

IHMISOIKEUSKESKUS  
MANNISKORÄTTSCENTRET  
HUMAN RIGHTS CENTRE



# Human Rights Centre

## Annual Report 2014

### summary

**Human Rights Centre  
Annual Report 2014  
summary**

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# **Operation of Human Rights Centre in 2014**

# 1 Finland's National Human Rights Institution

The Human Rights Centre and its Human Rights Delegation constitute, together with the Parliamentary Ombudsman, Finland's National Human Rights Institution. National Human Rights Institutions (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. The Paris Principles were discussed in the Annual Report 2013 of the Human Rights Centre.

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 it is administratively part of the Office of the Parliamentary Ombudsman, where it is located. The 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.

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

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

The Centre does not handle complaints or other individual cases.

In order to conduct its duties, the HRC has the right to receive necessary information and reports from public officials free of charge.

**The Human Rights Delegation** functions as a statutory 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 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 realisation of fundamental and human rights. He also has the special responsibility to monitor how the police uses coercive telecommunication measures and covert activities. At Parliament's request he also oversees that the rights of children are implemented.

The Ombudsman supervises legality primarily by examining complaints submitted to him. He may also address shortcomings on his own initiative. In addition, he carries out inspections at offices and institutions, in particular at prisons, military garrisons and other closed institu-



tions. Towards the end of 2014 the Ombudsman was appointed as the national preventive mechanism in accordance with the Optional Protocol to the UN Convention against Torture (OPCAT). The preventive mechanism conducts inspections at places where persons deprived of their liberty are held.

### 1.1

#### **'A' status granted to Finland's National Human Rights Institution**

National Human Rights Institutions apply for accreditation from the International Coordinating Committee of National Human Rights Institutions (ICC). The accreditation status indicates how well the institution concerned fulfils the criteria defined in the Paris Principles. The best 'A' status indicates that the institution is in full compliance with the Paris Principles, while 'B' status means that there are some shortcomings. An institution with 'C' status still has significant shortcomings and cannot be considered to fulfil any criteria of the Paris Principles. The accreditation status is re-evaluated every five years.

Finland's National Human Rights Institution submitted its application to the ICC in June 2014. The application was reviewed at a session of the Sub-Committee on Accreditation (SCA) of the ICC between 27 and 31 October. The Committee recommended granting of 'A' status to Finland, and the status was confirmed on 29 December 2014.

Finland's National Human Rights Institution was granted 'A' status in 2014. The status provides the institution with the right to take the floor at the UN Human Rights Council and the right to vote at the ICC.

Upon granting the 'A' status the Committee may also give recommendations for developing the NHRI. The SCA recommended that Finland should develop the structure and methods of operation of its National Human Rights Institution.

The Committee paid attention, among other things, to insufficient funding and personnel resources of the HRC as well as to the funding of the whole institution, considering that its responsibilities will increase along with the ratification of the Convention against Torture and the Convention on the Rights of Persons with Disabilities. The Committee suggested a reform of the current reporting process where the annual report of the Parliamentary Ombudsman is submitted to the whole Parliament, while the HRC drafts a separate report which is submitted to relevant parliamentary committees for their information. The Committee recommended consolidated reporting so that Parliament would have a general understanding of the operation of the National Human Rights Institution. SCA's recommendations are attached to this annual report.

### 1.2

#### **Common strategy and other cooperation**

A first long-term common operations strategy was adopted for Finland's National Human Rights Institution in June 2014. It defines five common objectives for the institution. The strategy will be used as a basis for developing cooperation over the coming years for reaching the common objectives.

Main objectives in the strategy of Finland's National Human Rights Institution:

- General awareness, understanding and knowledge of fundamental and human rights is increased and respect for these rights is strengthened.
- Shortcomings in the implementation of fundamental and human rights will be recognised and addressed.
- The implementation of fundamental and human rights is effectively guaranteed through national legislation and other norms as well as through their application in practice.
- International human rights conventions and instruments should be ratified or adopted promptly and implemented effectively.
- 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. In 2014 they prepared the accreditation application and strategy together. The Centre's Director attends weekly the meetings of the Office's management team and its experts participate in the Office's internal working groups. In 2014 the Centre's staff participated in a working group on the rights of persons with disabilities and in a working group on occupational well-being. The parties have also benefited from cooperation when organising events and preparing statements.



## 2 Operation of Human Rights Centre in 2014

This section describes the HRC's activities in 2014 in relation to its statutory tasks. The tasks and activities are also reflected against the Paris Principles, the plan of action adopted by the Human Rights Delegation and the institution's strategy.

The Plan of Action 2014 sets human rights education and training as well as improvement of fundamental and human rights monitoring as key priorities. It was decided that information provision and communications on these themes need to be increased. The Plan of Action 2014 is annexed to this report.

According to the related Government Bill, the HRC's annual report is to be submitted to relevant parliamentary committees for their information. Previous annual reports have been submitted for information to the Constitutional Law Committee, which has also discussed them, and to the Foreign Affairs Committee. The HRC's activities are also dealt with in a separate chapter in the annual report of the Parliamentary Ombudsman, which is submitted to the Parliament and debated both in the Constitutional Law Committee and at Parliament's plenary session.

The report of the Constitutional Law Committee (PeVM 6/2014 vp - K2/2014) states the following:

*The experience acquired from the operation of the Human Rights Centre and from the structure of Finland's National Human Rights Institution, consisting of the Parliamentary Ombudsman, Human Rights Centre and its Human Rights Delegation, has been very positive. The statutory tasks of the Human Rights Centre relate to the promotion and protection of fundamental and*

*human rights. When the Centre was established, a key objective was to strengthen cooperation between fundamental and human rights actors. In view of developing the Centre's operation, the Committee emphasises the importance of the promotion and protection of fundamental rights along with the work in the field of human rights.*

### 2.1 Promotion of information provision, training, education and research

One of the statutory 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.

According to the Paris Principles, national human rights institutions should widely disseminate information on human rights and take every possible effort to combat discrimination. In particular, the principles emphasise work against racism. The NHRIs should also assist in the formulation of programmes for the teaching of and research into human rights and take part in their execution.

The starting point in the establishment of the Human Rights Centre was that the Centre would promote both human rights and fundamental rights. In its information provision, training, education and research activities the HRC focuses on fundamental rights, human rights and the fundamental rights dimension of the European Union, depending on the target group and the topic.

This section describes how the HRC has

attended to promoting information provision, training and research during the past year. Topical human rights events and developments during 2014 are summarized in the final part of the report (available only in Finnish and Swedish).

### 2.1.1

#### Information provision

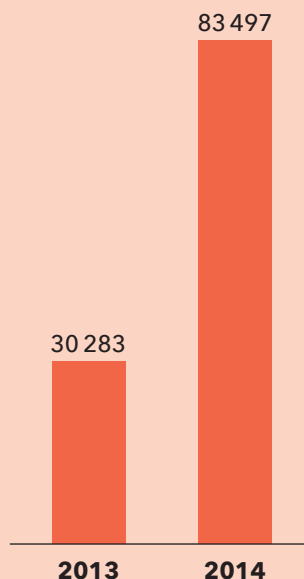
##### *Website and Facebook*

The Human Rights Centre has a website for implementing the information provision task ([www.ihmisoikeuskeskus.fi](http://www.ihmisoikeuskeskus.fi)), and it also actively uses Facebook for this purpose. On Facebook the number of likes increased by 272 last year, and at the end of the year the Centre had a total of 918 likes.

In addition to basic information on the HRC and its Delegation, the HRC also publishes topical reports and opinions on its website. The website also contains links to the web pages of other human rights actors and to material and documents produced by them.

In its Plan of Action 2014 the Centre committed to gradually developing the website into a comprehensive human rights portal. However, the HRC's current resources do not allow for building a comprehensive fundamental and human rights portal or information bank.

#### Individual visitors to the HRC's website (queries)



## Publications and articles

In 2014 the HRC produced the following printed and electronic publications:

- *Human Rights Education in Finland* (in English, Finnish and Swedish)
- *Annual Report 2013 of Human Rights Centre* (in English, Finnish and Swedish)
- *What are human rights?* (in Finnish and Swedish)
- *What is human rights education?* (in Finnish and Swedish)
- Translations into Finnish and Swedish of *How to follow up on United Nations human rights recommendations – A practical guide for civil society* (a publication by the Office of the United Nations High Commissioner for Human Rights)
- An unofficial translation into Finnish of *Corporate Responsibility to Respect Human Rights – An Interpretative Guide* (published for and on behalf of the United Nations with translation rights into Finnish)

An **article on human rights and business** (*Yritystoiminta ja ihmisoikeudet*) by Kristiina Kouros and Kristiina Vainio was published as a separate electronic pdf edition (published earlier in Koivurova & Pirjatanniemi (eds.), *Ihmisoikeuksien käsikirja*, Tietosanoma 2013). Furthermore, the summary of the HRC's previous annual report and the recommendations of the Human Rights Delegation for promoting human rights education and training in Finland were translated into Northern Sámi.

At the beginning of 2014 the Human Rights Centre released a three-minute **short film "Mitä ihmisoikeudet ovat?"** ("What are human rights?") on its web site. The film provides a brief introduction into fundamental and human rights.

It also shows three cases representing realisation of fundamental and human rights in Finland.

A **statement on the Government Programme** adopted by the Human Rights Delegation was published as a printed brochure.

The Centre was also preparing a guide on Core Human Rights and a glossary of key human rights terms and concepts intended especially for journalists and translators. These will be published during 2015.

Letters to the editor on human rights education by the HRC's experts were published in two newspapers, *Helsingin Sanomat* and *Turun Sanomat*. The national newspaper *Helsingin Sanomat* also published an expert article by Kristiina Kouros, Director (FTA) of the Human Rights Centre, on its op-ed page.

### 2.1.2

#### Education and training

#### 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 very positive feedback on them. Events are often planned and organised together with other human rights actors. The events mentioned below were organised in cooperation with different ministries, the Office of the Parliamentary Ombudsman, the University of Tampere, the Ombudsman for Minorities, the Ombudsman for Children, various civil society organisations and the ICC Finland (International Chamber of Commerce), among others.

In the Plan of Action 2014 the HRC committed to organising events which provide information on the work of international human rights mechanisms in relation to Finland, in particular, as well as on new and topical fundamental and human rights themes.

The following events were organised in 2014:

- **Human Rights Education and Training in Finland (publishing event for the study by the Human Rights Centre)**  
The topic of the event was how Finland succeeds in implementing human rights education and training. In addition to a presentation on the study, the event included a discussion on the recommendations adopted by the Human Rights Delegation for promoting human rights education and training in Finland.
- **Promotion, implementation and monitoring- UN Convention on the Rights of Persons with Disabilities, Article 33**  
The purpose of the seminar was to share experiences and best practices from different countries. The keynote speaker was **Stig Langvad**, a Danish member of the UN Committee on the Rights of Persons with Disabilities.  
An expert workshop was also organised to discuss employment of persons with disabilities.
- **Publication seminar of the evaluation report on the National Action Plan on Fundamental and Human Rights (2012-2013)**  
The seminar was organised together with the Ministry of Justice and the School of Management at the University of Tampere. The topics included challenges in national human rights discussion and priorities of national human rights policy. In addition to presentations by the research group which produced the evaluation report, former President Tarja Halonen and ex-Parliamentary Ombudsman **Riitta-Leena Paunio** addressed the floor.
- **Seminar on human trafficking: How to strengthen the fight against human trafficking related to sexual abuse?**  
The seminar considered ways of strengthening the fight against and the prevention of human trafficking crimes related to sexual abuse. The seminar was organised together with the Ombudsman for Minorities.
- **Forwards or backwards? Women's rights in Finland**  
The event was organised by the Human Rights Centre, the Ministry for Foreign Affairs and the Ministry of Social Affairs and Health to discuss the national implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The keynote speaker was **Ruth Halperin-Kaddari**, a member of the CEDAW Committee.
- **Survey by the European Union Agency for Fundamental Rights on violence against women - Are victims' rights fulfilled in Finland?**  
The participants discussed what measures various actors should take on the basis of the survey results in order to reduce violence against women and to ensure better realisation of fundamental and human rights of women who become victims of violence in Finland. The event was organised in cooperation with the Government Network of Fundamental and Human Rights Contact Persons.
- **Publication seminar on corporate responsibility for human rights: Addressing actual adverse impact - Focus on direct remediation.**  
The event concentrated on remedies which enterprises should provide if they have caused or contributed to adverse human rights impact. The keynote speaker was **Haley St. Dennis** from the Institute for Human Rights and Business (London). The event was organised together with the International Chamber of Commerce Finland.





**ABOVE:** Haley St. Dennis

**BELOW:** The event on non-discrimination legislation aroused a lot of interest.

- **Expert meeting on public procurement and human rights**, Haley St. Dennis (IHRB) and representatives of Finnish authorities.
- **25th anniversary of the Convention on the Rights of the Child – Are the best interests of the child realised?**  
The seminar was themed around the General Comment adopted by the Committee on the Rights of the Child on the best interests of the child. The keynote speaker was **Kirsten Sandberg**, Chair of the UN Committee on the Rights of the Child. The Human Rights Centre and the Parliamentary Ombudsman hosted the seminar together with the Central Union for Child Welfare, the Ombudsman for Children, the Finnish Committee for UNICEF and the Ministry for Foreign Affairs.

To celebrate the UN Day of Human Rights on 10 December 2014, the HRC organised an event for MPs and Parliament officials together with Parliament's human rights group. This was also an opening event for an exhibition on the HRC's operation, which was open at the Parliament Library till Christmas. In addition, the HRC introduced its activities to various visitor groups over the year.

#### *Training and lectures on fundamental and human rights*

Besides the baseline study on human rights education to be discussed in the next section, the Human Rights Centre also provided actual training on fundamental and human rights for officials of different ministries and various organisations at events to which the Centre had been invited to speak. During 2014 the HRC's experts lectured for example at the Police University College and at the University of Helsinki.

#### 2.1.3 Research

The resources of the Human Rights Centre are currently not sufficient for pursuing own research or for commissioning studies. However, during spring 2014 the Centre discussed promotion of research activities related to fundamental and human rights with the members of the Human Rights Delegation representing various research bodies. The following ideas, for example, were brought forward: an investigation of research needs with the help of the Human Rights Delegation, provision of support and information on research needs to university students planning their final projects, as well as an event on research in fundamental and human rights. The HRC has also pointed out the need for research on fundamental and human rights and on human rights education in the baseline study on human rights education and in its statements to parliamentary committees.

## 2.2 Reports on the implementation of fundamental and human rights

One of the HRC's tasks is to produce reports on the implementation of fundamental and human rights. The Government Bill states that the Centre will decide independently on the extent and schedule of its reports as well as on the topics.

According to the Paris Principles, human rights institutions should prepare both general and more specific reports on the national human rights situation.

#### *Baseline Study on Human Rights Education*

Human rights education and training are crucial requirements for the development of human rights awareness and ultimately for the realisation of these rights. The right to human rights education is also a recognised human right in itself. In 2011, the UN member states unanimously adopted a Declaration on Human



Rights Education and Training which expressly provides for this right. In Finland, the importance of human rights education and training had already been recognised but nevertheless, it was omitted from the National Action Plan on Fundamental and Human Rights (2012-2013).

Immediately after its establishment the HRC launched, under its mandate to promote human rights education, an investigation of the implementation of human rights training in the Finnish education system. This first national baseline study on human rights education was mainly carried out during 2013 and published at the beginning of 2014. It was conducted in cooperation with a large number of experts in different education sectors and human rights education. The definition of human rights education and training laid down in the above-mentioned UN Declaration provided a framework for the analysis.

It may be concluded from the study that the value basis and target-setting of the Finnish education system create rather a good basis for implementing human rights education and training. However, legislation and political and administrative guidance do not sufficiently guarantee a systematic implementation of training so that it would reach everybody and would meet the international quality standards. The implementation of human rights education and training depends too much on the interests and activeness of individual teachers, educators and education providers. The fact that human rights are not always taught as norms of international law is also a clear shortcoming, and thus people may not understand their binding nature. There were also significant shortcomings in teacher training and in the in-service training for civil and public servants, in particular.

Based on the results of the study, the Human Rights Delegation adopted in December 2013 seven general recommendations for promoting human rights education and training in Finland. The Human Rights Centre and its Delegation recommend that human rights education should be included in all forms of

education and training. They also request the Government to draft a separate national action plan on human rights education. The action plan should define general and education sector-specific objectives, measures and responsible bodies as well as content objectives, monitoring and indicators for human rights education and training.

In 2014 the education and training section of the Human Rights Delegation, in particular, emphasised the follow-up and promotion of the recommendations in its activities.

The HRC's baseline study on the implementation of human rights education and training in Finland is the first national baseline study on this topic. It was initiated in accordance with the UN recommendations and under the HRC mandate to promote fundamental and human rights.

### 2.3 Initiatives and statements

One of the HRC's tasks is to take initiatives and give statements for the promotion and implementation of fundamental and human rights. According to the Government Bill on the establishment of the Human Rights Centre (205/2010), the Centre could, for example, bring a general problem or an individual issue concerning a certain population group in the field of fundamental and human rights to the attention of Parliament and the Government as well as to the attention of municipalities, other public servants or private actors. The HRC may also give opinions on legislative proposals central to the realisation of fundamental and human rights.

The Paris Principles emphasise initiatives, statements, comments, opinions and technical assistance by national human rights institutions to the government, national parliament

and other actors involved in the protection and implementation of human rights.

### 2.3.1

#### Initiatives

In 2014 the Human Rights Centre proposed to the Minister for Foreign Affairs and the European Network of National Human Rights Institutions (ENNHRI) that they should pursue the inclusion of human rights education and training as a regular part in the Universal Periodic Review (UPR), where the UN Human Rights Council evaluates the human rights situation of states parties. The Centre is of the opinion that this could significantly strengthen the national implementation of human rights education and training in accordance with the objectives laid down in the UN Declaration and World Programme on Human Rights Education.

The HRC also recommended inclusion of human rights education and training in the UPR in its statement to the Office of the United Nations High Commissioner for Human Rights (OHCHR) in May 2014. The statement was submitted on account of a draft plan of action for the third phase (2015-2019) of the World Programme on Human Rights Education (WPHRE).

The HRC also called the Foreign Minister's attention to the implementation of item 10 of UN Resolution A/RES/68/268 (9.4.2014) in Finland. The resolution encourages states parties to consider creating national mechanisms

for nominating members to UN human rights treaty bodies. According to the HRC's view, improvements in the nomination practices of members for treaty monitoring bodies and other human rights bodies would enable the Ministry for Foreign Affairs to implement the objective of openness laid down in its human rights strategy. Besides, Finland could set a good example for other UN member states.

Towards the end of 2014 the HRC submitted a letter to the Government, requesting it to expedite the submission of the Government Bill for the amendment of the Act on Legal Recognition of the Gender of Transsexuals to Parliament. The Commissioner for Human Rights of the Council of Europe, the UN Special Rapporteur on Torture and the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) have all requested the repeal of the provisions on coercive sterilization and infertility in their statements and recommendations. According to the HRC, these submissions show that it is necessary to amend the Trans Act to ensure realisation of human rights.

### 2.3.2

#### Statements

In 2014 the Human Rights Centre gave several statements and comments both to parliamentary committees and ministries and to international bodies. The statements are listed in the box below.

#### Statements and comments by the HRC in 2014:

- Statement on the preparation of a national implementation plan of the UN Guiding Principles on Business and Human Rights to the Ministry of Employment and the Economy
- Statement on the ratification of the UN Convention on the Rights of Persons with Disabilities to the Ministry for Foreign Affairs
- Statement on the Non-Discrimination Act to the Employment and Equality Committee
- Statement on a supplement to the Non-Discrimination Act to the Employment and Equality Committee
- Comment (spring 2014) and statement (autumn 2014) on drafts for the core curriculum of basic education to the Finnish National Board of Education
- Statement on the amendment of the Act on Legal Recognition of the Gender of Transsexuals to the Ministry of Social Affairs and Health
- Statement on the report by the national human trafficking rapporteur to the Administration Committee
- Statement on the report by the working group established for preparing a Sign Language Act and on the enclosed proposal for a government bill to the Ministry of Justice
- Statement on the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (“the Istanbul Convention”) to the Employment and Equality Committee
- Statements on the Government’s Human Rights Report to the following parliamentary committees: Constitutional Committee, Grand Committee, Legal Affairs Committee, Education and Culture Committee, Employment and Equality Committee and Social Affairs and Health Committee (and at the beginning of 2015 to the Administration Committee and Foreign Affairs Committee)

#### Statements to international organisations in 2014:

- Statement to the CEDAW Committee (and an address in the dialogue between NHRIs and the Committee)
- Statement to the Advisory Committee of the UN Human Rights Council on the role of local government in the promotion of human rights in Finland
- Statement to the Human Rights Council on the implementation of UPR recommendations addressed to Finland (appendix to the intermediate report of the Government)
- Statement on the reform of the European Court of Human Rights
- Statement to the UN Committee against Racism (CERD Committee)
- Statement on draft general comments of the Committee on the Rights of Persons with Disabilities (CRPD).
- Statement to the Office of the United Nations High Commissioner for Human Rights on a draft plan of action for the third phase of the World Programme on Human Rights Education (2015-2019)

### *Human Rights Report*

The Government approved a Human Rights Report for submission to Parliament on 30 October 2014. The report assesses both international human rights activities and the implementation of fundamental and human rights in Finland. The HRC gave statements on the report to several parliamentary committees at the end of 2014.

The report discusses national fundamental and human rights issues, the fundamental rights dimension of the European Union and international human rights activities. The report stresses the interconnection and parallelism of national and international activities. Safeguarding freedom of speech and eradicating hate speech, the fundamental and human rights of sexual and gender minorities (LGBT), the rights of persons with disabilities, as well as the implementation of economic, social and cultural rights are considered in their own sections.

The report emphasises long-term measures to promote equality. In addition, important principles and starting points in the Government's activities are to ensure the coverage and universality of human rights as well as strong participation rights for civil society.

Priorities in international activities are i.a. women's rights, intervention in the most serious forms of discrimination, civil society's participation rights and the openness of decision-making. Finland also stresses the importance of the implementation and effective monitoring of international criminal law.

In its Human Rights Report the Government considers that during its term of office, the next Government should prepare Finland's second national action plan on fundamental and human rights. The Government also decided to launch, within its term of office, a study on the position, distribution of tasks and resourcing of national fundamental and human rights actors.

### *Reform of non-discrimination and equality legislation*

The Government submitted a proposal for a new Non-Discrimination Act to Parliament on 3 April 2014. The Human Rights Centre gave a statement to the Employment and Equality Committee on the new Non-Discrimination Act and its supplement.

The new Non-Discrimination Act entered into force on 1 January 2015. It improves the legal protection of persons who have experienced discrimination and extends the obligation to promote non-discrimination. The act is applied to all public and private activities, excluding private life, family life and practice of religion. The protection against discrimination is equal regardless of whether the discrimination is based on ethnic origin, age, nationality, language, religion, belief, opinion, health, disability, sexual orientation or other personal characteristics.

The obligation to promote equality is extended to concern not only public authorities, but also education providers, educational institutions and employers who regularly have at least 30 employees. These are required to draw up a plan to promote equality.

Public authorities, education providers and employers must, where necessary, make reasonable accommodations to ensure that employees with disabilities have equal access to services, work and education and training. Persons with disabilities must also have equal access to goods and services. Employers were already under the former legislation obliged to make reasonable accommodations for disabled employees, but for providers of goods and services, such as hotels, restaurants and retailers, this is a new obligation.

As a result of the reform, the Ombudsman for Minorities was replaced by a Non-Discrimination Ombudsman, who is empowered to consider a broader range of discrimination issues. Compliance with the provisions on equality in working life in individual cases will continue to

be supervised by the occupational safety authorities. However, also the Non-Discrimination Ombudsman has duties and powers relating to equality in working life.

The provisions on gender equality and prohibition of discrimination based on gender are still laid down in the Equality Act. However, the act was amended by adding new provisions on prohibition of discrimination based on gender identity or the expression of gender identity. In addition, the provisions on drawing up a gender equality plan were revised, and the obligation of educational institutions to prepare a gender equality plan has been extended to cover also institutions providing basic education. The Ombudsman for Equality continues to supervise compliance with the Equality Act. However, the National Discrimination Tribunal and the Equality Board were merged.

As a result of the reform, the Ombudsman for Equality, the Ombudsman for Children and the Non-Discrimination Ombudsman as well as their offices and Non-Discrimination and Equality Board and Advisory Board for Ethnic Relations were brought under the administrative branch of the Ministry of Justice starting from 1 January 2015. The Ministry of Social Affairs and Health is still responsible for the duties relating to the Equality Act.

#### *Government Bill for a Sign Language Act*

In October 2014 the HRC gave a statement to the Ministry of Justice on the report drafted by the working group established for preparing a Sign Language Act and on the enclosed proposal for a government bill.

A Government Bill for a Sign Language Act (294/2014) was submitted to Parliament on 4 December 2014. It was adopted on 12 March, and it entered into force on 13 April 2015. It is a general act with a limited scope. Substantive provisions on the language rights of persons using sign language will still be included in the legislation pertaining to different administrative

branches. In the bill the term 'sign language' refers to Finnish and Finland-Swedish sign language. The act aims at promoting the realisation of the language rights of persons using sign language. The authorities have to provide better opportunities for users of sign language to use their own language and receive information in it. The act also seeks to increase awareness among the authorities on sign languages and on users of sign language as a distinctive linguistic and cultural group.

The Act is expected to enter into force in spring 2015.

#### *National implementation of the UN Guiding Principles on Business and Human Rights*

The Ministry of Employment and the Economy appointed a working group on 3 June 2013 to prepare a national action plan for implementing the UN Guiding Principles on Business and Human Rights. The report prepared under the Ministry was submitted for information to the cabinet evening session on 17 September 2014 (publications of the Ministry of Employment and the Economy, no. 44/2014). The key objectives of the plan are a further assessment on legislation, specification of the due diligence principle and application of social criteria in public procurement. The plan also addresses the need to increase dialogue between enterprises and civil society organisations and the need of enterprises to receive more information on human rights. Progress in implementation will be monitored by the advisory board on corporate and social responsibility.

In February 2014 the HRC gave a statement to the Ministry of Employment and the Economy on the preparation of a national implementation plan of UN Guiding Principles on Business and Human Rights. In November the Centre published a Finnish translation of the UN Interpretative Guide on Corporate Responsibility to Respect Human Rights. The guiding

principles were also discussed in the publication seminar of the translation.

## 2.4

### **Participation in European and international cooperation**

According to the law, the Human Rights Centre shall participate in European and international cooperation related to the promotion and protection of fundamental and human rights. The most important international actors are the UN Human Rights Council and treaty monitoring bodies, bodies of the Council of Europe and the EU Agency for Fundamental Rights. Particularly significant cooperation bodies for the HRC are NHRI networks, especially the European Network of National Human Rights Institutions (ENNHRI).

The ENNHRI has three formal working groups: a Legal Working Group (LGW), a Disability Working Group involved in the implementation of the CRPD (CRPD-WG) and an Asylum and Migration Working Group. In addition, the ENNHRI has established less formal networks which deal with issues such as corporate human rights responsibility, the rights of the elderly and safeguarding of economic, social and cultural rights when governments introduce austerity measures. The HRC was actively engaged in the operation of the ENNHRI and participated, for example, in the activities of its working groups.

In May 2014 the Human Rights Centre organised a meeting of the ENNHRI disability working group. The event also included a workshop on the employment of persons with disabilities and a seminar on the Convention on the Rights of Persons with Disabilities.

An HRC representative also participated in a training arranged by the ENNHRI and OSCE in Budapest, in a cooperation meeting between NHRIs and the UN Committee on the Rights of Persons with Disabilities in Geneva, and in a seminar and meeting on the rights of the elderly in Brussels.

In March 2014 the HRC participated in a workshop organised by the Commissioner for Human Rights of the Council of Europe in Strasbourg, where issues related to action plans were discussed. Member states were also encouraged to draft new action plans. Representatives of governments and NHRIs exchanged experiences at the workshop and established a loose network whose members can support other actors in the drafting of action plans.

## 2.5

### **Cooperation with other fundamental and human rights actors**

The Human Rights Centre also cooperates with other fundamental and human rights actors than those represented in the Human Rights Delegation. Key actors among the authorities are the Government Network of Fundamental and Human Rights Contact Persons, the Unit of Democracy and Language Matters at the Ministry of Justice, the Human Rights Units at the Ministry for Foreign Affairs and the Advisory Board on International Human Rights Affairs appointed by the Ministry for Foreign Affairs. Cooperation and exchange of information with these actors continued also during 2014. Since February 2014 the HRC has invited authorities responsible for monitoring fundamental and human rights to joint meetings with the objective of improving cooperation and exchanging information and experiences. These authorities are the Parliamentary Ombudsman, the Chancellor of Justice of the Government, the Ombudsman for Children, the Ombudsman for Equality, the Ombudsman for Data Protection and the Ombudsman for Minorities (the Non-Discrimination Ombudsman starting from 1 January 2015).

The HRC also cooperates with various civil society organisations, experts and researchers in the field of fundamental and human rights.

In order to promote the implementation of fundamental and human rights education and

training contacts have been established with, for example, the Ministry of Education and Culture, the Finnish National Board for Education, the Ministry for Foreign Affairs, the Ministry of Justice and the Association of Finnish Local and Regional Authorities. Representatives of educational institutions, teachers, researchers and students have been met as well.

## 2.6 Cooperation with Parliament

The Human Rights Centre maintained dialogue with Parliament in the form of, for example, statements, committee hearings, discussion on the annual report, events and meetings. So far cooperation has been closest with the Constitutional Law Committee and the Parliament's human rights group.

In spring 2014 meetings were held with the Speaker and Deputy Speakers of Parliament as well as with the chairpersons of parliamentary groups and members of the Office Commission. The discussions covered the HRC's operation, financial situation and cooperation with Parliament on the basis of the so-called Belgrade Principles concerning cooperation between national human rights institutions and national parliaments.

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

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 the statutory tasks. According to the Government Bill, 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 by the European Court of Human Rights.

Promoting the ratification and implementation of international human rights conventions is also one of the important responsibilities of NHRIs under the Paris Principles.

The Plan of Action 2014 set the follow-up of the Government Report on Human Rights Policy and the drafting of a new national action plan on fundamental and human rights as one priority in human rights monitoring. It was decided that the implementation of international human rights obligations would be monitored especially on the basis of recommendations addressed to Finland by international treaty monitoring bodies.

### 2.7.1

Promotion and monitoring of the ratification of international human rights conventions

During 2014 the ratification of several international human rights conventions was being prepared by the Government and debated at Parliament. The Centre was active in following the processes and providing information on them. The HRC has sought to promote the ratification and implementation of conventions by participating in working groups as an expert, by giving statements on draft texts related to ratifications and by organising events on the subject matters of the conventions.

#### *UN Convention on the Rights of Persons with Disabilities*

In its programme the Government has committed to submit the UN Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol allowing individual complaints (OP-CRPD) to a parliamentary hearing during the current term of the Government and to ratify them.



After a long preparation process, on 4 December 2014, the Government submitted to Parliament a Government Bill (284/2014) on the ratification of the UN Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention, as well as proposals for acts on bringing into force provisions pertaining to legislation in the sector encompassed by the Convention and the Optional Protocol and for revising the Parliamentary Ombudsman Act. In 2014 the HRC offered its expertise to the preparation of the ratification of the Convention.

The purpose of the Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for the human dignity of persons with disabilities. The prohibition of discrimination as well as accessibility and the elimination of obstacles and barriers are the guiding principles of the Convention.

Implementation of the Convention is monitored internationally by the Committee on the Rights of Persons with Disabilities, to whom states parties submit periodic reports. This monitoring is complemented by the Optional Protocol, which permits individuals as well as groups of people to present complaints to the Committee concerning alleged violations of the rights recognised in the Convention. The Optional Protocol also provides for an inquiry procedure for examining grave or systematic violations of the provisions of the Convention at the Committee's own initiative.

A national focal point will be appointed and a national coordination system established for implementing the Convention. In addition, an independent and separate mechanism will be established to promote, protect and monitor the national implementation of the Convention. The Government Bill suggests that this structure would be formed by the Parliamentary Ombudsman, the Human Rights Centre and its Delegation.

The HRC and the disability working group appointed by the Human Rights Delegation were preparing for assuming the monitoring duty in accordance with Article 33(2) of the Convention as suggested in the Government Bill. This is the first statutory duty that will be assigned to Finland's National Human Rights Institution as a whole.

Parliament accepted the ratification of the Convention and its Optional Protocol on 3 March 2015. According to the decision by Parliament, the ratification will not be finalised until national legislation has been amended so that it is consistent with the Convention. The final ratification depends on the adoption of the so-called Act on the Right to Self-Determination (Government Bill for an Act on strengthening the right to self-determination of clients in social welfare and health care, on conditions for the use of restrictive measures and for other related acts, 108/2014).

*The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence ("the Istanbul Convention")*

On 18 September 2014 the Government submitted to Parliament a Government Bill (155/2014) on the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence ("Istanbul Convention") as well as proposals for acts on bringing into force provisions pertaining to legislation in the sector covered by the Convention and for revising Chapter 1, Section 11 of the Criminal Code and Section 54 of the Aliens Act. The Parliament accepted the ratification of the Convention in February 2015.

In November 2014 the HRC gave a statement to Parliament's Employment and Equality



Committee on the ratification of the Convention. Furthermore, in April the Centre organised an event on violence against women and the realisation of victims' rights in Finland in cooperation with the Ministry of Justice.

The Istanbul Convention is the first European human rights convention focused on women's rights. It aims at preventing and abolishing violence against women, at providing protection to victims of violence and at making perpetrators accountable for their actions. Another objective is to promote elimination of all forms of discrimination against women and real equality between women and men.

The Istanbul Convention considers violence against women and domestic violence from the human rights perspective. Implementation of its objectives requires comprehensive, integrated and coordinated cross-sectoral action programmes. A further objective is to support and help legislative authorities and organisations to cooperate effectively for adoption of a coherent and consistent approach to combatting violence against women as well as against domestic and intimate partner violence, where men can also be victims.

An international monitoring mechanism will be established under the Convention for monitoring the implementation of its provisions.

#### *The International Labour Organization (ILO) Convention No. 169 concerning Indigenous and Tribal Peoples*

The International Labour Organization (ILO) adopted Convention No. 169 concerning Indigenous and Tribal Peoples in 1989. Its ratification was included in the objectives of the Programme of Prime Minister Jyrki Katainen's Government. The Programme of Prime Minister Alexander Stubb's Government, published in June 2014, states that the Convention will be ratified in autumn 2014, provided that the Government reaches a consensus on the definition of the Sámi. A related Government Bill

(264/2014) was submitted to Parliament on 27 November 2014.

The Human Rights Centre and its Delegation have closely followed the ratification process.

The Government decided to withdraw the Government Bill for revising the Act on the Sámi Parliament at its session on 12 March 2015. The bill included provisions for revising the definition of the Sámi in the current act. The key point of the definition is that a Sámi has to be included in the electoral register to be drawn up of those who are entitled to vote in the elections for the Sámi Parliament. Parliament rejected the revision proposed in the bill.

Since the revision of the definition as suggested by the Government and the Sámi Parliament was an integral part of the bill, the conditions no longer exist for adopting the act.

For this reason the Government Bill for the adoption of the ILO Convention No. 169 concerning Indigenous and Tribal Peoples was also withdrawn from Parliament.

The matter will be transferred for decision by the new Parliament to be elected in April 2015.

#### 2.7.2

Participation in periodic reporting and follow-up of recommendations addressed to Finland

Mechanisms for monitoring the implementation of international and regional human rights conventions are usually defined in the conventions. In most cases a convention establishes a separate monitoring body which reviews periodic reports submitted on national implementation by states parties, gives expert statements guiding the interpretation of the convention and, in respect of some conventions, handles individual or collective complaints.

States are obliged to provide periodic reports on the implementation of UN human rights conventions to the committees moni-

toring their implementation. As part of the periodic reporting, member states participate in hearing events organised by the monitoring committees where significant problems related to the fields covered by the reports are discussed orally. The committees give recommendations to the member states and monitor the implementation of their earlier recommendations.

In 2014 Finland submitted reports on the implementation of the following conventions:

- Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography to the UN Convention on the Rights of the Child
- Council of Europe Framework Convention for the Protection of National Minorities

International treaty monitoring bodies also reviewed the following periodic reports submitted by Finland:

- UN Convention on the Elimination of All Forms of Discrimination against Women (Finland's report from 2012)
- UN International Covenant on Economic, Social and Cultural Rights (Finland's report from 2011)

The Human Rights Centre performs independent monitoring with regard to the implementation of Finland's international human rights obligations, in particular by means of recommendations given by international monitoring bodies. It also participates in the periodic reporting processes by presenting oral or written opinions to the Finnish Government or directly to the treaty bodies. For this purpose the Centre collects information through its Human Rights Delegation, for example, and provides information for NGOs on how they can participate in the process. The HRC disseminates information about the recommendations by treaty bodies and organises related discussion events.

In 2014 the HRC gave statements in relation to the monitoring processes of the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the International Convention on the Elimination of All Forms of Racial Discrimination (CERD). An HRC representative also participated in a cooperation meeting between the UN Committee on the Rights of Persons with Disabilities and National Human Rights Institutions in Geneva.

*Concluding Observations to Finland by the Committee on the Elimination of Discrimination against Women*

The UN Convention on the Elimination of All Forms of Discrimination against Women includes provisions on citizenship, education, participation in working life, health care and economic rights of women.

Finland submitted its seventh report to the Committee on the Elimination of Discrimination against Women on 11 May 2012. The Committee reviewed the periodic report in February 2014. The Human Rights Centre gave its statement to the Committee in January 2014 for the preparations for Finland's hearing. Furthermore, the HRC addressed the floor at a dialogue between National Human Rights Institutions and the Committee in February 2014 through an ICC representative. In October the Human Rights Centre, Ministry for Foreign Affairs and the Ministry of Social Affairs and Health organised a seminar on the national implementation of the Convention.

In its concluding observations the Committee welcomed the development of the Act on Equality between Women and Men as well as the Government's various action plans aiming to eliminate discrimination against women and promote gender equality. However, the Committee noted several shortcomings. It recommended that Finland consider establishing a high-level coordination mechanism that would

work to mainstream gender equality issues and eliminate discrimination against women. The Committee paid particular attention to multiple discrimination directed particularly to women with disabilities and Roma, Sámi and immigrant women. The Committee also requested Finland to increase awareness of the Convention and its Optional Protocol.

The Committee recommended that Finland should allocate adequate financial resources for implementing the national action plan aimed at eliminating violence against women and establish an effective and adequately resourced mechanism to coordinate, monitor and assess the effectiveness of the plan. With regard to intimate partner and domestic violence, the Committee proposed that mandatory mediation and conciliation be prohibited. The Committee also made recommendations concerning amendment of the statutory definition of criminal offences of rape, ensuring a sufficient number of shelters with adequate resources, opening a free 24-hour helpline, criminalisation of the demand for prostitution, inclusion of a special provision on female genital mutilation in legislation and ratification of the Istanbul Convention on Preventing and Combating Violence against Women.

The Committee recommended the use of gender-sensitive language in public discourse and the elimination of gender stereotypes and structural barriers associated with education. In addition, recommendations were given with regard to equal pay between the genders, the impact of family leave on fixed-term employment as well as women's and men's equal right to parental leave.

The Committee also recommended that Finland expeditiously amend the Act on Legal Recognition of the Gender of Transsexuals.

Finland will submit its next periodic report on the implementation of the Convention in 2018. However, Finland should report on the steps undertaken to implement the recommendations concerning violence against women within two years.

### *Concluding Observations to Finland by the Committee on Economic, Social and Cultural Rights*

The UN International Covenant on Economic, Social and Cultural Rights, also known as ESC rights, aims at ensuring enjoyment of economic, social and cultural rights by all people, such as adequate food and clean water, housing, education, adequate minimum level of income and health services.

Finland submitted its sixth periodic report on the implementation of the UN International Covenant on Economic, Social and Cultural Rights on 5 July 2011. In September 2014 Finland submitted its reply to additional written questions (List of Issues), and the Committee monitoring the implementation of the Covenant reviewed Finland's report in November 2014. The Human Rights Centre gave a statement to the ESC Committee for preparing the list of issues in 2013 and followed the progress of the process during 2014.

In its concluding observations the Committee welcomed the fact that Finland has continued to ratify human rights conventions and has drafted national action plans to promote human rights. The Committee recommended, for example, that Finland should provide the National Human Rights Institution with adequate resources and increase the share of development cooperation funds to 0.7 percent. It also made several recommendations relating to the rights of the Sámi, including the use of land, revitalization of Sámi languages and ratification of the International Labour Organization (ILO) Convention No. 169 concerning Indigenous and Tribal Peoples.

The Committee recommended that the non-discrimination legal framework should be revised to extend equal protection to all grounds of discrimination. Finland was also requested to intensify measures to promote opportunities for employment for persons with disabilities and to ensure non-discrimination of persons of migrant origin and their access to health care.

Particular attention was paid to the fulfilment of sexual and gender rights of women and girls with disabilities. The Committee recommended that Finland should improve the position of particularly vulnerable women and eliminate the gender pay gap. The Committee also called for more effective measures to eliminate youth unemployment and long-term unemployment and to ensure legal working conditions and fixed-term employment contracts. In addition, concern was expressed on the effects of maternity leave on employment.

The Committee recommended that Finland take steps to guarantee family-type care rather than institutional care for children and to ensure adequate measures against domestic violence as well as a sufficient number of shelter homes. The Committee also suggested targeted measures to decrease poverty and the number of homeless people.

The Human Rights Centre provided information on the Committee's recommendations in December 2014 after their publication. The section for monitoring the implementation of fundamental and human rights of the Human Rights Delegation discussed the recommendations in its December meeting.

Finland will submit its next periodic report on the implementation of the Convention in November 2019.

### 2.7.3

#### Other significant ratifications

Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

In February 2013 Parliament ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which entered into force in respect of Finland on 7 November 2014. The purpose of the Protocol is to strengthen the protection of persons deprived of their liberty against torture and other cruel,

inhuman or degrading treatment or punishment, as well as to emphasise the duty of states to take effective measures to prevent torture.

A subcommittee on the prevention of torture (SPT) was established through the Protocol. In each state party, the subcommittee has the right to conduct inspections in any place under the state party's jurisdiction and control where persons are or may be deprived of their liberty, either by virtue of an order given by a public authority or at its instigation or with its consent or acquiescence. The Protocol also obliges each state party to establish or designate one or several independent national preventive mechanisms (NPM) with the corresponding right to conduct inspections.

The Parliamentary Ombudsman has been appointed as the national preventive mechanism in Finland.

#### *Optional Protocol to the UN International Covenant on Economic, Social and Cultural Rights allowing individual complaints and communications*

In February 2013 Parliament ratified the Optional Protocol to the UN International Covenant on Economic, Social and Cultural Rights which allows, for example, individual complaints and communications. The Protocol entered into force in Finland on 30 April 2014. The Protocol recognises the competence of the Committee on Economic, Social and Cultural Rights to receive complaints concerning alleged violations against the economic, social and cultural rights covered by the ICESCR filed by individuals and states. It also includes an inquiry procedure for conducting investigations into grave or systematic violations.

### *Optional Protocol to the UN Convention on the Rights of the Child*

On 4 December 2014 the Government submitted a proposal to Parliament on the ratification of the Optional Protocol to the UN Convention on the Rights of the Child on a Communications Procedure. The Protocol recognises the authority of the UN Committee on the Rights of the Child to receive individual and state complaints on alleged violations of children's rights included in the Convention and its two substantive Optional Protocols concerning the involvement of children in armed conflict as well as the sale of children, child prostitution and child pornography. The Protocol also establishes an inquiry procedure for grave or systematic violations at the Committee's own initiative.

### *Protocols 15 and 16 to the European Convention on Human Rights of the Council of Europe*

The Council of Europe Committee of Ministers adopted Protocol 15 to the European Convention on Human Rights on 16 May 2013. The Protocol aims at maintaining and improving the functioning of the European Court of Human Rights. Finland signed the protocol on 24 June 2013. A Government Bill for ratification was submitted to Parliament on 27 November 2014. Parliament accepted the ratification on 12 March 2015.

The Council of Europe Committee of Ministers adopted Protocol 16 to the European Convention on Human Rights on 10 July 2013. The Protocol extends the mandate of the European Court of Human Rights to give advisory opinions at the request of highest national courts and tribunals. The Protocol aims at increasing interaction between the European Court of Human Rights and national courts and intensifying the implementation of the European Convention on Human Rights at the national level. Finland signed the Protocol on 2 October 2013. A

Government Bill for ratification was submitted to Parliament on 4 December 2014. It was still under debate at the Constitutional Law Committee when this report was sent to printing.

### *UN Convention for the Protection of All Persons from Enforced Disappearance (CED)*

Finland has initiated preparations for the ratification of the Convention for the Protection of All Persons from Enforced Disappearance. According to the Ministry for Foreign Affairs, its ratification would seem to necessitate an amendment to the Criminal Code. A government proposal is under preparation and the Government intends to submit its bill to Parliament in autumn 2015 or at the latest in spring 2016 after the necessary legislative amendments.

### *UN Convention on the Protection of All Migrant Workers and Members of their Families*

Finland has not ratified the UN Convention on the Protection of All Migrant Workers and Members of their Families. This convention has mainly been ratified by developing countries. No EU member state has ratified it so far, and ratification was not discussed in Finland during 2014. According to the Ministry for Foreign Affairs, the conditions for ratification are reviewed regularly, although ratification is not considered appropriate at the moment. This is justified by the fact that the Finnish legislation makes no difference between migrant workers and other migrants. They are protected by the same constitutional rights and human rights conventions ratified by Finland as all other migrants.

## 3 Operation of Human Rights Delegation in 2014

The Delegation of the Human Rights Centre 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 matters dealt by the delegation are in practice largely dictated by its own discussions and its working committee's preparatory work.

During 2014 the HRC and its Delegation paid special attention to the reform processes of the Non-Discrimination Act and the Equality Act. The implementation of international human rights obligations was monitored especially on the basis of recommendations given by international monitoring bodies. The long-term theme of access to rights adopted by the Human Rights Delegation was monitored as agreed by participating in the Clarity project of the EU Fundamental Rights Agency. The Delegation considered the theme at its meetings, and it was also reflected in the perspective of the publication seminar of the UN Interpretative Guide on Corporate Responsibility to Respect Human Rights. The event focused on remedies, i.e. the third pillar of the UN Guiding Principles on Business and Human Rights.

In 2014 the Human Rights Delegation met four times: in March, May, September and December. The Delegation also gathered for a workshop in October to develop its work.

To organise its work the Delegation has appointed a working committee and sections to which external experts have also been selected. The working committee convened four times during the year to prepare issues for the Delegation meetings and the workshop. The work

of the sections will be discussed at the end of this section.

In its meetings the Delegation adopted, in accordance with its statutory tasks, the plan of action and annual report of the Human Rights Centre. Furthermore, the Delegation dealt with fundamental and human rights issues of a far-reaching significance and principal importance. With regard to these the Delegation adopted an recommendation for the upcoming Government Programme.

The Delegation suggests that the Government

- should draft an action plan on fundamental and human rights
- should draft a separate action plan on human rights education
- should evaluate and develop national fundamental and human rights structures in a comprehensive manner.

Human rights education and training, which was selected as a key priority of operation in the HRC's plan of action, was also strongly reflected in the Delegation's activities. A baseline study on the topic was published in February 2014. The related recommendations by the Delegation had already been adopted in 2013.

The Human Rights Delegation discussed the strategy of the National Human Rights Institution at its first meeting in spring 2014. It was considered that awareness of the institution and its structure should be increased and information provision and lobbying strengthened. The members also emphasised the Delegation's role both as a significant resource and as an actor which points out individual shortcomings.



The second meeting considered fundamental and human rights mechanisms and structures in Finland. The discussion was also attended by Government officials responsible for the National Action Plan on Fundamental and Human Rights. The participants had a lively dialogue where several ideas were expressed for a new action plan in the field.

During the spring term the Human Rights Delegation discussed the HRC's budget as well as its resources in general. The Delegation expressed its deep concern over the limited financial resources allocated to the Centre. The Delegation deemed that it is important to increase the resources as envisaged in the Centre's budget and plan of action. Unfortunately an increase of resources was not feasible since Parliament is committed to not increasing its spending. However, in budget negotiations Members of Parliament across party boundaries expressed their understanding to the Centre's situation and chairpersons of several parliamentary groups considered it important to improve the situation as soon as possible. The scarcity of resources was also brought up in the handling of the accreditation application of the National Human Rights Institution.

During the autumn term the Delegation discussed its role and working methods both at the meetings and at the workshop. On the one hand, the Delegation was established since NHRIs are required to have a pluralist composition. On the other hand, it was noted that the structures relating to the promotion and protection of fundamental and human rights have been and still are rather incoherent in Finland. Dialogue and cooperation between various actors is therefore a key element in the Delegation's work. However, its statutory decision-making tasks distinguish it from typical advisory boards which do not have such tasks.

The members regarded discussion on individual themes and problems on the basis of presentations by visitors, for example, as important. On the other hand, group work was also considered meaningful since it allows

for concentration on fundamental and human rights issues of a far-reaching significance and principal importance.

At its last meeting of the autumn term the Delegation discussed the Government's Human Rights Report, which was debated by several parliamentary committees at the time. Government officials who participated in its drafting provided an introduction of the report. The Delegation members brought up themes that had received relatively little attention in the report, such as digital human rights and asylum and migrant issues.

All Delegation meetings also dealt with topical issues relating to the operation of the Human Rights Centre and with issues brought to the Delegation's attention by its members. The latter ones included Sámi issues, provisions on coercive measures in the Act on Mentally Handicapped Persons, social welfare and health care reform, rehabilitation of tortured persons, the definition of assisted voluntary return of aliens, reform of the Non-Discrimination Act, Equality Act, Sign Language Act and Trans Act, cooperation between business and disability rights movement, and the possibility of individual complaints secured by the Optional Protocol to the UN Convention on the Rights of the Child.

The HRC'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.

### **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 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 adopted by the Human Rights Centre and its Delegation. This task also covers international recommendations.

In addition to Delegation members, representatives from key organisations in the field of human rights education and academics were selected as section members. Visiting experts have also given presentations at the meetings.

The section convened three times over the year. Along with promoting and monitoring the implementation of the recommendations, the section focused on exchanging information on and coordinating the follow-up and lobbying with respect to ongoing education reforms (especially the reform of core curricula of basic and general upper secondary education). Furthermore, the section followed the preparation for the third phase of the UN World Programme on Human Rights Education and exchanged information on other issues related to human rights education and training.

### **3.2 Section for monitoring the implementation of fundamental and human rights**

The section for monitoring the implementation of fundamental and human rights was established for 2014 by a decision of the Human Rights Delegation on 9 December 2013. The monitoring section convened five times during the year.

The section has discussed reporting procedures concerning Finland within the framework of international human rights monitoring systems both on the basis of the National Action Plan on Fundamental and Human Rights and

the Government's Human Rights Report. The objective is to continue and develop the Delegation's work in the monitoring of the implementation of fundamental and human rights.

During 2014 the section considered, for example, the concluding observations to Finland by the European Committee of Social Rights, the concluding observations to Finland by the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW), the intermediate reporting related to the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the hearing related to the periodic report on the UN International Covenant on Economic, Social and Cultural Rights (ICESCR), and the adoption of the Optional Protocol to the UN Convention on the Rights of the Child on a Communications Procedure.

The section has informed the Delegation members on the possibility of giving statements for periodic reports on the implementation of international conventions. Besides benefiting the Delegation's work, the section's discussions have also assisted the Human Rights Centre in preparing statements to international bodies.

In 2014 the Delegation adopted an opinion on the Government Programme at the section's initiative. The section also requested information from the Government Network of Fundamental and Human Rights Contact Persons on the flow of information on fundamental and human rights issues at the ministries.

### **3.3 Working group for preparing the establishment of a disability section**

The working group for preparing the establishment of a disability 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 working group focused on the monitoring duty in accordance with Article 33(2) of the UN Convention on the Rights of Disabled Persons suggested for the National Human Rights Institution along with the ratification of the Convention.

Article 33 of the Convention on the Rights of Persons with Disabilities (paragraphs 2 and 3) provides that

*States Parties shall, in accordance with their legal and administrative systems, maintain, strengthen, designate or establish within the State Party, a framework, including one or more independent mechanisms, as appropriate, to promote, protect and monitor implementation of the present Convention. When designating or establishing such a mechanism, States Parties shall take into account the principles relating*

*to the status and functioning of national institutions for protection and promotion of human rights.*

*Civil society, in particular persons with disabilities and their representative organizations, shall be involved and participate fully in the monitoring process.*

The working group convened seven times over the year to discuss how the involvement and participation of persons with disabilities and their representative organizations in accordance with Article 33(3) could be realised through the Human Rights Delegation. Based on the discussions, the working group drafted the rules concerning the disability section for the upcoming rules of procedure of the Human Rights Delegation.




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**NEXT PAGE:** Members of the Human Rights Delegation and Staff of the Human Rights Centre during a meeting recess: starting from the bottom row, right to left: Kalle Könkkölä, Kristiina Vainio (HRC), Mirella Huttunen, Elina Hakala (HRC), Inka Hetemäki, Kristiina Kouros (HRC), Riitta Ollila, Maija Sakslin, Hamed Shafae, Aija Salo, Pirkko Nuolijärvi, Elina Pirjatanniemi, Markku Jokinen, Pirkko Mäkinen, Liisa Murto, Esa Ylikoski, Petri Merenlahti, Jouni Mykkänen, Reetta Toivanen, Göran Johansson and Kimmo Hakonen.



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