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## Oikeuspoliittinen yhdistys Demla ry Legal policy association in Finland Demla ry

Written submission for the 4th UPR cycle  
Stakeholder submission  
Finland

**Oikeuspoliittinen yhdistys Demla ry – Rättopolitiska förening Demla ry – Legal policy association in Finland Demla ry** engages with various issues related to legal policy-making within Finland. Demla is a religiously and politically independent human rights and constitutional law organisation. Demla has approximately 600 members out of which most have undergone legal education. Our board consists of ~10 members elected by the annual plenary. Demla has three part-time employees. Our main activities consist of acting as publisher of Oikeus-journal, a peer reviewed high rated academic publication that offers a forum for interdisciplinary and critical research in the field of law. All the articles published contain an abstract in English, while the majority of the articles are published in Finnish. Demla Ry also gives expert opinions to law renewal projects both on demand and by own-initiative. Furthermore, the association gives statements on issues discussed politically in the country. Demla organises a highly appreciated annual Legal Policy Seminar concentrating on topical themes.

**Oikeuspoliittinen yhdistys Demla ry – Rättopolitiska förening Demla ry – Legal policy association Demla ry provides with the following submission on the 4<sup>th</sup> round of Universal Periodic Review of Finland**

**Forced marriages**

1. In the mid-term report, in response to recommendation 93.25 Finland refers to the possibility to examine criminalization of forced marriage. Forced marriage is a poorly recognized form of crime in Finland and as such a serious violation of human rights. Demla ry considers that Finland's human rights obligations will be best fulfilled by enacting a separate criminalization provision in the Penal Code criminalizing forced marriage, in which all the special features of forced marriage can be fully considered.

2. Demla ry would like to emphasize that the victims of forced marriage are often in a very vulnerable and subordinate position, so the mere provision criminalizing forced marriage is not a sufficient reform to help victims of forced marriage and improve legal protection. In addition, there is a need for effective prevention, information, and easily accessible, comprehensive support services for victims of forced marriage.

3. The specific needs of victims of forced marriage must be seen in the context of the development of legislation and services. Improving the situation of victims of forced marriage requires, in addition to legislative changes, an increase in the training provided to the authorities so that the authorities are in a better position to identify the victim of forced marriage.

**Actors combatting violence against women**

4. In response to recommendation 93.109 by Sweden, Finland states that the government "will strengthen the availability of resources" of actors engaged in combatting violence and sexual abuse of women. In addition, in response to France's recommendation 93.114, the government refers to an action plan, which "will bring the support services for victims, the number of places in shelters, and the resources allocated to shelters into line with the level required by the Council of Europe." The aforementioned recommendations are partially accepted, which indicates a lack of will to commit to prompt and ambitious actions to tackle the persistent problem regarding violence against women in Finland.

5. Demla ry considers that a close scrutiny of adequate resources is still needed to secure sufficient places in shelters as well as other support and social services for all victims, and to provide training for the police and other officials to identify victims and make preventive actions efficiently. Although the police are obligated to refer victims to assistance, the media has been reporting about hinderance and delay in preliminary investigations when it comes to reported cases of sexual abuse and rape. The government should take immediate action to ensure due processes for victims.

6. The resource question is especially urgent now when the funding of third sector actors is going through turbulence: many third sector organizations offering social services to victims have been funded through state-owned betting monopoly Veikkaus. The government has decided to take down Veikkaus funds, and it is not yet clear whether these funds will be fully covered and from which sources. Government should secure the funding of these actors and strengthen the social service network for victims.

**Protection of vulnerable immigrant groups and the position of undocumented persons**

7. In the third cycle, several recommendations touched upon actions fighting racism and discrimination in Finland. Demla ry considers that there is an urgent need for prompt actions to secure the protection of vulnerable immigrant groups; for new legislative acts to secure the rights of platform economy workers who in Finland are mainly immigrants; to enhance the services of victims of human trafficking; and to ensure the implementation of non-discrimination law especially in the Finnish labor markets.

8. Although in Finland there is comprehensive non-discrimination legislation, the media has reported widespread extortion-like work-related discrimination and human trafficking especially in low-paid service sector, such as cleaning and in restaurants. In addition, the Finnish non-discrimination ombudsman has pointed out that many victims of human trafficking have not been granted a residence permit despite their vulnerable position. Demla ry considers that the government should take immediate action to ensure better protection of immigrant groups that are in a vulnerable position and vulnerable to exploitation. Finland should allocate sufficient resources to the prevention of discrimination, exploitation and human trafficking, and ensure due investigations of exploitative and human trafficking cases.

9. There is currently a large number of undocumented people in Finland, including children, whose asylum process has not met the requirements of a due process. It has been stated in many studies that the decisions of the Finnish government in 2015 and 2016 dismantled the Finnish asylum procedure in a way that led to serious human rights violations. Several changes were made to the Aliens Act and legal security was reduced, with dramatic consequences. Humanitarian protection was removed from the Aliens Act and the legal protection of asylum seekers was weakened by changing the provisions on legal aid. There was political pressure on the activities of independent authorities which resulted in a situation where the cases were not investigated individually according to the law. This was a major violation not only to the applicants' legal protection, but also to the entire state of rule of law in Finland. The government has taken steps and made corrections to the provisions of legal aid of asylum seekers. Demla considers that the residence of those who arrived in Finland before 2017 and are still without a residence permit should be formalized by a separate law.

### **Rights of trans-gender persons**

10. In reference to Sweden's recommendation 93.50, Demla ry states that in the current legal proposal for the reform of the Trans Act, the abolition of the sterilization requirement is in line with Finland's international human rights obligations and will stop the state's violation of self-determination of transgender people.

11. Demla considers that legal recognition of gender should also be provided for minors in order to implement the rights of the child and to strengthen the principles of the best interests of the child and the right to self-determination. Changing gender information in the population register has an absolute value for a person who does not feel that their sex at birth corresponds to their own experience of gender. Gender should be a mere notification question based on a person's own experience of gender, following the Danish model.

12. The objectives mentioned in the reform are: 1. to strengthen the person's right to self-determination by separating the legal recognition of gender from medical research and treatment and 2. the application for gender recognition would be based on a person's own statement of his or her gender experience. The law proposal does not achieve its objectives in its current form, and Demla ry considers that these objectives should be fulfilled.

