

FOLLOW UP TO THE PREVIOUS REVIEW

1. Of the 153 recommendations made by other Member States during its third UPR in 2017, Finland accepted 120, partially accepted 6 and rejected 27 recommendations.¹
2. Finland has partially implemented many recommendations, including drafting a proposal to ratify the international Convention for the Protection of All Persons from Enforced Disappearances in 2022.² Finland has yet to ratify ILO Convention 169 on Indigenous and Tribal Peoples, despite committing to do so during the 2012 and 2017 reviews.³

THE NATIONAL HUMAN RIGHTS FRAMEWORK

3. Since the previous review, the parliament has allocated more resources to the National Human Rights Institution, but the national human rights architecture, consisting of many relatively small bodies, remains under-resourced and fragmented.⁴
4. The government's second National Action Plan on Fundamental and Human Rights (2017-2019) lacked resources and left out many crucial human rights issues.⁵ The third Action Plan (2020-2023) focuses on monitoring Finland's human rights situation and includes a newly created human rights indicator framework.⁶
5. In 2020, the Ministry of Justice established an inter-ministerial network to ensure that the impact of legislation on, among other things, human rights can be thoroughly assessed.⁷ Despite progress regarding the legislative process, a systematic approach to assessing human rights impact of government bills, policies and budget proposals is still lacking.⁸
6. Despite establishment of the Government Network of Contact Persons for Fundamental and Human Rights,⁹ implementation of recommendations from international human rights bodies has been slow and unsystematic.¹⁰

THE HUMAN RIGHTS SITUATION ON THE GROUND

Climate change

7. Between 1990 and 2020, Finland's emissions fell by 32%¹¹. The government is reforming the Climate Change Act¹² and developing several sectoral policies¹³ to ensure that Finland adheres to its national, EU and international commitments¹⁴. According to the Climate Change Act proposal given to the parliament in March 2022, Finland plans to become climate neutral by 2035 and reduce its CO2 emissions by 90-95% by 2050 compared to levels in 1990¹⁵. However, serious concerns have been raised about the adequacy of planned measures compared to targets and resources for their implementation in a socially just manner¹⁶.
8. Access to information about climate legislation and policies and their impacts, as well as inclusive public participation in policy planning are key elements of a just transition to climate resilient societies. The right to appeal decisions is an integral part of procedural climate justice.¹⁷ Currently, the practices of Finnish ministries in organizing public hearings and ensuring equal opportunities for public participation in climate policy development vary. Also, the government decided not to include the right to appeal decisions based on the Climate Change Act in the first phase of the Act's reform but is planning to integrate it in the Act at a later stage.¹⁸

Right to social security

9. Cuts to social security benefits during the 2015-2019 parliamentary term rendered several benefits inadequate and disproportionately affected groups that were already disadvantaged.¹⁹ According to state-commissioned research, social security benefit cuts during 2016-2018 disproportionately affected women.²⁰
10. The government made some modest incremental improvements to social security benefits in 2020-2021.²¹ In 2021, Amnesty International's research found however, that the level of benefit provision is still not sufficient to ensure an adequate standard of living and the realization of economic and social rights for all.²² Special attention needs to be paid to ensuring that the right to social security is realized for those who are disadvantaged, for example young people, people with disabilities and other groups affected by intersecting forms of discrimination who are not well served by the existing system.²³

Right to freedom of peaceful assembly

11. While the right to freedom of peaceful assembly is protected in the constitution, the police have increasingly targeted non-violent actions and civil disobedience²⁴ by climate activists with measures²⁵ that may create a chilling effect and affect the right to freedom of peaceful assembly.
12. For example, on 3 October 2020, the police used OC spray²⁶ against Elokapina (Extinction Rebellion Finland) activists who refused to move a peaceful sit-in action from a street to a location designated by police.²⁷ Six police officers face consideration of charges²⁸ of crimes for the incident.²⁹
13. On 8 October 2021, the police dispersed a peaceful sit-in action organized by Elokapina on the main stairs and near other entrances of the Government Palace, after the protesters refused to move to another location. Some protestors had shackled themselves to door handles or to each other. The police apprehended 52 protestors and 42 of them were later arrested on suspicion of criminal offences of *aggravated invasion of public premises* and *prevention of a public meeting*, which Amnesty International considers disproportionate.³⁰ Some activists reported to Amnesty that the police failed to inform them in a timely manner of the reason for their detention or that they were under arrest.³¹
14. As of February 2022, 48 suspects face consideration of charges of *invasion of public premises* – downgraded from *aggravated invasion of public premises* during preliminary investigation – and *prevention of a public meeting*.³² Police statements concerning the protest were misleading, accusing protestors of creating a threat to security, and equalling disruption of movement with threats of violence³³ against those inside the building.³⁴

Violence against women

15. Prevalence of violence against women in Finland is among the highest in the EU.³⁵ The Covid-19 pandemic contributed to an increase in cases of violence against women³⁶ and caused delays in victims' ability to contact support services.³⁷ This exacerbated the pre-existing problem that response to violence against women lacks both long-term support for survivors and robust structures and mechanisms.
16. Studies show that less than a half of all municipalities in Finland have gender-based violence prevention programmes. This is a consequence of current legislation which does not oblige municipalities or regions to actively prevent gender-based violence.³⁸ Further, the needs of women and girls who are marginalized and/or belong to minorities are not identified and factored in the provision of social and health care services.³⁹
17. Most sexual crimes fall under official prosecution in the Finnish Criminal Code. Cases of intimate partner violence or intimate partner sexual violence are not always properly investigated by the police.⁴⁰ One third of offences reported to the police are directed to mediation without proper investigation.⁴¹
18. The government's proposal to introduce consent-based rape legislation was submitted to the parliament in February 2022. In the proposal, the central aspect of legal definitions of rape and other sexual crimes is lack of consent assessed in the context of surrounding circumstances.⁴² However, in certain cases when there is abuse of a position of

authority, the crime continues to be defined as sexual abuse, not rape. This places the victim in a vulnerable position in terms of access to justice, and risks sending a dangerous message that committing the crime in a close relationship may still not be seen as an aggravating circumstance in sexual crimes.⁴³

Rights of transgender and intersex people

19. Discrimination against transgender and intersex people remains widespread in different areas of life.⁴⁴ People belonging to several minorities, particularly transgender people of colour, experience multiple and intersecting discrimination.⁴⁵
20. The procedure to obtain legal gender recognition continues to violate transgender people's right to privacy, and rights of the child.⁴⁶ As of March 2022, legal gender recognition requirements included proof of sterilization or infertility, a psychiatric diagnosis, and a blanket minimum age of 18.⁴⁷ Despite the ongoing process to amend the legislation, the government has not introduced a plan to enact a gender recognition system for minors.⁴⁸
21. In 2019, ECRI noted that people experience severe delays in accessing gender-affirming care.⁴⁹ In 2020, the Council of Choices in Health Care introduced recommendations for the treatment of 'gender dysphoria caused by transgender and non-binary identities' for healthcare operators. These recommendations introduce discriminatory barriers to gender-affirming care and continue to pathologize transgender people.⁵⁰
22. Children with variations in sex characteristics are routinely subjected to 'normalizing' surgical and other medical procedures.⁵¹ Despite a provision in the government programme to strengthen intersex children's right to self-determination, measures to ensure their bodily integrity remained unclear as of March 2022.⁵²

Refugees' and migrants' rights

23. Amendments to the Aliens Act in 2016 restricted the right to fair and effective asylum procedures. In 2021, the government abolished many restrictions through a law reform⁵³ but did not address the stringent criteria to appeal to Supreme Administrative Court, did not introduce the right to choose a legal adviser in the first instance⁵⁴ nor did it repeal the high threshold for assessing subsequent asylum applications or reintroduce the suspensive effect as regards deportation while the first subsequent application is pending. These restrictions violate asylum seekers' right to a fair process and the risk of forcible returns in violation of the principle of non-refoulement remains.
24. Finland continues to detain unaccompanied children and families with children based on their migration status.⁵⁵ Families with children have been detained for up to 50 days.⁵⁶
25. The right to family reunification for people who have received international protection is significantly restricted since the secure income requirement came into force in 2016.⁵⁷ The rigid interpretation by the Immigration Service of the income requirement makes enjoyment of the right to family life difficult for recipients of international protection, including unaccompanied children.⁵⁸
26. In 2021, a government-commissioned study on reforms of the Aliens Act in 2015-2019, and the Non-Discrimination Ombudsman, raised concerns that the best interest of the child is not always a primary consideration in matters related to asylum and migration.⁵⁹
27. Undocumented migrants do not have the same access to health care as people with residence permits or asylum-seekers. Legislation only provides for self-funded emergency care in public health care facilities.⁶⁰

Human rights education

28. The Finnish education system lacks a systemic approach to human rights education for trainee teachers, and civil servants. In the last few years, the government has taken steps to strengthen human rights education by establishing a Steering Group on Democracy and Human Rights Education.⁶¹ In 2018-2019 a project run by the Human Rights

Centre, the Ministry of Education and Culture, the Ministry of Justice and the University of Helsinki developed tools and an online course on democracy and human rights education for the use of universities.⁶² However, provision of human rights education still relies greatly on non-governmental organizations and individual education providers.⁶³

Conscientious objectors' rights

29. The length of the civilian alternative to military service remains punitive and discriminatory.⁶⁴ Conscientious objectors who refuse both military and non-military service continue to be convicted and given custodial sentences of up to nearly six months which, in most cases, means electronic monitoring. Amnesty International is concerned that the number of such convictions may rise as a legal provision exempting Jehovah's witnesses from military and non-military service was repealed by the parliament in 2019.⁶⁵ Recommendations on future development of military service and national defence by a parliamentary committee in 2021 did not resolve these problems.⁶⁶ Contrary to international recommendations, they included steps that would tie the civilian service closer to national defence.⁶⁷

RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

Amnesty International calls on the government of Finland to:

National human rights framework

30. Systematically assess the human rights impact of all bills, budget and policy proposals, and other government activities prior to their adoption and during implementation. Further develop criteria and indicators for such assessments, build capacity of civil servants at all levels of government and conduct independent progress reviews, in addition regular governmental monitoring and reporting.
31. Ensure effective monitoring and implementation of recommendations from international human rights bodies including regularly addressing such recommendations in government meetings and the parliament.

Climate change

32. Fully implement and go beyond the emission reduction targets set under the new Climate Change Act, EU climate legislation and each sectoral policy efficiently and cost-effectively, in a human rights consistent manner and according to the principles of just transition.
33. Ensure inclusive, multi-channel public participation and access to information in all climate-related legislative and policy planning processes, paying particular attention to the most impacted and marginalized groups, including children and youth, indigenous Sámi people and people with disabilities.
34. Include a right to appeal decisions related to, the adequacy of climate measures under the new Climate Change Act.

Right to social security

35. Ensure an adequate level of social security provision within the social security reform (2020-2027). The provision level should be increased sufficiently to: 1) Meet the level of provision required by the Revised European Social Charter and the International Covenant on Economic, Social and Cultural Rights; and 2) Support a reasonable level of minimum income that ensures the rights to an adequate standard of living, health, food, and housing for all as equal members of the society.
36. Conduct and publish research on marginalized groups' access to social security, including people with disabilities, LGBTI people, foreign nationals, persons experiencing homelessness, Sámi people, Roma people, and people belonging to other minority groups.

Right to freedom of peaceful assembly

37. Protect the right to freedom of peaceful assembly and ensure, including through training and guidance, that law enforcement authorities recognize non-violent civil disobedience as a legitimate form of peaceful assembly covered by article 21 of the ICCPR, and cease any measures against peaceful protesters that may breach their right to freedom of peaceful assembly or expression.
38. Drop all disproportionate charges against peaceful protestors, including climate groups and activists practicing non-violent civil disobedience or against those supporting them.

Violence against women

39. Create a nationwide network of long-term services alongside other low threshold services. The services must identify and serve the needs of women and girl survivors who are marginalized or/and belong to minorities.
40. Adopt legislation obliging regions and municipalities to establish effective preventive measures to reduce and eliminate violence against women, including structures and mechanisms that are coordinated in cooperation with non-governmental organizations.
41. Ensure that crimes of violence against women are effectively investigated and prosecuted without undue delay.
42. Reform legislation on mediation so that it does not result in the discontinuation of criminal investigation and prosecution in violence against women cases and ensure that all law-enforcement and prosecution staff are aware that mediation is prohibited in cases of repeated violence.
43. Ensure that sexual offences committed through the abuse of one's position of authority are classified and punished as sexual violence and rape (as opposed to treated as sexual abuse which is considered a lesser crime) in the reform of the Criminal Code, as per international law and standards.
44. Reform legislation in a way that identifies aggravating factors as required under Article 46 of the Istanbul Convention.

Rights of transgender and intersex people

45. Establish a comprehensive action plan for protection of the rights of LGBTI people.
46. Enact a new law on gender recognition that is based on self-determination and protects the rights of the child.
47. Ensure timely access to quality gender-affirming healthcare.
48. Adopt legislation, policies and practices that ensure bodily integrity of intersex people.

Refugees' and migrants' rights

49. Ensure the right of asylum-seekers to a fair asylum determination process, including the right to choose one's lawyer at all stages of the process, the right to appeal to the Supreme Administrative Court without overly stringent requirements and the right to submit subsequent applications without the high threshold set for them in 2019, and reinstate the automatic suspensive effect as regards deportation while the first subsequent application is pending.
50. Prohibit detention of children and families with children.
51. Ensure that refugees and other beneficiaries of international protection can enjoy their right to family life by repealing the 2016 amendments to the Aliens Act on family reunification, and by facilitating the family reunification application process.

52. Revise Section 6 of the Aliens Act to ensure that the best interests of the child shall be a primary consideration in all matters relating to children, in compliance with Article 3 of the Convention on the Rights of the Child.
53. Amend legislation, including the Act on Organizing Social and Health Care, to ensure that everyone can access health services free from discrimination and regardless of their legal status or documentation.

Human rights education

54. Make human rights education mandatory for all trainee teachers and include participation and practical skills for trainee teachers to enable them to respect human rights and inclusion in teaching.
55. Provide in-service training for all teachers to acquire the necessary skills in human rights education in order to implement the requirements of the national core curricula for basic and upper-secondary education.

Conscientious objectors' rights

56. Immediately and unconditionally release all prisoners held due to conscientious objection to military service.
57. Ensure that civilian alternatives to military service are non-punitive and non-discriminatory in character and remain under civilian control.

¹ Working Group on the Universal Periodic Review (WG UPR), Report: Finland, 14 July 2017, UN Doc. A/HRC/36/8; the Government of Finland, Universal Periodic Review – third cycle. A mid-term report on the implementation of the recommendations by the Government of Finland, 18 September 2019, upr-info.org/sites/default/files/document/finland/session_27_-_may_2017/finlandthirdcyclemid-termreport.pdf.

² Working Group on the Universal Periodic Review, Report: Finland, 14 July 2017, UN Doc. A/HRC/36/8, recommendations 100.9-100.12 (Argentina, Bosnia and Herzegovina, France, Montenegro, Italy, Ukraine and Venezuela); the Government of Finland, Universal Periodic Review – third cycle. A mid-term report on the implementation of the recommendations by the Government of Finland, 18 September 2019, upr-info.org/sites/default/files/document/finland/session_27_-_may_2017/finlandthirdcyclemid-termreport.pdf.

³ Working Group on the Universal Periodic Review, Report: Finland, 5 July 2012, UN Doc. A/HRC/21/8, recommendation 89.8 (Nicaragua); Working Group on the Universal Periodic Review (WG UPR), Report: Finland, 14 July 2017, UN Doc. A/HRC/36/8, recommendations 100.3. (Guatemala), 100.12 (Venezuela) and 100.15 (Norway); the Government of Finland, Universal Periodic Review – third cycle. A mid-term report on the implementation of the recommendations by the Government of Finland, 18 September 2019, upr-info.org/sites/default/files/document/finland/session_27_-_may_2017/finlandthirdcyclemid-termreport.pdf. In its review in 2017, the government said it “would decide later in 2017 whether it would pursue ratification”. The government had presented a proposal on ratification to the parliament already in 2014, but it was withdrawn in January 2019. In 2021, a working group established by the Ministry of Justice published a proposal on the reform of the Sámi Parliament Act which is considered a prerequisite for ratification of the Convention, but a government proposal on the subject is yet to be given to the parliament.

⁴ In 2019, the Human Rights Delegation of the Human Rights Centre, both of which are parts of the National Human Rights Institution (NHRI) together with the Parliamentary Ombudsman of Finland, concluded that the national human rights architecture is complex from an individual’s point of view and the mandates of different bodies are partly overlapping but contain gaps. Furthermore, there is room for improvement in their resources as many bodies are small in relation to their tasks which keep increasing. Human Rights Delegation of the Human Rights Centre, Perus- ja ihmisoikeustilanne Suomessa. Ihmisoikeusvaltuuskunnan suositukset hallituskaudelle 2019–2023, 2019, bin.yhdistysavain.fi/1586428/tK46jf0u3XSk9Xrv122B0UqnUI/Perus-%20ja%20ihmisoikeustilanne%20Suomessa%20-%20Ihmisoikeusvaltuuskunnan.pdf.

Preliminary information obtained from the Human Rights Centre in an email exchange between them and Amnesty International Finnish section in February 2022 concerning their ongoing research includes similar conclusions. The study is scheduled to be published during spring 2022.

⁵ Ministry of Justice, Kansallinen perus- ja ihmisoikeustoimintaohjelma 2017-2019 (National Action Plan on Fundamental and Human Rights 2017-2019), 16 February 2017, <https://julkaisut.valtioneuvosto.fi/handle/10024/79277>.

An independent evaluation of the Action Plan concluded that political guidance impacted the level of ambition in projects included in the Action Plan and even though most projects had been implemented, it was not possible to assess whether they had improved the human rights situation in Finland. Pauli Rautiainen, Kaisa Sinkkilä and Anssi Keinänen, Demokratiapoliittisen toimintaohjelman 2017–2019 sekä kansallisen perus- ja ihmisoikeustoimintaohjelman 2017–2019 arviointi, Oikeusministeriön julkaisuja, Selvityksiä ja ohjeita 2020:2, julkaisut.valtioneuvosto.fi/bitstream/handle/10024/162286/OM_2020_02_SO%20%281%29.pdf?sequence=1&isAllowed=y, p. 13 and 28.

Many commentators criticized the government for excluding difficult topics from the Action Plan. See, for example, professor Pauli Rautiainen in the Constitutional Law blog, 6 June 2019, <https://perustuslakiblogi.wordpress.com/2019/06/06/pauli-rautiainen-ihmisoikeuspolitiikan-rakenteet-hallitusohjelmassa-kriittisia-huomioita/>.

⁶ National Action Plan on Fundamental and Human Rights 2020–2023: Developing the Monitoring of Fundamental and Human Rights, June 2021, <https://julkaisut.valtioneuvosto.fi/handle/10024/163742>.

⁷ In December 2020, the Ministry of Justice appointed a government network (Valtioneuvoston vaikutusarvioinnin osaamisverkosto 2020-2023) to support civil servants preparing government bills in identifying and assessing impact of proposed legislation and to strengthen cooperation between ministries in making impact assessments. Ministry of Justice, <https://oikeusministerio.fi/hanke?tunnus=OM018:00/2021>.

⁸ In May 2021, the UN Human Rights Committee (HRC) expressed its concern regarding reports of the lack of a systematic approach to such assessment and their limited effectiveness in upholding the rights of children, women, asylum seekers, migrants and the Sámi people, in particular regarding the collection and analysis of relevant data (art. 2). UN Human Rights Committee, Concluding Observations: Finland, 3 May 2021, UN Doc. CCPR/C/FIN/CO/7.

In March 2021, the UN Committee on Economic, Social and Cultural Rights (CESCR) recommended that Finland conduct impact assessments on the Covenant rights, including on equal rights of men and women, not only for proposed legislation, but also in policymaking processes. UN Committee on Economic, Social and Cultural Rights, Concluding Observations: Finland, 30 March 2021, UN Doc. E/C.12/FIN/CO/7.

⁹ The current Government Network of Contact Persons for Fundamental and Human Rights is the third of its kind and was appointed in February 2020. Ministry of Justice, Valtioneuvoston perus- ja ihmisoikeusverkosto 2020-2023 OM024:00/2020, 2020, oikeusministerio.fi/hanke?tunnus=OM024:00/2020.

¹⁰ See for example, Viljanen, Jukka; Seppä, Tarja; Järvinen, Petra and Keskilampi, Nelli, *Evaluation of the Implementation and Monitoring of the Council of Europe Human Rights Treaties*, Publications of the Government's analysis, assessment and research activities 2022:17, 28 February 2022, https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/163872/VNTEAS_2022_17.pdf?sequence=1&isAllowed=y (description sheet in English).

¹¹ Statistics Finland, Statistics – Greenhouse gases, tilastokeskus.fi/til/khki/2020/khki_2020_2021-12-16_tie_001_en.html (accessed on 10 February 2022).

¹² The Finnish Climate Change Act (609/2015) entered into force in 2015. The Act sets out a framework of plans, i.e. the medium-term plan to 2030, the long-term climate plan and the National Climate Change Adaptation Plan, aimed to reduce greenhouse gas emissions and adapt to climate change in Finland. It also obliges the central government authorities to monitor the trends in emissions and report on them. During the current reform process, a land use sector climate plan will be added to the Act to enable including targets for enhancing carbon sinks under the Act. For more information see for example The Ministry of Environment, The Reform of the Climate Change Act, ym.fi/en/the-reform-of-the-climate-change-act.

¹³ Key policies describing the measures aiming to meet Finland's greenhouse gas emission reduction targets include the medium-term climate policy plan (EU ESR sectors), the climate and energy strategy (EU ETS sectors), the roadmap for fossil-free transport and the climate plan for the land use sector.

¹⁴ Finnish Government, Inclusive and competent Finland – a socially, economically and ecologically sustainable society – Programme of Prime Minister Sanna Marin's Government 2019, 3.1 Carbon neutral Finland that protects biodiversity, valtioneuvosto.fi/en/marin/government-programme/carbon-neutral-finland-that-protects-biodiversity;

European Commission, Proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) 2018/842 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement, 14 July 2021, eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2021:555:FIN.

¹⁵ Ministry of the Environment, Climate Change Act proposal sent for public hearing (in Finnish only), 2 July 2021, ym.fi/documents/1410903/0/HE_ilmastolaki_fi_luonnos.pdf/be397a14-18ee-d22e-658a-34b6239f8182/HE_ilmastolaki_fi_luonnos.pdf?t=1631535706537. In addition to the target for 2050, the Act proposal includes mid-term targets for the years 2030 and 2040, namely reducing CO2 emissions by at least 60% by 2030 and by at least 80% by 2040.

¹⁶ Ministry of the Environment, Draft of Finland's medium-term climate policy plan (in Finnish only), 8 December 2021, <https://www.lausuntopalvelu.fi/FI/Proposal/DownloadProposalAttachment?attachmentId=16934>; The Finnish Climate Change Panel, Ilmastotoimien riittävyden arviointi vuosien 2030 ja 2035 tavoitteiden osalta. Suomen ilmastopaneelin julkaisu 1/2022, 2022, https://www.ilmastopaneeli.fi/wp-content/uploads/2022/02/VN-990-2022_ilmastotoimien-arviointi_ilmastopaneeli.pdf.

¹⁷ Paula Kivimaa, Suvi Huttunen, Anu Lähteenmäki-Uutela, Milja Heikkinen, Sirkku Juhola, Minna Kaljonen, Jukka Käyhkö, Peter Lund and Klemetti Näkkäläjärvi, How to consider justice in climate policy? The Finnish Climate Change Panel, Publication 5/2021, 2021, [ilmastopaneeli.fi/wp-content/uploads/2021/12/Finnish-Climate-Change-Panel_how-to-consider-justice-in-climate-policy_publication-5-2021.pdf](https://www.ilmastopaneeli.fi/wp-content/uploads/2021/12/Finnish-Climate-Change-Panel_how-to-consider-justice-in-climate-policy_publication-5-2021.pdf).

¹⁸ Finnish Ministry of the Environment, "Ilmastolain uudistus etenee – lakiehdotukseen lähes 450 lausuntoa", 17 November 2021, [ilmastolain-uudistus-etenee-lakiehdotukseen-lahes-450-lausuntoa](https://www.ilmastolain-uudistus-etenee-lakiehdotukseen-lahes-450-lausuntoa).

¹⁹ UN Committee on Economic, Social and Cultural Rights, Concluding Observations: Finland, 30 March 2021, UN Doc. E/C.12/FIN/CO/7.

²⁰ It was found that during 2016-18, women's disposable income decreased more often and by larger amounts than that of men. Approximately 500 000 persons' income decreased by more than 50 Euros annually during this period. Of them, an estimated 55% were women and their income decreased by 2.29%, while the percentage for men in the same group was 1.88%. Hanna Elomäki & Hanna Ylöstalo (eds.), *Tasa-arvoa talousarvioon – talousarvion sukupuolivaikutusten arviointi ja sukupuolitietoinen budjetointi*. Government's Analysis, Assessment and Research Activities, 4 September 2018, julkaisut.valtioneuvosto.fi/handle/10024/161000.

²¹ Susanna Mikkilä and Paula Saikkonen, Vuoden 2020 talousarvion vaikutukset perusturvaan, Working paper 16/2020, Finnish Institute for Welfare and Health, 2020, julkari.fi/bitstream/handle/10024/139548/URN_ISBN_978-952-343-487-5.pdf?sequence=1&isAllowed=y; Susanna Mikkilä and Jussi Tervola,

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Vuoden 2021 talousarvion vaikutukset perusturvaan, Working paper 12/2021, Finnish Institute for Welfare and Health, 2021, julkari.fi/bitstream/handle/10024/141155/URN_ISBN_978-952-343-643-5.pdf?sequence=1&isAllowed=y; Hallituksen esitys vuoden 2022 talousarvioksi, 27 September 2021, eduskunta.fi/FI/vaski/Kasittelytiedot/Valtiopaivaasia/Sivut/HE_146+2021.aspx.

²² Amnesty International, *"I Live under constant duress and in a state of emergency": Inadequate social security in Finland*, (Index: EUR 20/4804/2021), 31 August 2021, amnesty.org/en/documents/eur20/4804/2021/en/.

²³ Amnesty International, *"I Live under constant duress and in a state of emergency": Inadequate social security in Finland*, (Index: EUR 20/4804/2021), 31 August 2021, amnesty.org/en/documents/eur20/4804/2021/en/.

²⁴ When policing protests where activists use collective civil disobedience to block roads law enforcement officials usually put more weight on avoiding disturbances to vehicular traffic than protecting the right to freedom of peaceful assembly. UN Human Rights Committee, General Comment 37: the right of peaceful assembly (article 21), 17 September 2020, UN Doc. CCPR/C/GC/37, para. 16: If the conduct of participants in an assembly is peaceful, the fact that certain domestic legal requirements pertaining to an assembly have not been met by its organizers or participants does not, on its own, place the participants outside the scope of the protection of article 21. Collective civil disobedience or direct action campaigns can be covered by article 21, provided that they are non-violent.

UN Human Rights Committee, General Comment 37: the right of peaceful assembly (article 21), 17 September 2020, UN Doc. CCPR/C/GC/37, para. 23: The obligation to respect and ensure peaceful assemblies imposes negative and positive duties on States before, during and after assemblies. The negative duty entails that there be no unwarranted interference with peaceful assemblies. States are obliged, for example, not to prohibit, restrict, block, disperse or disrupt peaceful assemblies without compelling justification, nor to sanction participants or organizers without legitimate cause.

²⁵ Examples of these measures are further elaborated below. At the same time, some activists and supporters of climate action group Elokapiina are being prosecuted for fraud and fundraising crimes, with one supporter being prosecuted for incitement. National Prosecution Authority, *"Syytteitä nostettu Elonvaalijat ry:tä ja Elokapiina-liikettä koskevassa asiassa"*, 20 January 2022, syyttajalaitos.fi/-/syytteita-nostettu-elonvaalijat-ry-ta-ja-elokapiina-liiketta-koskevassa-asiassa.

²⁶ Also known as pepper spray.

²⁷ The event was covered widely in the media, see for example MTV News, *"Video näyttää, miten poliisi kaasutti istuvia mielenosoittajia Helsingissä – asiantuntija arvioi poliisin voimankäyttöä: "On perusoikeus osoittaa mieltä"*, 4 October 2020, mtvuutiset.fi/artikkeli/video-nayttaa-miten-poliisi-kaasutti-istuvia-mielenosoittajia-helsingissa-asiantuntija-arvioi-poliisin-voimankaytto-a-on-perusoikeus-osoittaa-mieltä/7943718#gs.rbc5si; Iltalehti, *"Video: Poliisi sumutti kadulla istuvia mielenosoittajia Helsingissä – sisäministeri Ohisalo saanut alustavan selvityksen voimankäytöstä"*, 3 October 2020, iltalehti.fi/kotimaa/a/bf8f6ca8-bddd-44b4-b3f0-37d88d94802d, which includes video material.

²⁸ The prosecutor conducts a consideration of charges based on the evidence obtained during the pre-trial investigation. The prosecutor decides whether they will bring charges for the suspected offence or not.

²⁹ UN Human Rights Committee, General Comment 37: the right of peaceful assembly (article 21), 17 September 2020, UN Doc. CCPR/C/GC/37, para. 86: Force that is likely to cause more than negligible injury should not be used against individuals or groups who are passively resisting.

Yle News, *"Six police officers are suspected of assault or breach of duty concerning the use of OC spray"*, 1 October 2021, yle.fi/news/3-12124597.

³⁰ The crimes the activists were suspected of, combined with the police's presumption that they would either continue illegal action or damage the evidence, would justify arrest under Finnish legislation. According to legal experts commenting on the events, it is questionable whether there were any grounds for suspecting the protesters of "aggravated invasion of public premises": the activists did not attempt to enter the building, nor did they use violence. Yle News, *"Oikeusoppinut: "Törkeä julkisrauhan rikkominen on raflaava rikosnimike" – poliisi vahvistaa pidättäneensä yhden Elokapiinan mielenosoittajan"*, 11 October 2021, yle.fi/uutiset/3-12138077.

Police report concerning the events states that it remains to be clarified how many people were not able to join their meeting during the protest. It is not clear if any meetings were affected, and members of the government including the president of the republic said that they had used their normal routes to get to the building. No violence or threat of violence were used, which is an essential element of a crime of prevention of public meeting in the Criminal Code. MTV News, *"Elokapiinan mielenosoitus syyteharkintaan yli 50 ihmisen osalta – osassa epäilyistä maksimirangaistus kaksi vuotta vankeutta"*, 11 October 2021, mtvuutiset.fi/artikkeli/elokapiinan-mielenosoitus-valtioneuvoston-linnan-edustalla-menee-syyteharkintaan-yli-50-ihmisen-osalta/8357078#gs.rb26t0.

³¹ Between 2 and 22 October 2021, Amnesty Finland interviewed 17 activists participating in the peaceful sit-in action on 8 October 2021. 15 of the interviewed activists were arrested and kept overnight, two were released sooner as they were minors. The activists interviewed by Amnesty said they accepted the charge of contumacy towards the police (for failing to obey the police orders) but did not recognize other charges they were accused of. Suspicion of contumacy towards the police is legally inadequate to justify arrest.

Only one of the activists interviewed by Amnesty mentioned that he may have been informed of being arrested soon after apprehension, at the time indicated in the official documents. 14 of the 15 activists who were arrested told Amnesty that they had not been informed of the reason of their apprehension, or that they were under arrest, in a timely manner. Most of them received this information while they were interviewed several hours after their apprehension. Six interviewees told that police had informed them of their arrest through the cell door late at night or early next morning, without indicating the reasons for arrest. The interviewed activists reported also other forms of violations during detention, including failure by the police to inform the detainees of their rights and to fulfil these rights. For example, the activists were not properly informed about the right for legal assistance, or the right to talk with their lawyer in private. (Interview with Elokapiina activist nro. 5, Helsinki, 21st October 2021; Interview with Elokapiina activist nro. 2, Helsinki, 12th October 2021; Interview

with Elokapina activist nro. 14, Helsinki, 12th October 2021.)

³² Yle News, "Police pass cases against over 50 climate activists to prosecutor", 17 February 2022, yle.fi/news/3-12321562.

³³ During the protest, police tweeted that "controlling the movement of persons inside the Government Palace can in a way be seen as a threat of violence". Helsinki Police Department, Twitter post, 8 October 2021, twitter.com/HelsinkiPoliisi/status/1446435878986043401.

UN Human Rights Committee, General Comment 37: the right of peaceful assembly (article 21), 17 September 2020, UN Doc. CCPR/C/GC/37, para. 15: "...Violence" in the context of article 21 typically entails the use by participants of physical force against others that is likely to result in injury or death, or serious damage to property. Mere pushing and shoving or disruption of vehicular or pedestrian movement or daily activities do not amount to "violence".

³⁴ The National Police Board (Poliisihallitus) has taken the police operation up as an internal oversight legality safeguards matter. Helsinki Police Department has provided a report requested by the National Police Board, in which it admitted a partial failure in communication concerning the protest and the assessment of the security threat. Finnish Government, "National Police Board to look into police operations in dealing with the demonstration held on 8 October outside of the Government Palace", 11 October 2021, valtioneuvosto.fi/en/-/25235045/national-police-board-to-look-into-police-operations-in-dealing-with-the-demonstration-held-on-8-october-outside-of-the-government-palace; Police, 19 November 2021, Poliisihallituksen selvitys- ja lausuntopyyntö 11.10.2021 POL-2021-130362 – Helsingin poliisilaitoksen selvitys ja lausunto, poliisi.fi/documents/25235045/49245886/Helsingin+poliisilaitoksen+selvitys+ja+lausunto.pdf/5682e1ab-1705-ffca-b135-6b17bc8f432c?t=1637331471903.

³⁵ European Union Agency for Fundamental Rights, Violence against women – an EU wide survey, 5 March 2014, fra.europa.eu/en/publication/2014/violence-against-women-eu-wide-survey-main-results-report.

³⁶ Statistical data from 2020 indicates that intimate partner violence reported to the police increased by 6%, although violence perpetrated by ex-partners dropped by 34%, compared to 2019. In 2021, sexual violence increased significantly: 1,806 rapes were recorded, which is 356 cases (24.6 per cent) more than in 2020. In addition, 1,415 other sexual offences were reported. Of them, 726 were cases of sexual harassment, which is 171 cases (30.8 per cent) more than in 2020. Latest available statistics by Statistics Finland: Statistics Finland, Statistics – Statistics on offences and coercive measures, tilastokeskus.fi/til/rpk/2021/04/rpk_2021_04_2022-01-19_tie_001_en.html (accessed on 21 March 2022).

³⁷ This information is based on the preliminary findings of research conducted by the Finnish Institute for Health and Welfare. The research is investigating the impacts of the coronavirus epidemic on experiences of domestic violence and the use of services. Preliminary findings were presented 25 November 2021 by researcher Johanna Hietämäki in a seminar organized by the National Observatory of Violence Against Women, no written documents are published. More about the research project: Finnish Institute for Health and Welfare, Impacts of the coronavirus epidemic on experiences of domestic violence and the use of services (KOVÄ) 2020-2023, 16 March 2021, thl.fi/en/web/thlfi-en/research-and-development/research-and-projects/impacts-of-the-coronavirus-epidemic-on-experiences-of-domestic-violence-and-the-use-of-services-kova.

³⁸ A study published by the Ministry of Social Affairs and Health in 2020 shows the lack of structures and preventive actions in combatting gender-based violence in Finnish municipalities. The municipal survey examined the present structures of intimate partner violence work in municipalities and joint municipal authorities. Suvi Nipuli, Lähisuhdeväkivaltaan puuttumisen ja ehkäisyn prosessit : Lähisuhdeväkivaltatyön hyvät käytännöt rakenteisiin (Description in English), Raportteja ja muistioita 2019:55, 21 January 2020, <https://julkaisut.valtioneuvosto.fi/handle/10024/162012>

Similar findings were found by the research (available in Finnish only) conducted by Amnesty International Finnish Section in 2017: The Finnish Section of Amnesty International and Satu Lidman, Kuka ottaa vastuun? Naisiin kohdistuva väkivalta ja ihmisoikeusvelvoitteiden toteutuminen, 2017, frantic.s3.amazonaws.com/amnesty-fi/2017/01/Amnestyn-kuntaselvitys-naisiin-kohdistuvasta-v%C3%A4kivallasta.pdf. In the follow up research (available in Finnish only) by Amnesty Finland in 2021 local politicians and NGO representatives called for a clear legislation that would require planning of preventive action by local and regional councils. The Finnish Section of Amnesty International and Satu Lidman, 2021, Onko reitti selvä? Naisiin kohdistuva väkivalta ja ihmisoikeusvelvoitteiden toteutuminen kunnissa, amnesty.fi/uploads/2021/05/amnestyn-seurantatutkimus-tiivistelma-2021.pdf. This was one of the recommendations in the study published by Ministry of Social Welfare and Health. Authorities in Finnish Institute for Health and Welfare (THL) have been calling for legislation that would explicitly express the structures needed for effective prevention of gender-based violence. (See for example THL experts, "Kuntien väkivallan vastaisen työn rakenteista tarvitaan laki" (only in Finnish), 12 February 2021, blogi.thl.fi/kuntien-vakivallan-vastaisen-tyon-rakenteista-tarvitaan-laki/).

³⁹ Adjunct Professor Satu Lidman conducted research in 2016 for Amnesty International Finnish Section on the preventive work on political level and services for survivors of gender-based violence in Finnish municipalities. The main findings show that in the municipal social and health services — nor in the services provided by the local NGO's — the special needs of women and girls who are marginalized and/or belong to minorities, including undocumented, asylum-seeker, refugee, non-Finnish speaking, transgender, elderly or disabled women and girls, are not identified. Thus, there are no plans regarding how to meet their needs. Summary of the study, only in Finnish: The Finnish Section of Amnesty International and Satu Lidman, Kuka ottaa vastuun? Naisiin kohdistuva väkivalta ja ihmisoikeusvelvoitteiden toteutuminen, 2017, frantic.s3.amazonaws.com/amnesty-fi/2017/02/Vuoden-2016-kuntaselvityksen-tiivistelm%C3%A4-ja-johtop%C3%A4%C3%A4t%C3%B6kset.pdf.

⁴⁰ The Deputy Chancellor of Justice received a complaint from the Federation of Mother and Child Shelters and Homes in April 2019. The complaint was about an intimate partner violence case which the police decided not to register as a crime because police had been called on the premises frequently and because both the victim and the perpetrator were intoxicated at the scene when police arrived. The victim sought safety from a shelter and told the social workers what had occurred. The Deputy Chancellor of Justice concluded that the police have responsibility to report and investigate intimate partner violence and all domestic violence cases thoroughly, and to inform the victim about support services. In the conclusion the responsibilities of the police were based on international human rights treaties, EU law and national legislation. Deputy Chancellor of Justice, Poliisin menettely parisuhdeväkivaltatilanteessa OKV/1325/1/2018, 12 April 2019, okv.fi/media/filer_public/85/e3/85e3b9d3-7e89-43ef-9d27-f75478da9e9d/okv_1325_1_2018.pdf.

During the same year, the Deputy Chancellor of Justice reviewed police instructions in cases of domestic violence and intimate partner violence. In his review, the Deputy Chancellor of Justice emphasized that mediation must not mean that criminal process is being bypassed and stressed that the Finnish authorities

must ensure that all law-enforcement staff are aware that mediation is prohibited in cases of repeated violence. Deputy Chancellor of Justice, "Parisuhdeväkivallan erityispiirteet jäävät vähälle huomiolle Poliisihallituksen ohjeissa - apulaisoikeuskansleri kehottaa parantamaan ohjeistusta", 28 November 2019, okv.fi/fi/tiedotteet-ja-puheenvuorot/526/parisuhdevakivallan-erityispiirteet-jaavat-vahalle-huomiolle-poliisihallituksen-ohjeissa-apulaisoikeuskansleri-kehottaa-parantamaan-ohjeistusta.

On 16 January 2022, an article in Helsingin Sanomat revealed evidence based on five separate cases that crimes where the victim is typically a woman, or a girl and the nature of the crime is either sexual or intimate partner violence, are not properly investigated — or not investigated at all — by the police. The Deputy Chancellor of Justice has started an investigation in the matter because of the article. Helsingin Sanomat, "Aiheetonta viivytystä", 16 January 2022, dynamic.hs.fi/a/2022/tutkinta.

On 22 January 2022, Helsingin Sanomat presented a story of a woman who had been a victim of intimate partner violence repeatedly for years. After divorce a restraining order did not stop the ex-husband from sending numerous death threats, which the court did not see as a life-threatening risk. Despite the violence and the knowledge of the perpetrator's substance abuse the former couple's children are allowed to live with him. Helsingin Sanomat, "Uhkailijaisä voitti oikeudessa", 22 January 2022, hs.fi/kotimaa/art-2000008528596.html.

On 13 February 2022, yet another article was published where an NGO representative explained that a victim of an honour based killing had sought help repeatedly from various authorities, including the police. Reporting violence to the police had not led to prosecution nor a thorough police investigation. Helsingin Sanomat, "Naisrauhan turvaaja", 13 February 2022, hs.fi/sunnuntai/art-2000008567452.html.

The Council of Europe's Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) urged the Finnish authorities to introduce systematic and mandatory initial and in-service training on all forms of violence covered by the Istanbul Convention for all law-enforcement officers and prosecutors. GREVIO strongly encouraged training for all professionals working with women or children who are victims of violence to ensure knowledge of the particular characteristics and needs of different vulnerable groups and to base this training on clear protocols and guidelines that set the standards that staff are expected to follow in their respective fields. In addition, GREVIO encouraged the Finnish authorities to develop and widely disseminate guidelines for the handling of different forms of violence covered by the Istanbul Convention, taking into account the characteristics of each form, their interconnectedness, the risk factors for re-victimisation and how violence can affect the ability and willingness of persons with different backgrounds to disclose the violence to the police or other public authorities. Recommendations were published in evaluation report in 2019: Group of Experts on Action against Violence against Women and Domestic Violence, Baseline Evaluation Report – Finland, 2019, rm.coe.int/grevio-report-on-finland/168097129d.

⁴¹ Finnish Institute of Health and Welfare, Mediation of domestic violence crimes (abstract in English), Working paper 2/2019, 2019, julkari.fi/bitstream/handle/10024/137475/URN_ISBN_978-952-343-269-7.pdf?sequence=1&isAllowed=y.

In the Baseline Evaluation Report GREVIO urged the Finnish authorities to introduce clear protocols and guidelines on mediation in domestic violence cases with a view to ensuring that:

- all law-enforcement and prosecution staff are aware that mediation is prohibited in cases of repeated violence;
- all offers of mediation are accepted entirely voluntarily;
- an offer of mediation does not result in the discontinuation of criminal investigation and prosecution in violence against women cases.

In addition, GREVIO urged the Finnish authorities to reconsider the power vested in the police to propose mediation as a criminal justice measure in domestic violence cases, because having this power might jeopardise the effectiveness of criminal investigation. Group of Experts on Action against Violence against Women and Domestic Violence, Baseline Evaluation Report – Finland, 2019, rm.coe.int/grevio-report-on-finland/168097129d.

⁴² Hallituksen esitys eduskunnalle seksuaalirikoksia koskevaksi lainsäädännöksi HE13/2022 (Government proposal on legislation on sexual offences), 17 February 2022, valtioneuvosto.fi/paatokset/paatos?decisionId=0900908f8078d3e6. See also Yle News, "'Historic' reform: Tougher laws against sexual assault and harassment to take effect in 2023", 17 February 2022, yle.fi/news/3-12322971.

⁴³ In the Government proposal a situation, where a person uses position of authority "strongly" or in a "serious manner" (in Finnish: vakava valta-aseman hyväksikäyttö) the act is classified as rape. But if the suspect has used position of authority in another, less serious way, it is sexual abuse. In the proposal sexual abuse would apply to cases where the perpetrator abuses his position of authority over a person who is hospitalized, living in an institution, or is unable to form or express consent regarding intercourse or another sexual conduct that violates sexual autonomy (unofficial translation). This formulation of the proposal conflicts with the principle of freely given consent, which is present in other provisions, including rape-provision. In addition, it does not fulfill the obligations of the Council of Europe Convention on preventing and combatting violence against women and domestic violence (Istanbul Convention) Article 36 and ignores the UN Committee on the Elimination of Discrimination against Women (CEDAW) General Comment 35: gender-based violence against women, updating general recommendation No. 19, 14 July 2017, UN Doc. CEDAW/C/GC/35. The proposal also ignores Article 46 of the Istanbul Convention that requires, that national legislation identifies the aggravating circumstances: a person has abused her or his authority, the offence was committed against a former or current spouse or partner by a member of the family, a person cohabiting with the victim, or the offence was committed against a person made vulnerable by particular circumstances.

⁴⁴ 46% of the Finnish trans respondents and 70% of the intersex respondents of the EU-LGBTI II Survey felt that they had been personally discriminated against due to being LGBTI in the past year. European Union Agency for Fundamental Rights, LGBTI Survey Data Explorer, 2022, fra.europa.eu/en/data-and-maps/2020/lgbti-survey-data-explorer?locale=EN&dataSource=LGBTI&media=png&width=740&topic=2.+Discrimination&question=DEXover_discr&subset=AllSubset&country=FI&superSubset=05--Trans-people&plot=inCountry&M2V=inCountry. According to the National School Health Survey 2019, 27% of gender minority youth had experienced physical threats in the past year. For respondents who identified as cisgender, the corresponding number was 14%.

Satu Jokela, Pauliina Luopa, Anni Hyvärinen, Tupu Ruuska, Tuija Martelin and Reija Klemetti, Sukupuoli- ja seksuaalivähemmistöihin kuuluvien nuorten hyvinvointi – Kouluterveyskyselyyn tuloksia 2019, Working paper 38/2020, Finnish Institute for Welfare and Health,

2020, julkari.fi/bitstream/handle/10024/140742/URN_ISBN_978-952-343-580-3.pdf?sequence=1&isAllowed=y, p. 24.

In May 2021, the UN Human Rights Committee recommended Finland to intensify its efforts to eradicate all forms of discrimination and violence against and social stigmatization of persons based on their sexual orientation or gender identity. UN Human Rights Committee, Concluding Observations: Finland, 3 May 2021, UN Doc. CCPR/C/FIN/CO/7, para. 21 (a). In March 2021, the UN Committee on Economic, Social and Cultural Rights noted with concern the findings of the School Health Survey highlighting poorer educational outcomes and bullying at school of lesbian, gay, bisexual, transgender and intersex pupils. Moreover, the committee recommended Finland to enable social support and to ensure that housing and rental agencies do not engage in practices that discriminate against groups such as lesbian, gay, bisexual, transgender and intersex persons. UN Committee on Economic, Social and Cultural Rights, Concluding Observations: Finland, 30 March 2021, UN Doc. E/C.12/FIN/CO/7, paras 39 (b) and 46.

⁴⁵ Outi Lepola, Tensions all the time – Multiple discrimination as experienced by people belonging to sexual and gender minorities (abstract in English), Ministry of Justice, 19 December 2018, julkaisut.valtioneuvosto.fi/handle/10024/161239.

⁴⁶ In September 2019, the European Commission against Racism and Intolerance (ECRI) recommended, as a matter of priority and in conformity with the case law of the European Court of Human Rights, that the Act on Legal Recognition of the Gender of Transsexuals should be amended to remove the requirement that trans persons seeking legal gender recognition should be infertile or undergo sterilisation as a precondition for legal recognition. European Commission against Racism and Intolerance, ECRI report on Finland (fifth monitoring cycle), 18 June 2019, rm.coe.int/fifth-report-on-finland/1680972fa7, para. 101.

In May 2021, the UN Human Rights Committee expressed their concern about the lengthy procedure for legal gender recognition and the requirements to be sterilized and diagnosed with “transsexualism”, which is defined as a mental disorder. It further expressed concern that transgender children who are sufficiently mature to give informed consent may be unable to access the procedure for legal gender recognition. HRC recommended to Finland to take legislative and other means to establish a simple and accessible administrative procedure for change of civil status with respect to gender identity that is in accordance with the Covenant. UN Human Rights Committee, Concluding Observations: Finland, 3 May 2021, UN Doc. CCPR/C/FIN/CO/7, paras 20 and 21 (b).

⁴⁷ Finland, Laki transseksuaalin sukupuolen vahvistamisesta 563/2002 (Act on Legal Recognition of the Gender of Transsexuals), 2002, finlex.fi/fi/laki/ajantasa/2002/20020563.

⁴⁸ The Government has expressed commitment to enacting a law on the legal recognition of gender that respects the right to self-determination. According to the government programme, the requirement of infertility will be removed from the act, and medical treatments will be separated from the change of legal gender. Legal gender could be changed, upon application, by an adult who presents a reasoned account of his or her permanent experience of representing the other gender. A period of reflection for those who wish to change their gender would be introduced. Finnish Government, Inclusive and competent Finland – a socially, economically and ecologically sustainable society – Programme of Prime Minister Sanna Marin’s Government 2019, 3.3.1. Strengthening the rule of law, valtioneuvosto.fi/en/marin/government-programme/strengthening-the-rule-of-law. According to the final report of the working group, appointed by the Ministry of Social Affairs and Health (MoSAH) in 1.5.2019-31.1.2020, the provision of the government programme does not fully recognize the challenges related to the rights and situations of minors. Ministry of Social Affairs and Health, Vaihtoehtoiset sääntelymallit sukupuolivähemmistöjen oikeudellisen aseman järjestämiseksi, 2020, api.hankeikkuna.fi/asiakirjat/3e8dd589-9843-4fb7-bef9-bdae9e5746be/d48353e1-bab9-4404-8066-b0c5a6bf82e6/RAPORTTI_20200207144129.pdf, p. 37-40, 49. In May 2021, MoSAH appointed a new working group to prepare the legal proposals to ensure the rights of gender minorities in accordance with the government programme. Ministry of Social Affairs and Health, Translainsäädännön uudistamisen työryhmä STM021:00/2021, 2021, <https://stm.fi/hanke?tunnus=STM021:00/2021>. In November 2011, the Parliament started to consider a citizens’ initiative to reform the law on gender recognition based on self-determination and including minors. Parliament of Finland, Oikeus olla - kansalaisaloite oikeudenmukaisemman translain puolesta KAA 6/2021 vp, 2021, eduskunta.fi/FI/vaski/KasittelytydotValtiopaivaasia/Sivut/CAA_6+2021.aspx.

⁴⁹ The Parliamentary Ombudsman has given several non-binding decisions about violations of national law and the constitutional right to adequate health services when access to medical evaluation for gender affirming treatment had been delayed by more than three months. The Ombudsman has stated that insufficient resourcing and organizational factors could not justify the delay. The Parliamentary Ombudsman, HYKS:n sukupuoli-identiteetin tutkimuspoliklinikan menettely EOAK/2842/2017, 24 October 2018, oikeusasiamies.fi/r/fi/ratkaisut/-/eoar/2842/2017; The Parliamentary Ombudsman, EOAK/501/2019; The Parliamentary Ombudsman, Sukupuoli-identiteetin tutkimuksen resurssit EOAK/8482/2020, 2 December 2021, oikeusasiamies.fi/r/fi/ratkaisut/-/eoar/8482/2020; The Parliamentary Ombudsman, Hoitoon pääsy sukupuoli-identiteetin tutkimuspoliklinikalle EOAK/2119/2020, 3 May 2021, oikeusasiamies.fi/r/fi/ratkaisut/-/eoar/2119/2020.

In September 2019, ECRI noted that there have been severe delays in accessing the relevant health care services which form part of the gender reassignment procedure in Finland. ECRI recommended that the Finnish authorities, in order to avoid the current lengthy delays, establish a third centre to provide the necessary health services to persons wishing to undergo gender reassignment. The authorities should also consider covering the costs for gender reassignment procedures carried out abroad in the interim period until a third centre is fully operational. European Commission against Racism and Intolerance, ECRI report on Finland (fifth monitoring cycle), 18 June 2019, rm.coe.int/fifth-report-on-finland/1680972fa7, paras 102-103.

⁵⁰ The recommendations are based on the WHO’s outdated International Classification of Diseases 10th edition (ICD-10), which classified the identities of transgender and non-binary individuals as ‘mental or behavioural disorders’. In addition, the recommendations make access to specialist services more difficult, as they require that the “gender dysphoria” is major and long-lasting, and that psychological support is in place in a local healthcare unit before access to specialist services. Treatment will only be started when the “gender dysphoria” has lasted at least two years. Moreover, NGOs working on the rights of trans people have expressed concern that local healthcare units do not possess sufficient expertise to provide the required psychological support. According to the recommendation on “gender dysphoria related to a non-binary gender identity”, certain types of treatment available to transgender individuals would not be available to individuals diagnosed as non-binary under the framework of the ICD-10. Amnesty International, *Finland: Submission to*

the UN Committee on Economic, Social and Cultural Rights: 68th Session, 8 – 9 October 2020 (Index: EUR 20/2939/2020), 22 September 2020, <https://www.amnesty.org/en/documents/eur20/2939/2020/en/>. The new WHO International Classification of Diseases 11th edition (ICD-11), adopted in May 2019, depathologize transgender identities, replacing old diagnostic categories with new classifications of gender incongruence that are now classified as conditions related to sexual health. According to the WHO, inclusion of gender incongruence in the ICD should ensure transgender people's access to gender-affirming health care. World Health Organization, WHO/Europe brief – transgender health in the context of ICD-11, euro.who.int/en/health-topics/health-determinants/gender/gender-definitions/whoeurope-brief-transgender-health-in-the-context-of-icd-11 (accessed on 22 March 2022).

⁵¹ According to a 2016 report by the National Advisory Board on Social Welfare and Health Care Ethics (ETENE), practices concerning cosmetic surgical treatments vary between the university hospitals. Tuula Wahlman-Calderara and Ritva Halila, Intersukupuolisuus. Taustaraportti ETENE:n kannanottoon, 2016, etene.fi/documents/1429646/2056382/IS-raportti20160331.pdf/58bf2412-48a9-4521-b5ae-81a3ee3bc07b/IS-raportti20160331.pdf. ETENE recommended Finland to strengthen a child's right for self-determination in matters that are important to the child's identity. A presupposition for this is that the measures modifying external gender characteristics are taken only when the child can define one's own gender and form an opinion about one's sexuality. National Advisory Board on Social Welfare and Health Care Ethics, Care and treatment of intersex children, 22 March 2016, etene.fi/documents/66861912/66865202/2016+POSITION+STATEMENT+intersex.pdf/77dc4b30-2a6d-4811-aa99-c30032f400b0/2016+POSITION+STATEMENT+intersex.pdf?t=1464333216000. Operations are often done for social reasons rather than out of medical necessity. When performed without informed consent or adequate information, these surgeries violate people's right to physical bodily integrity and may have long-term consequences on their right to health and their sexual and reproductive rights, particularly since they can severely impede people's fertility. Amnesty International, *Finland: Submission to the UN Committee on Economic, Social and Cultural Rights: 68th Session, 8 – 9 October 2020* (Index: EUR 20/2939/2020), 22 September 2020, <https://www.amnesty.org/en/documents/eur20/2939/2020/en/>. A 2019 report published by the Ministry of Justice and Ministry for Foreign Affairs cited intersex people who felt that they did not have enough information or choice in relation to medical interventions. In some cases, medical treatment had been undertaken without their consent. Negative consequences included physical pain, difficulties with mental health including self-harming, stigma and shame. According to the report, some of the 12 respondents were subjected to unwanted surgeries to modify sex characteristics in their childhood described their experience as sexual violence or sexual abuse. Tikli Oikarinen, Ei tietoa eikä vaihtoehtoja: Selvitys intersukupuolisten ihmisten oikeuksista ja kokemuksista, Oikeusministeriön julkaisuja, Selvityksiä ja ohjeita 2019:3, 28 February 2019, julkaisut.valtioneuvosto.fi/handle/10024/161410. In May 2021, the UN Human Rights Committee recommended Finland to effectively prevent the performance of irreversible medical interventions on intersex children who are not yet capable of giving their full, free, and informed consent, unless such procedures constitute an absolute medical necessity. UN Human Rights Committee, Concluding Observations: Finland, 3 May 2021, UN Doc. CCPR/C/FIN/CO/7, para. 21 (c).

⁵² The Government Programme states that intersex children's right to self-determination will be strengthened, and cosmetic, non-medical surgeries on young children's genitals will no longer be performed. Finnish Government, Inclusive and competent Finland – a socially, economically and ecologically sustainable society – Programme of Prime Minister Sanna Marin's Government 2019, 3.3.1. Strengthening the rule of law, valtioneuvosto.fi/en/marin/government-programme/strengthening-the-rule-of-law. According to the final report of the working group, appointed by the Ministry of Social Affairs and Health (MoSAH) in 1.5.2019-31.1.2020, improving the situation of intersex children requires specific measures, such as steering by MoSAH, strengthening the supervision of treatments and organizing training to certain professionals. Ministry of Social Affairs and Health, Vaihtoehtoiset sääntelymallit sukupuolivähemmistöjen oikeudellisen aseman järjestämiseksi, 2020, api.hankeikkuna.fi/asiakirjat/3e8dd589-9843-4fb7-bef9-bdae9e5746be/d48353e1-bab9-4404-8066-b0c5a6bf82e6/RAPORTTI_20200207144129.pdf, p. 42-44 & 49. The working group, appointed by MoSAH in May 2021, has been missioned to make suggestions to strengthen intersex children's right to self-determination. Ministry of Social Affairs and Health, Translainsäädännön uudistamisen työryhmä STM021:00/2021, 2021, <https://stm.fi/hanke?tunnus=STM021:00/2021>.

⁵³ In August 2021, a legal reform abolishing restrictions, such as limited access to legal aid and reduced deadlines for lodging appeals, entered into force. Before the reform, individuals were entitled to free legal aid in the first instance proceedings only if they were especially vulnerable, for example, unaccompanied children seeking asylum. The reform made free legal aid again available to all asylum seekers also in the first instance. Also, before the reform the deadlines for appeals in asylum cases were 21 days to the Administrative Court and 14 days to the Supreme Administrative Court compared to 30 days for both courts for all other appeals. The reform changed the deadlines back to the normal period of time which is 30 days in both instances.

⁵⁴ Before 2016 asylum seekers could choose their own lawyer in all instances. Currently, in the first instance, asylum seekers may seek legal aid only from the Public Legal Aid Offices, which then determine whether a Public Legal Aid Attorney will provide counsel or whether the applicant can seek support from another lawyer. Public legal aid offices are not always equipped with lawyers with knowledge on Asylum Law and country of origin information and having to change a lawyer later in the process may affect the asylum seekers trust in the process as well as in the legal aid.

⁵⁵ Detention of unaccompanied 15-17 year-old children is allowed in law for a period of 72 hours, extendable by a further 72 hours. Finland, Aliens Act 301/2004, 2004, finlex.fi/en/laki/kaannokset/2004/en20040301.pdf, section 122.

⁵⁶ Statistics provided on request to Amnesty International as well as information gathered in a visit to Joutseno Detention Center by another NGO in March 2020 inform that the average time spent in the Family Detention Unit of Joutseno Detention Centre is 16,6 days. Longest period spent there was 48 days in 2018. In February 2022, the Joutseno Detention Centre told Amnesty International that the longest period spent there was 50 days in 2021 and 3 days in 2020. However, most families spend maximum of 5 days in detention.

⁵⁷ Amendments to family reunification requirements that entered into force in 2016 available at: Finland, Ulkomaalaislaki 301/2004 (Aliens Act), 2004, finlex.fi/fi/laki/ajantasa/2004/20040301. Before these amendments, the requirement that the family reunification sponsor must have a secure income applied to all aliens except those given international protection.

⁵⁸ The Finnish Refugee Advice Centre and UNHCR, Family Reunification Practices in Finland - A report by the Finnish Refugee Advice Centre, 15 March 2021, pakolaisneuvonta.fi/wp-content/uploads/Family-Reunification-Practices-in-Finland_Report_FRAC.pdf. A report by the Non-Discrimination Ombudsman shows that the rights of a child are not realised in family reunification decisions. The Non-Discrimination Ombudsman, Children without families, family reunification of under-age beneficiaries of international protection, 2 March 2020, syrijinta.fi/documents/25249352/0/Children+without+families+%E2%80%93+family+reunification+of+under-

[age+beneficiaries+of+international+protection+\(PDF\).pdf/2ecb870c-69e9-378b-9312-4b63d07b21d9/Children+without+families+%E2%80%93+family+reunification+of+under-age+beneficiaries+of+international+protection+\(PDF\).pdf?t=1612968552586](https://www.refugees.fi/age+beneficiaries+of+international+protection+(PDF).pdf/2ecb870c-69e9-378b-9312-4b63d07b21d9/Children+without+families+%E2%80%93+family+reunification+of+under-age+beneficiaries+of+international+protection+(PDF).pdf?t=1612968552586).

The government committed in its 2019 Programme to repeal the requirement of a secure income as a prerequisite for family reunification for unaccompanied children who had been granted international protection. However, the Discrimination Ombudsman's study revealed that a wide variety of grounds is used to refuse family reunification applications, particularly when the sponsor is a child and therefore the expected removal of income requirement from unaccompanied child sponsors will not be sufficient to guarantee a child's right to their family and it does not take into account adult sponsors' right for family reunification.

⁵⁹ In part, this is due to inadequate legislation: Section 6 of the Aliens Act provides that "special attention shall be paid to the best interest of the child". The wording differs markedly from that of Article 3 of the Convention on the Rights of the Child, which provides that "the best interests of the child shall be a primary consideration". Authorities, legislators and courts frequently invoke Section 6 of the Aliens Act, despite the fact that Article 3 of the Convention on the Rights of the Child should take precedence. Other legislation concerning children mirrors the wording in the Convention, raising concern that children subject to migration proceedings are provided with weaker protections in law. Also the Non-Discrimination Ombudsman has reported that the best interest of the child is not the primary consideration in decisions concerning migrant children. The Non-Discrimination Ombudsman, Children without families, family reunification of under-age beneficiaries of international protection, 2 March 2020, [syrijinta.fi/documents/25249352/0/Children+without+families+%E2%80%93+family+reunification+of+under-age+beneficiaries+of+international+protection+\(PDF\).pdf/2ecb870c-69e9-378b-9312-4b63d07b21d9/Children+without+families+%E2%80%93+family+reunification+of+under-age+beneficiaries+of+international+protection+\(PDF\).pdf?t=1612968552586](https://www.syrjinta.fi/documents/25249352/0/Children+without+families+%E2%80%93+family+reunification+of+under-age+beneficiaries+of+international+protection+(PDF).pdf/2ecb870c-69e9-378b-9312-4b63d07b21d9/Children+without+families+%E2%80%93+family+reunification+of+under-age+beneficiaries+of+international+protection+(PDF).pdf?t=1612968552586).

The Government's analysis, assessment and research activities' study on the effect of the reforms to the Aliens Act made in 2015-2019 found that the best interest of the child was often used in a non-specific way and the principles of the Convention on the Rights of the Child were not systematically evaluated in decisions of both the Immigration Service and courts. Elina Pirjatanniemi, Inka Lilja, Maija Helminen, Kristiina Vainio, Outi Lepola and Anne Alvesalo-Kuusi, Ulkomaalaislain ja sen soveltamiskäytännön muutosten yhteisvaikutukset kansainvälistä suojelua hakeneiden ja saaneiden asemaan, Valtioneuvoston selvitys- ja tutkimustoiminnan julkaisusarja 2021:10, 16 February 2021, julkaisut.valtioneuvosto.fi/bitstream/handle/10024/162850/VNTEAS_2021_10.pdf?sequence=1&isAllowed=y.

⁶⁰ Municipalities can offer better health care coverage. Ministry of Social Affairs and Health, Healthcare and social welfare for illegal residents, stm.fi/laittomasti-maassa-oleskelevien-sosiaali-ja-terveydenhuolto?p_id=com_liferay_journal_content_web_portlet_JournalContentPortlet_INSTANCE_7SjjYVdYeJHp&p_lifecycle=0&p_state=normal&p_mode=view&com_liferay_journal_content_web_portlet_JournalContentPortlet_INSTANCE_7SjjYVdYeJHp_language=en_US (accessed on 22 March 2022). However, only a few have granted access to "necessary" health care services, such as treatment for chronic diseases, for undocumented migrants. Finnish Institute for Health and Welfare, Health services for undocumented migrants, 2 December 2021, <https://thl.fi/en/web/migration-and-cultural-diversity/immigrants-health-and-wellbeing/health-services-for-undocumented-migrants>.

⁶¹ Ministry of Education and Culture, Demokratia- ja ihmisoikeuskasvatuksen kehittämisen ohjausryhmä OKM035:00/2020 (Steering group for democracy and human rights education), 2020, okm.fi/en/project?tunnus=OKM035:00/2020.

⁶² University of Helsinki, Human rights, democracy, values and dialogue in education – Final report of the project for the development of education for democratic citizenship and human rights education in teacher education (1 August 2018 – 31 July 2019) (abstract in English), 15 April 2020, helsinki.fi/sites/default/files/atoms/files/hy_hankkeen_loppuraportti.pdf.

⁶³ Human Rights Centre, Human rights education in Finland, 2014, bin.yhdistysavain.fi/1586428/5JNn7JIWh5FZrX8fCnda0V3LQL/HR%20education%20in%20FIN_en.pdf. The findings of the 2014 study are still up-to-date. See for example, Tuija Kasa and Arto Kallioniemi, Ihmisoikeudet, demokratia ja sosiaalinen oikeudenmukaisuus opettajankoulutuksessa. *Kieli, koulutus ja yhteiskunta*, 11(6), 2020, kieliverkosto.fi/fi/journals/kieli-koulutus-ja-yhteiskunta-lokakuu-2020/ihmisoikeudet-demokratia-ja-sosiaalinen-oikeudenmukaisuus-opettajankoulutuksessa.

⁶⁴ The length of the civilian service is 347 days, more than double the shortest period of military service of 165 days.

⁶⁵ Finland, Laki Jehovan todistajien vapauttamisesta asevelvollisuuden suorittamisesta eräissä tapauksissa annetun lain kumoamisesta 330/2019, 2019, finlex.fi/fi/laki/alkup/2019/20190330.

⁶⁶ Finnish Government, Development of conscription and fulfilling national defence obligation Report of the Parliamentary Committee (abstract in English), Publications of the Finnish Government 2021:91, 26 November 2021, julkaisut.valtioneuvosto.fi/handle/10024/163633.

⁶⁷ UN Human Rights Committee, Concluding Observations: Finland, 3 May 2021, UN Doc. CCPR/C/FIN/CO/7 and Working Group on the Universal Periodic Review (WG UPR), Report: Finland, 14 July 2017, UN Doc. A/HRC/36/8; the Government of Finland, Universal Periodic Review – third cycle.