by email to ccpr@ohchr.org

|  |  |  |
| --- | --- | --- |
|

|  |
| --- |
| IOK/7997/2023 |

 | IOK22 |

xx/2022

18.12.2023

#  Finland – ICCPR – follow-up

## Follow-up report by the Finnish NHRI

This document contains observations by the Finnish Human Rights Centre (HRC[[1]](#footnote-1), NHRI) to the follow-up on the implementation of the recommendations in paragraphs 15, 19 and 43 of the concluding observations (CCPR/C/FIN/CO/7). Reference is made to the Government’s follow-up report, submitted in March 2023.

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

**Hate speech and hate crimes**

1. **Information on the implementation of the recommendations of paragraph 15 (a) of the concluding observations,** in which the Committee noted that the State party should redouble its efforts to combat discrimination, hate speech and incitement to discrimination or violence.
2. In the summer of 2023 a heated discussion in media, social media platforms and even the parliament took place after racists and discriminatory posts on internet came to light, written by 2 current Government ministers in 2019 and 2009.
3. This lead to a political crisis and vote of confidence against one minister in the Parliament. He resigned his position after only 11 days in the Government. In addition to the opposition politicians, also one Government party opposed to his confidence.
4. After the second minister’s old online texts came under discussion, a second crisis emerged. After apologies from the minister, threats by one Government party to resign (thus effectively forcing the Government to step down if they did so) and encouragement even from the President of the Republic, the Government stated publicly that the government and each of its minister resigns from racism and all kinds of extremist thinking and commits to active work against racism in Finland and internationally in their own activities.
5. At the same time the Government announced an upcoming statement on equality, gender equality and non-discrimination to be published in August.
6. The Prime minister set up a governmental working group to prepare the statement to Parliament on promotion of equality, gender equality and non-discrimination. The working group consulted widely also the civil society during its work.
7. The Human Rights Centre emphasised in its [observations](https://bin.yhdistysavain.fi/1586428/vFPYNTJnh2TOIZdBqP0G0Zp8Qy/IOK-yv-ta-syrjim%C3%A4tt%C3%B6myys-hallitukselle%2008082023-final.pdf) for the preparation of the Government Statement and the extensive [background memo](https://bin.yhdistysavain.fi/1586428/4hwQ67aGr1Gvj8EILXvJ0ZpTFY/Taustamuistio-%20IOK-yv-ta-%20syrjim%C3%A4tt%C3%B6myys-hallitukselle%2008082023-final.pdf) that, in addition to EU legislation and the Charter of Fundamental Rights, Finland is bound by the Council of Europe (EN) and UN human rights treaties, whose implementation deficiencies have been repeatedly pointed out to Finland by monitoring bodies.
8. The Human Rights Centre stated that the Government and Parliament must regularly monitor the implementation of recommendations and solutions received by Finland and systematically take them into account in national actions. In the preparation of the Government Statement, the recommendations given by international monitoring bodies and legality supervisors regarding Finland's situation of equality, gender equality and discrimination should also be taken into account.
9. The Human Rights Centre also reminded the Government of the EU's framework decision on racism and xenophobia (2008/91/JHA), which is an important tool in combating racism. However, according to the Commission, the implementation of the framework decision has been insufficient in Finland. The EU's Fundamental Rights Agency also highlights the situation in Finland in its 2023 annual report. Finland has promised to take care of the necessary legislative changes by June 2024.
10. Promoting equality, gender equality and non-discrimination requires long-term work. Central to this work are the independent authorities that monitor and promote basic and human rights. Their independent status, powers and resources must be supported and strengthened so that they can carry out their statutory duties as efficiently as possible.
11. The Government also requested views on the key goals and measures of the Equal Finland action program that should be focused on in the future. The Human Rights Centre highlighted, among other things, the importance of identifying and combating structural racism, extending measures comprehensively to various administrative sectors, and the importance of extensive consultation with non-governmental organizations, researchers and other stakeholders.
12. In July, the opposition demanded the Parliament to be called back into session to discuss the issue. The Spokesman refused to do so. In the meantime the new minister was also in the middle of a racism scandal.
13. At the end of August, [the Government adopted its statement](https://valtioneuvosto.fi/-/10616/valtioneuvosto-hyvaksyi-tiedonannon-yhdenvertaisuuden-tasa-arvon-ja-syrjimattomyyden-edistamiseksi?languageId=en_US) to Parliament on promoting equality, gender equality and non-discrimination. The statement included 23 action points and its purpose is to effectively combat practices that incite discrimination, persecution, hatred or violence against an individual or group based on ethnic origin, nationality, religion, or other similar characteristics.
14. The statement also aims to prevent systematic harassment and persecution of officials, judges and other public actors and to ensure sufficient support for those who have experienced it. It picks up from the evaluation of the previous Action plan (see below). Also a new Action plan will be drafted.
15. According to an expert, who was involved in evaluating the previous’ Governments action plan, the weakest link in the Government statement is that it does not include many measures to be implemented in municipalities and local level in general. The cooperation of local actors and authorities is key, because this is the only way to counter everyday racism and discrimination that takes place in schools, healthcare etc.
16. A day before the publication of the said statement, the [**Evaluation of the previous Government’s Action Plan on Equal Finland to Combat Racism and to Promote Good Relations 2021-2023**](https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/165123/OM_2023_31_SO.pdf?sequence=4&isAllowed=y) was published.
17. The report evaluates the Equal Finland Action Plan Against Racism and Promotion of Good Relations 2021-2023 with the help of European Commission's criteria for national action plans against racism. The evaluation was carried out as part of the European Union and Council of Europe joint project ”Building an Inclusive Integration Approach in Finland” co-funded by the European Union via the Technical Support Instrument, and implemented by the Council of Europe, in co-operation with the European Commission and the Ministry of Justice of Finland.
18. The purpose of the evaluation was to highlight areas for development to be taken into account in future national projects aimed at combating racism. The evaluation is based on analyses of the preparation and implementation documents of the Action Plan, evaluation questionnaires and interviews with key personnel of the Action Plan’s steering group.
19. According to the overall assessment, the Action Plan of 2021-2023 met quite well the criteria set by the EU. Its preparation and implementation was coordinated by a broad-based working group, various population groups were consulted during the planning of measures and for the situation analysis, funding was reserved for the implementation of the measures, the selected measures covered a wide range of different areas of life and forms of anti-racism work, and different methods were used to monitor and evaluate the action plan. The implementation of the action plan at the regional and local level was strengthened by a pilot project on good relations policies.
20. Despite the positive overall assessment, areas for improvement emerge from the evaluation. The proposals for development concern, for example, data collection related to the preparation of the programme, measures and their resourcing, as well as monitoring and evaluation methods.
21. In November 2023, a [governmental project group was set up](https://valtioneuvosto.fi/-/10616/valtioneuvosto-nimesi-yhdenvertaisuustiedonannon-toimeenpanosta-vastaavan-hankeryhman-toimenpiteiden-toteutus-alkanut-eri-ministerioissa?languageId=en_US) to oversee the implementation of the Government statement of August 2023 until the end of March 2027. The project group is to prepare an Action Plan in the spring of 2024 for the implementation, although the implementation has already begun in ministries. According to the information, there will be annual roundtable discussions, training events and anti-racism campaigns, for example. The project group received funding of 6 million euros, when originally 1-1.5 million euros were estimated.
22. According to the [annual hate crime report](https://polamk.fi/-/viharikosepailyjen-maara-jatkaa-kasvuaan?languageId=en_US) by the Police University College, the number of suspected hate crimes reported to the police increased by one fifth in 2022. The police recorded a total of 1,245 offences classified as suspected hate crime in 2022. This means that the number of crime reports related to hate crime is still increasing and has reached almost the same level as in 2015, when the number totalled 1,250. This was the highest ever during the history of hate crime reporting.
23. Most of the hate crime reports were associated with suspected offences in which the motive was the victim’s ethnic or national background. The total number of these reports recorded by the police was 930, one third more than in the previous year. As before, assault was the most common type of crime in these cases.
24. Considering the high number of hate crime and the rampant hate speech, the fact that often these crimes are not reported and the fact that hate speech and hatred has become more acceptable in the society it is only necessary that more funds, resources and effort is put into work against discrimination and action for the implementation of human rights in general.
25. However, any amount of work done by the Government on paper is in vain if at the same time members of Parliament and even Government ministers engage in public discussions in a discriminatory and racist fashion. This also includes anti-gender related hate speech and hate speech aimed at persons with disabilities, the Sami and even media and civil servants.
26. With reference to the earlier statement by the NRHI in 2021, again, the Human Rights Centre stresses that the Government must not just encourage but request also in practice that political parties take effectively and openly action against hate speech and racism among their members in their behaviour, on-line writing and appearances in other media. As it is, many politicians, as negative examples for general public, are fuelling hate speech publicly and the political parties are not holding them accountable for it.

**Violence against women**

1. **Information on the implementation of the recommendations of paragraph 19 (b) and (e) of the concluding observations** in which the Committee requested the Government to improve investigation, prosecution and sanctions as well as appropriate training to legal professionals and the police.
2. In [November 2022 Deputy Chancellor of Justice](https://oikeuskansleri.fi/-/apulaisoikeuskansleri-mikko-puumalainen-poliisilla-merkittavia-laiminlyonteja-lahisuhdevakivallan-ja-seksuaalirikosten-rikostutkinnoissa) found, after having examined on his own initiative 77 pending or completed preliminary investigations of sexual crimes and intimate partner violence in the police, that numerous preliminary investigations of domestic violence and sexual crimes by the police departments of Eastern Uusimaa and Ostrobothnia had been unnecessarily delayed.
3. The right to prosecution had expired in several cases, the active investigation had been delayed or no investigative measures had been taken at all. The examination led to sanctions or other actions in 14 cases. This examination covered all 11 police departments, out of which few had severe problems in these cases.
4. Many of the problems were allegedly caused by the lack of resources. However, the Deputy Chancellor of Justice found that in many cases, the resources were poorly organised and used, no monitoring of the progress had taken place or no monitoring system existed to begin with.
5. The Deputy Chancellor of Justice emphasized that the preliminary investigation of sexual crimes and crimes involving intimate partner violence must be completed without delay in terms of the credibility of the criminal justice system, to implement criminal responsibility effectively and to respect the rights of victims. This is not always the case. This also creates inequality between victims residing in different geographical locations.
6. it is clear that if the cases of domestic violence are not recognised by the police and noted down in the registers as such, the prosecution will not happen and the perpetrators will not be punished. Equally, if the reoccurring cases are not recognised, the cases will often end up in mediation as singular cases and never see the prosecution or punishment. The police therefore is in critical position to ensure the rights of the victims.
7. As part of the problems in investigating cases of domestic violence is the insufficient ability to recognise domestic violence, the Human Rights Centre reiterates its earlier recommendation that Government should increase for all age groups and professional fields human-rights-based training on how to recognise domestic violence and violence against women and how to help the victims. This is especially important when children or women with disabilities or older women are concerned and with regard police officers, prosecutors and judges.

**Rights of the Sami indigenous people**

1. **Information on the implementation of the recommendations of paragraph 43 (a) of the concluding observations** in which the Committee required the Government to speed up the process of revising the Sami Parliament Act.
2. After the parliamentary elections in 2023, the new Government Program of 2023-2027 included the Act on Sami Parliament as one of the priorities for 2024. The draft law was submitted to the Parliament on 14 December 2023.
3. The Government negotiated the new draft with the Sami Parliament at the end of November 2023. The new draft is based for the most part on the work done by the Ministry of Justice and Sami Parliament during the previous Government term.
4. In the new draft, however, some changes have been made. Most notably the cooperation and negotiation obligation included in the earlier draft has been simplified. Separate sections regarding prohibitions on undermining Sámi culture and impact assessments have been removed.
5. In addition, a new duty has been created for the Sami Parliament to notify the authorities whether or not it wishes to use its right to negotiate under the said article in the given time frame, set by the authorities. it remains to be seen how this will work in practise and whether it will diminish the
6. The discussion in the Parliament will proceed in the beginning of 2024 after the Parliament resumes its session.
7. As a separate topic, noteworthy is the hate speech countered by the Sami in public, social media and even during the discussions in Parliament late 2022 and early 2023 when the draft law on the Act on Sami parliament was being discussed for the previous time. False information on the Sami and defamatory language filled the social media channels and public discussion at the time. This was especially harmful for the Sami youth.
8. **Information on the implementation of the recommendations of paragraph 43 (b) of the concluding observations** in which the Committee stressed the need to review existing legislation to ensure the consultation with the Sami to obtain FPIC.
9. As the Government notes, many improvements in legislation have taken place towards better respect for FPIC.
10. However, too often the requirement for information sharing, discussions or negotiations towards the FPIC fail in practice, or after discussions, the views of the Sami people on the effects of the planned legislation or actions on their culture are disregarded for economic or political purposes.
11. Also, it is not uncommon that many projects (mining, logging, wind farms) are considered individually, which does not take into account the wider effects or multiple similar projects in the same area. The entire picture is not always clear at the time of the FPIC-discussions.
12. The Government lists in their submission, among other things, the new Mining Act. As an example, the Human Rights Centre draws attention to the fact that, the well-established principle of free, informed prior consent (FPIC) based on international law is not mentioned in the Act and the duty to negotiate with the Sami is written rather in a weak fashion.
13. The Human Rights Centre reminded at the time of the preparation of the Act that Finland has received several recommendations from the UN's treaty monitoring bodies regarding related negligence. The concept and related processes should have been added to the sections of the Mining Act that regulate activities related to the rights of the Sámi. The principle should also be actively followed.
14. Also, the new draft for the Act on Sami Parliament does not specifically mention FPIC (see above).
15. Additionally, the Sami often encounter hate speech in connection to matters relating to requirement of negotiations or FPIC. The Sami are painted in public as persons/people preventing development and growth and their rights as unfair.
16. The Human Rights Centre reiterates that the Government must improve the right of self-determination of the Sámi people and their actual ability to influence the decision-making processes to respect the principle of Free, Prior and Informed Consent.

Sirpa Rautio Leena Leikas

Director Expert

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 Office of the Parliamentary Ombudsman. The institution complies with the UN Paris Principles and the Global Alliance of NHRIs (GANHRI) accredited it with A-status in 2014 and 2019. [↑](#footnote-ref-1)