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Issue NHRI submission for the LOI in 2025

This document contains observations by the Finnish Human Rights Centre (HRC¹, NHRI) to the UN Committee on the Enforced Disappearances for the preparation of the List of issues during Committee's 29th session ((22 September-3 October 2025) for the first examination of the State of Finland.

Should you have any further questions or need for additional information, do not hesitate to contact us at info@humanrightscentre.fi.

The document can be published on the committee's website.

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¹ The Human Rights Centre represents the Finnish National Human Rights Institution (NHRI) in international NHRI cooperation and other international and European cooperation in human rights.

The NHRI comprises the Human Rights Centre, its pluralistic 39-member Human Rights Delegation, and the Parliamentary Ombudsman. The institution complies with the UN Paris Principles and the Global Alliance of NHRIs (GANHRI) has accredited it with A-status in 2014, 2019 and 2025.

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Article 3 – Human Trafficking

1. *Article 3 of the Convention obligates the States Parties to investigate enforced disappearances committed without the authorisation, support or acquiescence of the State. Such acts may be, for example, enforced disappearances committed by an organized criminal group or political organisation or deprivation of liberty taking place in conjunction with human trafficking. The States Parties must also bring those responsible for such acts to justice. The other provisions of the Convention do not apply to the acts referred to in Article 3.*
2. The Council of Europe’s Group of Experts on Action against Trafficking in Human Beings (GRETA) published its third evaluation report on Finland in June 2024.² Government is to provide an interim report in June 2026 on specific recommendations.
3. The 2024 report reveals a significant increase in the number of identified trafficking victims and notes that half of the identified victims were exploited in other countries before seeking asylum in Finland. GRETA requested that Finland review the application of the Dublin Procedure to presumed victims of human trafficking and conducts risk assessments, to prevent victims being returned to the country where they first applied for asylum, but where they face the risk of being re-trafficked.
4. GRETA also advised the Finnish authorities to establish a “National Referral Mechanism” which promotes a multi-agency approach to victim identification and allows the sharing of information between different actors.
5. **The Human Rights Centre would like the Government to provide the Committee information on the following subjects:**
 - ➔ Please inform the Committee about steps taken to ensure that the Convention is implemented regarding the victims of trafficking, taking into consideration any pending or recently implemented changes in the asylum procedure, deportation and border closures.
 - ➔ Please elaborate whether any plans exist to establish a National Referral mechanism in Finland to help identifying victims of trafficking and to avoid

² <https://www.coe.int/en/web/anti-human-trafficking/-/greta-publishes-its-third-report-on-finland>

rapid deportations of foreign nationals without conducting a proper screening.

Article 16 – Non-Refoulement

6. *Article 16, paragraph 1 of the Convention lays down that no State Party shall expel, return (refouler), surrender or extradite a person to another State where there are substantial grounds for believing that he or she would be in danger of being subjected to enforced disappearance.*
7. The government is repeatedly making minor legislative changes which effectively limits the rights of asylum seekers and migrants. The draft laws in general do not comprehensively assess the human rights impacts, nor do they take into consideration the cumulative effects of the changes to the human rights of the persons seeking protection. Separate changes make it close to impossible to assess the overall impact of the reforms.
8. The Government proposal HE 10/2025 vp. on the changes to the *Aliens Act* (mentioned by the Government in its report) on the faster enforcement of deportation decisions in asylum matters, among others, was adopted on 23 May 2025 and the new Articles entered into force on 1 June 2025.
9. As explained by the Government under Article 16, the Finnish Parliament passed also a law titled *Act on Temporary Measures to Prevent Instrumentalised Migration* (482/2024) in the spring of 2024. The purpose of the law is to counter pressure directed at Finland in the form of instrumentalised migration at the border and to strengthen border security. Also, this law has been heavily criticized by domestic and international human rights actors and bodies.
10. According to the law, under certain conditions, the Finnish Government in plenary session may decide to restrict the reception of applications for international protection in a limited area along Finland's national border and its immediate vicinity. In practice, this would apply to Finland's 1,300-kilometre-long border with Russia. Entry into the country by individuals used as instruments of influence would be denied, they would be removed from the country and directed to a location where applications for international protection are accepted. In practice this would be the Helsinki-Vantaa international airport.
11. The preparatory documents for the law acknowledge that the regulation conflicts with Finland's international human rights obligations and EU legislation. It is also problematic from the perspective of the Constitution. The regulation is seen as interfering with the right to apply for asylum, limiting access to legal remedies and judicial protection, and posing a risk that the absolute prohibition of refoulement and related rights to life, personal liberty, and integrity may not be guaranteed in all situations. Furthermore, the preparatory documents state that the law may lead to violations of the

prohibition of collective expulsion and it is also problematic in terms of equality. Nevertheless, the law was adopted, without regard to the criticism.

12. The fact that the law does not provide effective or any legal remedies for individuals whose entry into the country and ability to submit an asylum application are denied, is problematic. As it is, the usual procedural safeguards that are part of the Finnish legal system do not need to be followed.
13. Another concern is the legal protection of border guards who are responsible for implementing the law and risking acting against their duty as civil servants to uphold the constitution and fundamental and human rights.
14. Despite these issues, the law was adopted and remained in force for one year. In spring 2025, the law was renewed and its validity extended until the end of 2026.³ However, as stressed by the Government, the law has not been activated. Were it activated, according to the Government's report, a migrant who has already entered the country would be removed from the country without delay and instructed to travel to a place where applications for international protection are being received.
15. Currently, the eastern land and sea borders remain closed to all traffic until further notice. This is done by a Government decision based on Section 16 of the *Boarder Guard Act* and the information and assessment of the situation at the border, as stated in a related memorandum⁴ by the Ministry of the Interior.
16. However, the effects of the Government decision in practice are the same as if the *Act on Temporary Measures to Prevent Instrumentalised Migration* were activated. At the time of preparing the Act in 2023 the reasoning for it was that the border could be opened for regular traffic when the temporary measures could be used against instrumentalized migration. While renewing the border closure in 2025, this re-opening option was not even mentioned.
17. In addition to the difficulties encountered by asylum seekers at the closed borders, there are also other people, whose lives are severely interrupted by the border closure.
18. Currently there is a case against Finland pending before the European Court of Human Rights, *D. and others against Finland* (Application no. 16398/24⁵, communicated to the Government on 12 March 2025). The case concerns effects of the full closure of the border to the lives of the nine applicants, who are Finnish nationals or residents of Finland. They are of Russian origin and belong to Finland's recognised Russian-speaking minority. They claim, among others, violation of their family life, religious rights, right to property as well as discrimination as they are unable to cross the border for work, family relations

³ <https://valtioneuvosto.fi/en/-/1410869/finland-s-eastern-border-to-remain-closed-until-further-notice-1>

⁴ <https://valtioneuvosto.fi/delegate/file/154446> (in Finnish)

⁵ [https://hudoc.echr.coe.int/eng#{%22appno%22:\[%2216398/24%22\]}](https://hudoc.echr.coe.int/eng#{%22appno%22:[%2216398/24%22]})

or other pressing reasons, except via Estonia or other countries who have not closed their borders.

19. In May 2024 the UN Committee against torture gave its latest concluding observations on the examination of Finland.⁶ Among the four recommendations selected for the follow-up proceedings was the question of adequate legal and procedural safeguards:

Paragraph 19 (a) Introduce adequate legal and procedural safeguards to ensure that all asylum-seekers and other persons in need of international protection arriving at the State party's eastern land border, regardless of their legal status and mode of arrival, have access to fair and efficient refugee status determination procedures and non-refoulement determinations.

20. In May 2025 the Government gave the following information to the CAT-committee on this paragraph⁷:

Asylum and non-refoulement - Information relating to paragraph 19 (a)

Persons who have applied for international protection will be referred to an asylum process, in which the Finnish Immigration Service assesses their need for protection. Under the Act on Temporary Measures to Combat Instrumentalised Migration (482/2024), enacted as an exceptive act, Finland may temporarily restrict the submission of applications for international protection along a limited part of the national border, provided that certain very strict conditions are met. So far, the Act has not been applied. The application of the Act would require a separate decision, and it would be the last resort to control the situation.

The Border Guard has trained its personnel on applying the Act, including identifying vulnerable persons, such as minors, persons with disabilities and victims of human trafficking. All relevant officials must complete general online training. Around 200 border guards are trained to conduct assessments under section 5, with emphasis on assessment procedures, applicant-specific evaluations, and case-by-case consideration as required by the Act.

21. The Government submission above does not clarify or explain the current situation, as requested by the CAT-committee. It does not mention the closure

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<https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=cfKWPx6SyPW9GighCjrzQprmv0ixLU%2FLWaWsGrMKqAEwRfwwOvLtOey0w8jAOTG1oaBhk%2BMRO0XL3gQtdfbtjg%3D%3D>

of the border based on Border Guard Act or its effects, mainly the inability to be seek asylum etc.

22. Furthermore, the Government's reference to training of 200 border guards is rather uninformative. The Border Guard's personnel amounts to around 3.000, out of which some 1.700 are on active duty on the sea and land borders. Additionally, there are Frontex border guards from multitude of states as reinforcements working together with domestic border guards on the eastern border. There is no information on their training.
23. The closing of the eastern border crossings has also effects on identifying and investigating cases of human trafficking. The Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA) published its latest report on Finland in 2024. Among the concerns were the authorities' insufficient ability to recognise the trafficking victims and the need to improve multi-agency approach to the identification and sharing of information. Additionally, the lengthy national proceedings are problematic.
24. Similar recommendations on the need to improve recognition and support and treatment of trafficking victims have been voiced by the Council of Europe's GREVIO – Group of Experts on Action against Violence against Women and Domestic Violence, UN CEDAW-committee and in the UPR-process.
- 25. The Human Rights Centre would like the Government to provide the Committee information on the following subjects:**
 - ➔ Please explain how the current situation at the eastern border (full closure by Government Decision) differs from the situation where the Act on Temporary Measures were activated from the viewpoint of the a) persons arriving at the border seeking asylum and b) the border guards.
 - ➔ Please clarify how the current situation is compatible with international law, and in particular international human rights law, including the European Convention on Human Rights and related case law, the upcoming EU Pact on Migration, Finnish Constitution and relevant domestic legislation.

Article 23 – Training on the contents of the Convention

1. *Article 23 lays down the obligation of States Parties to ensure the training of public officials and other personnel regarding the contents of the Convention.*
2. The Human Rights Centre has in its submission to the Government before the ratification of the current Convention raised concerns regarding the quality and quantity of education and training on fundamental and human rights for civil servants and public sector employees and in specific for those in law enforcement, defence forces, courts, social services and health services.

3. General human rights thinking has not penetrated all levels of the society. This is evident from the multitude of opinions and recommendations received from various monitoring bodies throughout the years. There is a need for more education on fundamental and human rights in society in general and more should be done in future at all levels of education.
4. The effectiveness of the identification, treatment and assistance of the acts, perpetrators and victims, covered by the Convention in question, requires training both in the content of the Convention and in fundamental and human rights in general.
5. Currently, regardless of the profession, participation in many of the general and specific courses and training on fundamental and human rights is voluntary and the participants are persons who are already interested in human rights. Mandatory courses are few.
6. Additionally, to enable effective training, sufficient permanent resources should be allocated for various authorities. Currently severe funding cuts are introduced on all public bodies as well as NGOs. This potentially affects the amount of personnel, and the level of services provided for the victims.
7. **The Human Rights Centre would like the Government to provide the Committee information on the following subjects:**
 - ➔ Please inform the Committee on the planned or executed specific education, training or information campaigns on the requirements of the Convention, especially relating to presumed or identified victims of human trafficking and their rights.
 - ➔ Please indicate what, if any, funding has been allocated for the implementation of this Convention.
