

## **Study: The weak human rights expertise of Finnish decision-makers and authorities worries experts**

*Obstacles to the implementation of the rights guaranteed by the UN human rights treaties in Finland are mainly related to lack of awareness and competence, political selection in the rights that will be implemented, randomness in actions, lack of understanding of the state's responsibility for non-state actors, undermining the treaty monitoring bodies and the lack of a national human rights strategy and monitoring mechanism.*

### **A study on the national effectiveness of UN human rights treaties**

Broad knowledge and effective national implementation of the human rights guaranteed by UN human rights treaties is essential for the existence of the entire international human rights system. During the last 20 years, many things have happened in the world that affect human rights: the increasing securitisation of societies, the rise of populism and authoritarian leaders, the narrowing of the space for civil society and the belittling of the importance of researched information, and the general inequality of people. However, this report does not reflect the effects of these, at least not directly.

The recently published study examines the impact of the UN human rights treaties in 20 countries<sup>1</sup>. There are nine human rights treaties that are included in the study<sup>2</sup>, of which Finland has ratified all the others by 2024 except the agreement on the rights of migrant workers. The report does not include the Convention against Involuntary Disappearances, which entered into force for Finland on April 23, 2023.

Each country is covered by its own chapter. All chapters are divided into six parts. Parts one and two present the human rights situation of the country in question and the state's relationship to the human rights system in general. The third part presents the participation of the country in question in tabular form. The fourth section provides an overview of the implications of human rights treaties on a treaty-by-treaty basis, including key issues that are examined more fully in section five. Sixth part contains conclusions.

### **Background**

The first UN human rights treaty, the International Convention on the Elimination of All Forms of Racial Discrimination, came into force internationally in 1969. In 2001, at the initiative of the Office of the UN High Commissioner for Human Rights, an extensive work was published on the effects of the recommendations given by the UN human rights treaties and the committees supervising their implementation on the human rights situation in 20 states within 30 years, in 1969-1999. In 1999, there were six UN human rights treaties and 80 percent of them had been ratified worldwide. Every UN member state had ratified at least one of these treaties. Sanna Hyttinen prepared the study at the time with regard to Finland.

The Human Rights Centre started in 2019 in an international cooperation project of the University of Pretoria, the aim of which was to update the work from the last 20 years (1999-2019), in the same 20 countries. At that time, the number of treaties had risen from six to nine.

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<sup>1</sup> Australia, Brazil, Canada, Colombia, Czech Republic, Egypt, Estonia, Finland, India, Jamaica, Japan, Mexico, Nepal, Poland, Senegal, Spain, South Africa, Turkey, Zambia

<sup>2</sup>International Convention on the Elimination of All Forms of Racial Discrimination (1965), International Covenant on Economic, Social and Cultural Rights (1966), International Covenant on Civil and Political Rights (1966), Universal Convention on the Elimination of Discrimination against Women (1979), Convention on the Elimination of All Forms of Torture and Other Cruel, Inhuman or Convention against Degrading Treatment or Punishment (1984), Convention on the Rights of the Child (1989), Convention on the Rights of Persons with Disabilities (2006), Convention for the Protection of All Persons from Arbitrary Disappearance (2006)

The publication of the book resulting from the project was delayed due to the sudden death of the project's driving force, Professor Christof Heyns, in the spring of 2021. The work was published online in March 2024 with an open access license. A printed version of the book is also available.

### Process

Finland's part was written and the related research was done by OTT, DES, human rights lawyer and corporate responsibility expert Merja Pentikäinen on an assignment for the Human Rights Center.

A total of close to 30 experts in human rights and the human rights treaty system were interviewed in the process. They represented the national human rights institution (Human Rights Centre and parliamentary ombudsman), ministries (Ministry of Justice and Ministry of Foreign Affairs), the judiciary (Supreme Court), parliament (Constitutional Law Committee), universities and independent researchers, non-governmental organizations, advocates and jurists. The information service of the parliamentary library provided material from, among other things, parliamentary documents and parliamentary debates in which UN agreements have been mentioned.

### Read more:

[C Heyns, F Viljoen and R Murray \(eds\) \*The Impact of the United Nations Human Rights Treaties on the Domestic Level: Twenty Years On\* \(Brill, 2024, open access\).](#)

Finland's share <https://brill.com/edcollchap-oa/book/9789004377653/BP000009.xml> and a summary of the entire report <https://brill.com/edcollchap-oa/book/9789004377653/BP000022.xml>

2001 publication online only as paid version <https://brill.com/edcollbook/title/10873>

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## SUMMARY Observations concerning Finland

(prepared by the Human Rights Centre)

### Finland's human rights situation

The report lists the most common and most serious human rights problems observed in Finland. These include, among others:

- especially discrimination against persons at risk of vulnerability (minorities, Roma, Sámi, disabled persons, HLBTI people, immigrants and women).
- Discrimination in working life and multiple/intersecting discrimination.
- violence against women and children, including in intimate relationships
- the rights and care of elderly persons and their neglect
- hate speech, including populist language
- privacy violations as part of digitalisation
- restrictions on freedom of speech
- racism, anti-Semitism, anti-Islam
- treatment of asylum seekers and lack of legal protection
- the challenges of realising economic and social rights, especially with regard to benefit cuts and the insufficient level of income support
- increase in poverty amongst the families with children
- inadequacy of child protection and mental health services
- shortcomings of the Sami people's right to self-determination
- the cost of litigation and legal aid and its impact on access to rights
- generally low knowledge of human rights

The structural challenges seen in the report are the fragmentation and under-resourcing of the structures aimed at guaranteeing human rights (authorities, etc.) and the autonomy of the municipalities.

New noteworthy themes in the field of human rights are the effects of climate change and the development of technology. Also, the cuts in the funding that non-governmental organizations receive from the state will have a weakening effect on the state of civil society and the possibilities of its activities in the future.

## **Conclusions**

The importance and impact of international human rights in Finland has varied over the years. The 1990s were clearly the "golden era" of human rights development. Finland joined both the Council of Europe (1989) and the European Union (1995). The fundamental rights reform (1995) and the constitution (2000) brought fundamental and human rights clearly into legislation at the constitutional level.

Over the years, the reference to UN human rights treaties, for example, in court decisions has increased. During the survey period, for example, the Supreme Administrative Court and the Supreme Court referred to treaties, most often to the ICCPR, a total of 142 times<sup>3</sup>. In the period of the previous survey, the corresponding number was only 17.

### ***Limited awareness of human rights***

Human rights culture, or at least general human rights awareness, has taken steps forward in the last 20 years. Human rights discourse has become more visible, but there are also stronger voices challenging human rights in Finland. Although Finland does relatively well in international comparisons in the implementation of human rights, there are still shortcomings and problems.

General knowledge about human rights and especially about UN human rights treaties is still limited - even among lawyers. The weak human rights knowledge of decision-makers (including MPs) and authorities is worrying. National human rights structures are fragmented and the resources allocated to human rights work are insufficient. Coordination of the work is difficult due to the fragmentation.

The main reason for the insufficient understanding of human rights is the marginal role of international law and human rights education at the university level, including law faculties. Teachers are also not systematically trained to teach human rights.

### ***The effectiveness of the treaties is random***

The UN human rights treaties examined in the report have had the clearest immediate impact at the time of their ratification, when changes to national legislation have been made, albeit often insufficiently. Often, after the ratification process, treaties are no longer given much attention.

The views of the UN's treaty monitoring bodies alone do not seem to influence policy or legislation, although they may enhance domestic action. Emphasising regional human rights treaties and processes, such as the Council of Europe treaties, detracts from UN treaties.

The Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities have been most effective. Both have national structures that monitor and support the implementation of the agreements. At the European level, there are no separate agreements

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<sup>3</sup> KP agreement (95); Convention on the Rights of the Child (16); Convention against Racial Discrimination (12); Convention on Disability (8); TSS Agreement (7); Convention Against Torture (3); Convention against discrimination against women (1).

focusing on these themes. In addition, the Disability Convention has also been ratified at the EU level, which will surely also be important for the implementation in the future.

Surprisingly, CEDAW, the convention made to eliminate all forms of discrimination against women, has received the least attention in Finland, and the measures aimed at its implementation are insufficient.

### ***Selective exercise of rights***

In general, Finland is characterized by selection in the promotion of human rights. Problem points that emerge in international monitoring processes, but for which there is no national consensus or that are politically controversial at the national level, such as questions related to the rights of the Sámi or the continuous need for work to increase gender equality, remain at the national level without effective actions and results.

There is also often an inconsistency between external and internal human rights policies.

### ***Lack of understanding of the state's responsibility to protect against abuse***

The horizontal effects of human rights are not really understood in Finland. Also, the understanding that the state has a responsibility to protect the persons within its sphere of influence from human rights violations also by non-state actors is lacking. This is especially evident in cases of hate speech, domestic violence and violence against women. For example, problems related to the length of court proceedings are easier to solve than problems that require structural changes, such as challenges in the realisation of social and economic rights.

Even in municipalities (and nowadays also regions), which play a central role in the implementation of many basic human rights, the understanding of human rights is incomplete.

### ***Undermining the treaty monitoring bodies***

The implementation of UN human rights treaties is also affected by the perception of key national actors that at least some of the treaty monitoring bodies do not understand domestic realities. This leads to downplaying the considerations of these actors. The attitude is partially explained by a weak understanding of international law, the binding nature of international human rights treaties and the role of their monitoring mechanisms.

Improving and making the UN human rights treaty system more efficient in itself would undoubtedly also contribute to improved effectiveness of the UN treaties at the national level.

### ***The need for a national human rights strategy and monitoring mechanisms***

Improving the effectiveness of UN treaties and generally the realisation of human rights at the national level in Finland requires improving the level of understanding and expertise in international law, including international human rights law. This requires the development of a coherent national human rights strategy and a well-functioning human rights monitoring mechanism also outside the central authorities, for example at the municipal and regional levels.

In addition, national human rights work requires more resources and more comprehensive independent national structures for monitoring and promoting human rights.

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