRC participated in the meetings of the Ministry for Foreign Affairs' coordination group on international disability policy.

The HRC also took part in international cooperation concerning the Convention, for example in ENNHRI's CRDP Working Group. The Working Group organised a two-day workshop in October, and Diane Kingston, a member of the UN Committee on the Rights



ABOVE: The UN Special Rapporteur on the rights of persons with disabilities Catalina Devandas Aguilar (left) visited the HRC and the Parliamentary Ombudsman in May. On the right: Director Sirpa Rautio from the HRC.

of Persons with Disabilities, also attended the event. Even though Finland had not yet ratified the Convention, the HRC got to participate in April in a meeting between the EU Framework for monitoring the CRPD and national monitoring mechanisms to discuss cooperation between national and EU-level actors. In May, Catalina Devandas Aguilar, the UN Special Rapporteur on the rights of persons with disabilities, visited the HRC and the Parliamentary Ombudsman during her visit to Finland to learn about the rights of persons with disabilities in Finland and the NHRI's preparations for its new duties.

Promoting, protecting and monitoring the UN Convention on the Rights of Persons with Disabilities is the first statutory duty jointly assigned to Finland's NHRI as a whole.

2.7.3 Participating in a survey on fundamental and human rights actors

In the spring of 2015, a working group established by the Ministry of Justice drew up a report on the position, division of responsibilities, and resources of national fundamental and

human rights actors. The Director of the Human Rights Centre chaired the working group, and the Centre also provided the group with secretarial assistance.

The report was the first survey of fundamental and human rights actors operating in Finland. When conducting the survey, the working group organised several consultations with the actors examined and civil society organisations. The survey focused on, for example, the tasks of the supreme overseers of legality, the NHRI, special ombudsmen, advisory boards appointed by the Government, and the network of contact persons for fundamental and human rights. The actors' own views on potential areas of development were also discussed.

In its recommendations for improvements, the working group emphasised that the conclusions and recommendations addressed to Finland by international bodies monitoring human rights treaties should be seen as tools that the authorities and non-governmental actors should use in their work. Moreover, consultations with organisations and other civil society actors should be increased and their opportunities to be involved and participate should be enhanced. Different actors should have clearly defined tasks, and the effectiveness of activities should be continuously evaluated. Operating methods and forms of cooperation should also be constantly developed to ensure efficiency.

2.7.4 Second national action plan on fundamental and human rights

The Government adopted Finland's first National Action Plan on Fundamental and Human Rights 2012-2013 in March 2012. According to the Government Human Rights Report published in the autumn of 2014 and the position adopted by the previous Parliament in March 2015, the Government should during this term of Parliament prepare a second national action

plan to promote fundamental and human rights in Finland.

According to the Human Rights Centre's Plan of Action 2015, monitoring the preparation of a potential new action plan on fundamental and human rights was one of the focus areas of HRC's monitoring activities. During the year, the HRC closely monitored the process and promoted the launch of preparations for the action plan through its advocacy activities. In its dialogues with the authorities and other actors in the field, the HRC particularly emphasised the importance of education and training on fundamental and human rights. In its statement on the protection of fundamental and human rights in Government activities, adopted on 5 October 2015, the Human Rights Delegation also encouraged the Government to draw up a second national action plan on fundamental and human rights without delay.

The preparation of the action plan moved forward in October 2015 when the Ministry of Justice established a Government network of contact persons for fundamental and human rights, consisting of representatives of different ministries. One of the network's tasks is to prepare the second national action plan on fundamental and human rights during the year 2016 and to monitor its implementation. The HRC participates in the network in an advisory role.

The HRC participates in the Government network of contact persons for fundamental and human rights in an advisory role.



3

Operation of the Human Rights Delegation in 2015

THE HUMAN RIGHTS CENTRE'S DELEGATION functions as a national cooperative body of fundamental and human rights actors, deals with fundamental and human rights issues of a far-reaching significance and principal importance, and yearly approves the HRC's plan of action and annual report. The Delegation has a working committee that prepares the Delegation's meetings and sections which also include external experts. The Delegation is chaired by the Director of the HRC. The HRC's representatives also chair the sections and act as their secretaries.

The year 2015 was the last full operating year of the first Human Rights Delegation. The Delegation met four times. The HRC and its Delegation paid special attention to the rights of persons with disabilities and other vulnerable persons and monitored the new Government's actions in fundamental and human rights issues. In accordance with the plan of action, the dialogue among different actors within the Delegation was further developed and strengthened.

The Human Rights Delegation's long-term theme "access to rights" was reflected particularly in the HRC's activities when the Centre surveyed the advisory services provided by disabled people's organisations and drew up a report based on the survey in the autumn. The HRC kept the Delegation informed about the progress of the survey, and the report work plan was discussed in the Delegation's working committee.

The Delegation held its first meeting of the year in March. At the meeting, the Delegation adopted the HRC's Annual Report 2014 and its Plan of Action 2016, in accordance with its statutory tasks. The Delegation also adopted its rules of procedure. Parliamentary Ombudsman Petri Jääskeläinen gave a presentation on key observations and shortcomings concerning fundamental and human rights. After the talk, the Delegation discussed, for example, access to services and the implementation of fundamental and human rights in Finland.

The meeting in May was organised as a workshop focussing on the promotion, protection and monitoring of the UN Convention on the Rights of Persons with Disabilities. The aim of the workshop was to prepare for the new task assigned to Finland's NHRI. In addition to the members of the Human Rights Delegation, the over 40 participants at the event included representatives of civil society organisations, ministries, regional state administrative agencies, the National Supervisory Authority for Welfare and Health (Valvira) and the Office of the Parliamentary Ombudsman.

In the workshop, participants received basic information on the Convention and on legislation on the right of self-determination, which plays a key role in the ratification of the Convention. Smaller working groups discussed disabled people's participation in the promotion, monitoring and protection of the Convention, the monitoring and indicators of the Convention, and the use of complaints and inspections in protection activities under the Convention. Visiting speakers were Marianne Schulze, a human rights consultant from the Austrian independent monitoring committee, Johannes Carniel, a legal expert from the Austrian Ombudsman Board, and Maria Ventegodt Liisberg, the director of the Equal Treatment Department at the Danish Institute for Human Rights.

At the October meeting, the Human Rights Delegation adopted a statement on the protection of fundamental and human rights in all Government activities. With the statement, the Delegation wanted to remind the Government of the legally binding nature of fundamental and human rights and of the fact that the fundamental rights enshrined in the Constitution of Finland apply to all people residing in the country. The Delegation considered it very important that the Government assess in advance how the measures it proposes, such as spending cuts, affect the implementation of rights. Moreover, the Delegation encouraged the Government to draw up an action plan on fundamental and human rights. It also drew attention to the rights



ABOVE: Legal Adviser Juha-Pekka Konttinen (second from the left) from the Office of the Parliamentary Ombudsman presents the contents of the Convention on the Rights of Persons with Disabilities at the Human Rights Delegation’s workshop. Also included in the picture are Elina Hakala, Kalle Könkkölä and Liisa Murto.

of the Sámi people, Finland’s refugee and asylum policy and the increase in hate speech.

In addition to adopting the statement, the Delegation heard representatives of the Ministry for Foreign Affairs and the Ministry of Justice, who spoke about current fundamental and human rights matters in the ministries’ work. Timo Koivurova, a member of the Delegation, also gave a short presentation on the outcomes and benefits of the 30th anniversary seminar of the Northern Institute for Environmental and Minority Law held in autumn 2015 and the research days organised in connection with the seminar.

At the last meeting of the year, the Delegation was given a presentation on the HRC’s report on its activities concerning fundamental and human rights education and training in

2012-2015. After the presentation, the participants discussed, for example, strengthening the viewpoint of fundamental and human rights in teaching and learning materials. Moreover, the chairs of the Delegation’s sections described the sections’ work during the year.

One of the key themes of the meeting was enhancing the advocacy work and communication concerning fundamental and human rights. The theme was introduced by Non-Discrimination Ombudsman Kirsi Pimiä, a member of the Delegation, and Senior Advisor Heli Suominen from the Milton communications agency. The Delegation discussed, among other things, at what point in the bill drafting process and how organisations and other actors should try to influence the contents of acts. There was also colourful discussion on the means and target

groups of communication. The Delegation considered the presentations and discussions useful and would like advocacy-related themes to remain on its agenda in the future.

All Delegation meetings also dealt with the current activities of the HRC. In addition, the members of the Delegation informed others about the events and training sessions they had organised and about topical legislative reforms.

To select the members of the next Delegation, an open application procedure for the term from 1 April 2016 to 31 March 2020 was organised from 8 December 2015 to 8 January 2016. A total of 110 applications were received by the deadline.

In 2015, the Human Rights Delegation paid particular attention to the rights of persons with disabilities and other vulnerable groups and monitored the new Government's actions in fundamental and human rights issues.

3.1 Human rights education and training section

The human rights education and training section was established on 12 June 2012 to function as a steering group for the national baseline study on human rights education and training and to help prepare recommendations based on the study. The study was published on 14 February 2014. A decision was made to extend the section's mandate beyond the publication. It was entrusted with the task of promoting and monitoring the implementation of the study and in particular of the recommendations based on it. This task also covers international recommendations.

In addition to Delegation members, the section has included expert members representing the academia and key organisations in the field

of human rights education. Visiting experts have also given presentations at the meetings.

The section has contributed to the advocacy work and exchange of information concerning human rights education and training and the coordination of related activities in Finland. In 2015, it convened three times. Topics covered in the meetings include monitoring the impact of the study on human rights education and training, human rights education and training in the future national action plan on fundamental and human rights, the UN World Programme for Human Rights Education, the reform of the core curricula for basic and upper secondary education, and the HRC's future activities in the field of human rights education and training. During the year, the section also discussed the human rights education and training projects carried out at universities and the need to develop the human rights education and training provided at universities.

3.2 Section for monitoring the implementation of fundamental and human rights

At its last meeting in 2014, the Human Rights Delegation decided to continue the mandate of the section for monitoring the implementation of fundamental and human rights ('the monitoring section') until the end of the Delegation's term.

2015 was a year of parliamentary elections, and a new Government was formed. Thus, the year was exceptional in terms of monitoring fundamental and human rights, which is why the section only convened once. During the year, the section waited for the fundamental and human rights policies of the new Government and Finland's report on the implementation of the UN's International Convention on the Elimination of All Forms of Racial Discrimination. The report was not completed until December. The topics covered at the section meeting included the direction and priority ar-



ABOVE: Members of the Human Rights Delegation and Human Rights Centre staff on a meeting break. From left to right: Hamed Shafae, Tiina Valonen, Ida Sulin, Tuomas Kurttila, Markku Jokinen, Aija Salo, Kirsi Pimiä, Esa Ylikoski, Maija Sakslin, Pirkko Mäkinen, Sirpa Rautio (HRC), Kimmo Hakonen, Riitta Ollila, Göran Johansson, Kristiina Kouros (HRC), Jouni Mykkänen, Amina Sarpola (HRC) and Hanna Rönty (HRC).

eas of the Human Rights Centre's own monitoring activities and the schedule for international periodic reports. The members of the section considered it necessary to enhance the monitoring activities and to raise awareness of them so that scattered information could be gathered in a more systematic manner.

3.3 Working group for preparing the establishment of a disability section

The Parliamentary Ombudsman, the Human Rights Centre and the Human Rights Delegation will perform the duties of promoting, protecting and monitoring the UN Convention on the Rights of Persons with Disabilities, as laid down in Article 33(2) of the Convention.

According to Article 33(3), civil society, in particular persons with disabilities and their representative organisations, shall be involved and participate fully in the monitoring process. The involvement and participation of persons with disabilities and their representative organisations will be realised through a permanent disability rights section established for the Human Rights Delegation.

A working group for preparing the establishment of the section was appointed by a decision of the Human Rights Delegation on 9 December 2013 for the period of 1 January to 30 June 2014. The term was extended until the actual section is established. The members of the working group have included members of the Delegation representing disabled people's organisations. Representatives of the Ministry for Foreign Affairs, the Office of the Non-Dis-

crimination Ombudsman and the Office of the Parliamentary Ombudsman have participated in the group's work as expert members.

In 2015, the working group convened three times to discuss the rules concerning the disability section to be included in the rules of procedure of the Human Rights Delegation. The

group also discussed progress in the ratification of the UN Convention on the Rights of Persons with Disabilities and considered different ways in which the HRC and the Parliamentary Ombudsman could involve persons with disabilities in their tasks under the Convention.



Abbreviations

ABBREVIATIONS

CRPD	Convention on the Rights of Persons with Disabilities
ECRI	European Commission against Racism and Intolerance
ENNHRI	European Network of National Human Rights Institutions
EU	European Union
FRA	European Union Agency for Fundamental Rights
HRC	Human Rights Centre
ICC	International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights
NHRI	National Human Rights Institution
NIEM	Northern Institute for Environmental and Minority Law
OHCHR	Office of the United Nations High Commissioner for Human Rights
OSCE	Organization for Security and Co-operation in Europe
STETE	Finnish Committee for European Security
THL	National Institute for Health and Welfare
UN	United Nations



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