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UNIVERSAL PERIODIC REVIEW

Report of the Working Group on the Universal Periodic Review

Finland

Addendum

Responses of Finland to the recommendations/conclusions*

* The present document was not edited before being sent to the United Nations translation services.

Responses of Finland to the recommendations/conclusions

1. To increase the focus, targeted efforts and effective measures regarding eliminating discrimination, and to make further efforts and measures to promote the rights of minorities, inter alia, ethnic minorities. (Netherlands, Russian Federation)

When seeking membership in the Human Rights Council in spring 2006, Finland pledged to intensify its actions against racism, xenophobia and discrimination.

Despite progress, there are still certain problems of racism and intolerance. They are essentially spontaneous and not politically-organised phenomena. Although public awareness of cultural diversity is increasing and the Government has worked persistently to integrate immigrants into Finnish society, racist, discriminatory and xenophobic attitudes continue to be part of everyday life in Finland. The Roma, Somalis and Russian-speaking communities face prejudice, disadvantage and discrimination the most. In the Internal Security Programme, given on 8 May 2008, the security of immigrants and ethnic minorities is one of the key issues to be paid special attention in the forthcoming years.

The members of Roma communities in Finland face still discrimination in different areas of life, which requires action in various fields in society. The Ministry of Social Affairs and Health is preparing a working group in order to launch Finland's National Romani Strategy. (The Ombudsman for Minorities, National Advisory Board on the Romani Affairs and NGOs have stressed the need for a comprehensive strategy on the situation of the Roma.) The Ministry of Employment and the Economy has ordered a survey on how employment services and needs Roma customers meet. The survey will be published in July 2008. EU funded projects relating to employment of Roma have also been implemented, for examples various handbooks have been produced. The Ministry of Interior is improving equality in housing by providing a country report in the context of EU-Progress project "Building Inclusion". A Guideline Book "the Police meets Roma" has been published recently.

The members of the Somali communities of Finland are also vulnerable to problems of racism and racial discrimination. In order to address this and other problems of concern to the Muslim communities, the Ombudsman for Minorities has promoted the creation of a co-coordinating body that brings together representatives of different Muslim organisations and groups. The Ombudsman has, for example, organised collaborative meetings between the Somali League in Finland and various authorities, where practical problems faced by Somalis in Finland have been discussed and addressed. The founding meeting of the Islamic Council in Finland took place in November 2006.

The members of Russian-speaking communities face negative societal attitudes and manifestations of intolerance in Finland. An *ad hoc* working group of the Advisory Board for Ethnic Relations (ETNO) has prepared a report on the situation of the Russian-speaking population. The report was issued in 2003. Since then, questions concerning xenophobia against Russian-speaking communities in Finland have been dealt with in a working group on anti-racism that worked under ETNO. A seminar on xenophobia against Russian-speakers was organised in December 2007. At the seminar certain issues were identified which could be further developed within the framework of ETNO.

The Non-Discrimination Act obligates all public authorities to foster and safeguard equality in a systematic and target-oriented manner. Each authority is required to draw up an equality plan for

the fostering of ethnic equality and for the prevention of discrimination based on ethnic origin. The equality plan shall cover both the authority's external activities and its role as an employer.

On 25 January 2007, the Ministry of Justice set up a committee to reform the Non-Discrimination legislation. The purpose is to improve the coherence of the legislation, especially as to the provisions on the prohibitions of discrimination and their scope of application, the scope of the duty to promote equality and the access to legal protection. The goal is to treat victims of discrimination as far as possible in the same way regardless of the ground for discrimination and area of life. The time limit for preparing the reform proposal is 31 October 2009.

The new core curriculum for basic education, which was introduced at schools by the beginning of the school year 2006-2007, takes account of the specific features of the teaching provided to different linguistic and cultural groups. All teaching must take into account the national and local specific features as well as the national language, the Sámi as an indigenous people and the ethnic minorities. The core curriculum also emphasises that schools shall pay attention to the increased diversity of Finnish culture, generated by immigrants with different cultural backgrounds. Non-governmental organisations provide many-sided teaching materials dealing with tolerance, multiculturalism and human rights to support the implementation of the curricula. The way in which the core curriculum is implemented in a specific school depends, however, on the individual teachers. One priority in the further training of teachers is to enhance education for pupils with minority linguistic and cultural backgrounds. Emphasis is put on the further training of teachers of immigrants' native languages.

2. To strengthen the efforts to restrict any outbreaks of racism and xenophobia particularly manifestations of racism and discrimination on the Internet, as recommended by CERD.

(Mexico)

The media, including the internet, plays a significant role, in good and bad, when it comes to either spreading and enforcing stereotypes and prejudice or promoting good ethnic relations. The Ministry of Justice is currently examining the need to amend the legislation that the service providers of Internet-sites be obliged to follow up and erase material amounting to hate speech and racist offenses.

3. To continue to take effective measures to prevent violence against women (Mexico, Russian Federation) and to compile information on the violence against children within the family.

(Russian Federation)

Preventing violence against women has been the goal of both the Government Programme and a number of action programmes of the Administration aiming at preventing and reducing violence. Finland will carry out the Council of Europe's campaign to combat violence against women in 2008. The campaign is intended to raise awareness of such violence as a violation of human rights and to influence attitudes. The campaign will also assess any possible needs to revise the legislation in force.

Only through a truly holistic approach we can put an end to impunity and eliminate this violation of human rights. It is crucial to engage men in the efforts to eliminate violence against women. In addition to holding offenders accountable and providing treatment programmes, we should not forget to enhance positive male role models and engage men in both prevention and advocacy.

Violence against women will be reduced by improving capacities to interfere with it, to provide support and facilitate access to assistance. Cooperation in particular between the social administration and the police will be improved in order to provide help for the victims rapidly. In health care practices, caring for victims and means of identifying victims of assault will be

developed, and the personnel will be trained. There is a 24-hour social services emergency system available for women victims of violence covering the whole country. Violence against women/violence between the spouses as an aggravated ground for punishment is currently under examination at the Ministry of Justice.

Although the Finnish legislation, policies and programmes and, in principle, also the public attitude condemn violence against children, children still experience violence within their families. Children are subjected to violence in all social groups and all age groups.

We need first-hand data to better understand the context in which violence within families occurs so as to be able to provide better services, prevention and monitoring measures, advocacy as well as awareness-raising. We agree that objective data and accurate information are a prerequisite for evidence-based policy-making, and Finland will continue to strengthen its activities in this field. The results of a thorough statistical research on the violence against children, carried out by the Police College of Finland and The National Research Institute of Legal Policy, are expected in the autumn 2008.

4. To consider ratifying the International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families. (Algeria, Bolivia, Ecuador, Egypt, Mexico)

Finland is not party to the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW), of which only a few States have ratified. Wide consultations on the content of the Convention and its possible effects on the Finnish legislation have to be carefully examined before our position towards the CMW could be revised. Those consultations should involve all the ministries and other relevant actors in Finland. At this moment, it is not envisaged that such consultations were to be commenced in the near future.

The rights of immigrants, including migrant workers, are already covered by our national legislation, European Union legislation as well as by other human rights instruments, including the European Convention on Human Rights. The Finnish legislation does not separate migrant workers from other immigrants. The basic rights and freedoms of the Finnish Constitution protect everyone residing in Finland.

5. To consider ratifying ILO Convention No. 169 on Indigenous and Tribal Peoples in Independent Countries. (Bolivia)

The Finnish Government pursues actively the enhancement of the rights of the Sámi people. The objective of the present Government is to solve the issue of the land use question during the current term of the Government. The Government Bill is under preparation and there are active negotiations between the Ministry of Justice, the Ministry of Agriculture and Forestry and the Sámi Parliament, which is a necessary partner in the negotiations. The point of departure is to ensure the culture of the Sámi people and the right of Sámi to use the land they traditionally occupy or where they traditionally live. Another question related to the right of Sámi people is to participate in decision-making on the use of land in the Sámi homeland area. The aim of the Government is to find a solution that would include the prerequisites to ratify ILO Convention No. 169.

6. To continue reviewing the procedures regarding requests for asylum in the light of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. (Bolivia)

Finland is committed to the full and inclusive application of the Geneva Convention of 1951. The Finnish Constitution and Aliens Act prohibit deportation of aliens to a country, where they could face death penalty, torture or ill-treatment. The Aliens Act also provides asylum applicants right to

appeal to an administrative court against a decision concerning him/her, f.ex. deportation or refusal of asylum or residence permit. All applicants have right to effective procedural safeguards such as legal aid and services of an interpreter.

According to the Aliens Act, an application can only be examined in an accelerated procedure in a few well-defined situations: if an application for asylum is considered to be manifestly ill-founded, if the applicant has come from a safe country or if he/she has repeatedly requested for an asylum. Only part of the asylum applications is examined in the accelerated procedure.

There has been discussion whether the accelerated asylum procedure fulfils the legal safeguards of asylum seekers. The Ombudsman for Minorities, who has been invited to examine the procedure, has found that the procedure, as a rule, safeguards the legal protection of an asylum applicant during the asylum process. The most important observation made in the study concerns the provision of an efficient remedy, because in accelerated procedures the appellant may be deported from the country during the period for appeal. Deportation may hamper the exercise of the right to appeal. The appellant is, however, usually represented by a legal counsel, and he or she always has the right to request for an interim measure from the Administrative Court to prevent the execution of a decision to refuse entry, the right that in practice has become the most significant part of the appeal process as regards the efficiency of the right to appeal.

7. To provide the same coverage in national legislation and anti-discrimination training activities for the grounds of sexual orientation and disability as for other grounds of discrimination, for example in areas such as the provision of services and health care (Netherlands, Slovenia) and to consider using the Yogyakarta Principles on the Application of International Human Rights Law in relation to sexual Orientation and Gender Identity as a guide to assist in its policies development. (Slovenia)

According to the Finnish Constitution everyone is equal before the law. Sexual orientation falls clearly under the “other reason” in the documentation of the Constitution that prohibits discrimination. Discrimination is further prohibited in several Acts of which some, such as criminal law, clearly mention sexual orientation and gender.

The Finnish human rights philosophy is essentially based on the aim to ensure an equal implementation of rights irrespective of origin, gender, age, religion, opinion, disability, sexual orientation or the like. Finland is of the opinion that the principles of universality and non-discrimination require that due attention should be paid to human rights violations based on sexual orientation and gender identity.

We have initially studied the *Yogyakarta Principles* and recognize their usefulness in bringing greater clarity and coherence to States' human rights' obligations. Finland is committed in further enhancing the situation of the lesbian, gay, bisexual and transgender (LGBT) people in Finland. The possible role of the *Yogyakarta Principles* in this will be studied further.

8. To fully integrate a gender perspective into the follow-up process to the UPR review. (Slovenia)

In autumn 2007 the Government decided to prepare an action plan for gender equality, the purpose of which is to define the most important measures to be taken by the Government to promote gender equality. The key objectives are to mainstream the gender perspective, to reduce pay differentials between the sexes, to advance women's careers, to raise awareness of gender equality in schools and to reduce segregation, to facilitate reconciliation between work and family life, and

to reduce violence against women. The final action plan will be adopted soon and carried out intersectorally by all ministries. This action plan will be also taken duly into account while following up on the UPR.
