

## **UPR Pre-session on Finland**

Geneva, 29 August 2022

### **Statement delivered by the Finnish League for Human Rights**

#### *Presentation of the Organization*

The Finnish League for Human Rights (FLHR), founded in 1979, is an independent human rights organization that advocates for the improvement of the overall human rights situation of Finland. We are a member of the International Federation for Human Rights (FIDH). The FLHR has participated in UPR processes at the national level since 2008.

#### *National consultations for the drafting of the national report*

The Ministry for Foreign Affairs, responsible for coordinating Finland's national report, organized an online hearing for CSOs on Finland's draft national report in June 2022, and provided an opportunity to submit written comments. The FLHR participated in the hearing and submitted its written comments.

#### *Plan of the Statement*

This statement addresses three topics : (1) Access to justice (2) Right to social security and (3) Rights of the indigenous Sami people.

#### *Statement*

Since the last UPR, some positive developments in the overall human rights situation have taken place in Finland. However, serious deficiencies remain.

### **1. Access to justice**

#### **A. Follow-up to the previous review**

During the third UPR Cycle, Finland received numerous recommendations on racism and xenophobia<sup>1</sup>, hate speech and hate crimes<sup>2</sup>, gender-based violence<sup>3</sup> as well as rights of trans, gender non-conforming and intersex people<sup>4</sup>, all regarding either inadequate legal protection or insufficient access to justice.

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<sup>1</sup> See Rec. 100.30. (Indonesia), 100.36 (South Africa), 100.37 (Azerbaijan); 100.39 (Albania); 100.40 (Bulgaria); 100.41 (Hungary); 100.42 (Brazil), 100.43 (Slovenia); 100.44 (Montenegro) 100.45 (Albania).

<sup>2</sup> See e.g. recommendations 100.58. (China); 100.62. (Estonia); 100.63 (India), 100.64 (Indonesia), 100.71. (Côte d'Ivoire); 100.72 (Cuba), 100.149 (Argentina),

<sup>3</sup> See Rec. 100.23 (Botswana); 100.100 (Lithuania); 100.101 (Rep. of Moldova); 100.102 (Spain); 100.103 (China); 100.104 (Georgia); 100.105 (Iceland); 100.106 (Iraq); 100.107. (Iceland); 100.108 (Islamic Rep. of Iran); 100.112. (Rep. of Moldova); 100.114 (France); 100.115. (Germany); 100.116 (India); 100.118 (Netherlands); 100.121 (Canada); 100.122. (Estonia); 100.123. (Liby

<sup>4</sup> See Rec. 100.50 (Sweden).

Discrimination and hate crimes remain widespread, but access to justice and remedies for victims are not adequately or uniformly available. The legal frameworks fail to protect the victims of GBV as well as sexual and gender minorities from systematic human rights violations.

## B. New developments since the previous review

### *Discrimination, racism and hate crimes*

Online hate speech, experienced in particular by different minority groups, is rarely investigated, even when it includes threats of violence. Finland has received several recommendations from the UN treaty bodies regarding the inadequate implementation of non-discrimination measures and tackling of racism<sup>5</sup>.

A partial reform of the Non-Discrimination Act is underway. Yet it appears that the Non-Discrimination Ombudsman and the National Non-Discrimination and Equality Tribunal will not be mandated to handle discrimination in the field of employment.

A government Action Programme and numerous projects have been established to prevent hate speech and hate crimes. However, systematic measures and more substantial resources are needed to target structural racism, and legal amendments are imperative.

### *Gender-based violence and rights of sexual and gender minorities*

FLHR welcomes various important new national measures and action plans, but calls attention to serious shortages that persist, including in the area of our main expertise - the so-called honour-based violence (HBV) and FGM. Forced marriage is not criminalized in all of its forms and can only be dissolved through divorce. Legislative changes are being discussed, but the existing proposals fail to recognize the variety of forced marriage and to fully protect the rights of the victims. Additionally, data collected by FLHR<sup>6</sup> indicate that the professionals' duty to speak about FGM and to protect girls is not fulfilled. More data and research are needed on both phenomena.

Trans and intersex people's rights have not progressed after the previous review. The Government has launched a reform of the Trans Act. While the current draft removes the infertility requirement of legal gender recognition, and separating it from medical procedures, it fails to guarantee minors' right to self-determination.

## C. Recommendations to the Government of Finland

- *Ensure compliance with international standards by drafting the necessary improvements to the Criminal Code and other legislation in order to improve the access to justice of victims of hate crimes and discrimination.*
- *Grant the Non-Discrimination Ombudsman mandate to intervene in cases of discrimination in the field of employment.*
- *Implement the Action Plan for the Prevention of FGM fully and efficiently.*
- *Criminalizes forced marriage, including legally invalid marriages, and enable voiding, annulling or dissolving forced marriage.*
- *Reform the Trans Act in a way that provides quick, transparent and accessible legal gender recognition based on self-determination, including for minors.*

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<sup>5</sup> See e.g. Rec. no 14 and 15 by the UN Committee on Economic, Social and Cultural Rights' Concluding observations on the seventh periodic report of Finland, delivered in March 2021.

<sup>6</sup> Mohamed & Latvala (2019) *Female Genital Mutilation (FGM). Awareness and perceptions of Somali men in the Helsinki region, Finland*. Ihmisoikeusliitto/FLHR. <https://ihmisoikeusliitto.fi/wp-content/uploads/2020/09/FGM-Awareness-and-perceptions-of-Somali-men-in-the-Helsinki-region.pdf>

## **2. Right to Social Security**

### **A. Follow-up to the previous review**

During the last UPR Cycle, Finland received two recommendations related to the right to social protection. Despite the broad coverage of the Finnish social security system, the level of basic social security benefits is too low to guarantee an adequate standard of living for groups such as low-income families with children, elderly persons, people with disability or long-term illnesses; and the unemployed. Similar conclusions were made in the most recent evaluation report by the Government<sup>7</sup>, and the issue has been repeatedly raised by the treaty bodies.

### **B. New developments since the previous review**

Some of the benefit cuts effected under the previous government have been reversed, but this is not enough. Disaggregated data and analysis are lacking on the situation of minority groups that face discrimination, such as the indigenous Sámi people, people with disabilities, Roma people and migrants and asylum-seekers.

A major reform of the social security system is currently taking place, providing a crucial opportunity to advance the social and economic rights of the poorest. Yet, a human rights perspective has been absent in the discussions and no ex-ante evaluation of the human rights impacts of the reform has been undertaken.

### **C. Recommendations to the Government of Finland**

- *Take immediate action to raise basic social security benefits, and create a long-term strategy to ensure compliance with human rights obligations and recommendations by treaty monitoring bodies.*
- *Ensure that in the ongoing Social Security reform, priority is given to advancing the economic and social rights of the groups at most risk of poverty, marginalization and discrimination, including by conducting a thorough human rights impact assessment.*

## **D. The Rights of the Sami**

### **A. Follow-up to the previous review**

During the previous UPR cycle, Finland received six recommendations regarding the rights of the Sami<sup>8</sup> indigenous people. Yet they are still waiting for their rights to become reality.

### **E. New developments since the first review**

In 2019, the Human Rights Committee issued two rulings regarding human rights violations in the Sami Parliament Act. Its reform has been underway since 2021 but the Government has failed to come forward with a proposal. The right of the Sami to free, prior and informed consent (FPIC) is not realised in all of the relevant legislative and other procedures affecting them. The ILO Convention 169 remains unratified.

### **B. Recommendations to the Government of Finland**

- *Urgently reform the Sami Parliament Act taking into consideration the rulings by the UN Human Rights Committee.*
- *Strengthen the application of the principle of free, prior and informed consent in all legislation, policies and official decisions, concerning the rights of the Sami.*

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<sup>7</sup> Finnish Institute for Health and Welfare (THL) (2019) Perusturvan riittävyden arviointiraportti 2015–2019. THL. <https://www.julkari.fi/handle/10024/137711>

<sup>8</sup> See Rec. 100.3 (Guatemala), 100.14 (Mexico), 100.15 (Norway), 100.16 (Peru), 100.139. (Maldives); 100.143 (Guatemala)

