



FIDH - International Federation for Human Rights

Ihmisoikeusliitto – Finnish League for Human Rights (FLHR)

Submission to the United Nations Human Rights Council at the occasion of Finland’s Fourth Universal Periodic Review – 7 - 18 November 2022

The International Federation for Human Rights (hereinafter FIDH) and its member organisation the Finnish League for Human Rights (hereinafter FLHR) appreciate the opportunity to provide their views to the United Nations’ Human Rights Council ahead of the fourth Universal Periodic Review (hereinafter UPR) of Finland by the UPR Working Group at its 41st session, in November 2022. In this submission, FIDH and the FLHR comment on the implementation of recommendations adopted by Finland during its previous UPR in 2017, and highlight new human rights concerns that have emerged since the last review.

We commend the emphasis given by the current government of Finland to human rights in its Government Programme (2019). Yet, much of the efforts have actually been used to revert the policies that weakened various human rights under the previous government. Furthermore, the impact of the COVID-19 pandemic has halted or even reverted progress on several human rights. The long-term impacts of the pandemic are yet to be seen, and a strong commitment to human rights standards and principles is needed in this context, both in Finland and internationally.

1. INSTITUTIONAL MECHANISMS TO PROTECT AND PROMOTE HUMAN RIGHTS

1.1 Institutional framework

Reg. recommendations 100.27 Further strengthen its national human rights institutions especially in the form of greater resource allocation (Pakistan); 100.28 (Guatemala); 100.31 (Philippines)

Some positive developments in the overall institutional framework for human rights have taken place since the previous UPR cycle. The third National Action Plan for Fundamental and Human Rights was published in 2021, and defines several measures towards a more systematic follow-up of the recommendations by the international human rights monitoring bodies, including the creation of an open online databank. Furthermore, a Government Report on Human Rights Policy was submitted to the parliament in 2021, for the first time since 2014, outlining important guiding principles for human rights policy.

Despite the official commitments, Finland repeatedly receives recommendations from the international monitoring bodies on the same human rights violations, related to topics such as gender-based violence, adequate standards of living, asylum seekers’ rights and access to justice for victims of discrimination. The implementation of the recommendations is not effective. Despite a significant increase in the international monitoring bodies’ reporting requirements, as well as the issuing of optional mid-term reports, resources have not been increased for their follow-up or allocated to the implementation of human rights policy. The

level of the financial support to non-governmental organisations focusing on human rights in Finland remains insufficient and inconsistent.

Human rights impact assessment in legislative drafting and decision-making processes as well as budget preparation is unsystematic. Disaggregated data is needed to conduct such evaluations, and resources must be allocated for the purposes of generation of data and development of indicators.

Recommendations:

- *Ensure regular governmental and parliamentary monitoring of the human rights situation in Finland, to follow up on the recommendations and rulings of international monitoring bodies, for example on an annual basis.*
- *Conduct consistent and continuous human rights impact assessment in all legislative and decision-making processes, including national budget preparation.*
- *Allocate sufficient human resources with a specific mandate to ensure the implementation of the fundamental and human rights policy, and secure human resources to follow up on international human rights recommendations in all ministries.*
- *Ensure that a fourth National Action Plan for Fundamental and Human Rights is adopted by the next government.*
- *Ensure adequate, long-term core funding for civil society organizations promoting and monitoring human rights within Finland.*

1.2 Human rights education and awareness

Reg. recommendations 100.33 Sustain and create new platforms for human rights education (Bosnia and Herzegovina); 100.34 (Slovenia); 100.94 (Maldives)

Human rights education is implemented in an insufficient and incoherent manner in different sectors of society. Even though the importance of human rights education is increasingly recognized, its provision tends to be sporadic and project-based, not systematically integrated into official structures.

Both the Government Programme and the National Action Plan for Fundamental and Human Rights make a commitment to strengthening human rights awareness of public officials engaged in legislative work. However, the scope of the measures as well as the allocated resources remain insufficient. All civil servants and decision-makers need human rights knowledge in order to be able to fulfil their responsibility to respect, promote and fulfil human rights.

The resources of the Human Rights Centre, the government body mandated to promote human rights education, remain insufficient to provide the required capacity building throughout the public sector, despite some increases in funding.

The systematic integration of human rights in the teacher training curricula remains pending. Since 2016, the primary school curriculum includes human rights, but this is not sufficiently incorporated into teacher training.

Recommendations:

- *Secure sufficient resources to provide systematic human rights education to civil servants and decision-makers in all ministries and lower levels of government, including the new regional wellbeing services counties.*

- *Reform the teacher training curricula to include more comprehensive and up-to-date human rights education, in line with international and regional standards.*

2. NON-DISCRIMINATION

Reg. recommendations 100.30 *Further assist the efforts carried out by the new Non-Discrimination Ombudsman in providing legal protection and remedies against all forms of discrimination (Indonesia); 100.37 (Azerbaijan); 100.39 (Albania); 100.40 (Bulgaria); 100.41 (Hungary); 100.43 (Slovenia); 100.44 (Montenegro) 100.45 (Albania)*

The Non-Discrimination Act is undergoing reform in order to strengthen access to justice and remedies for victims of discrimination. However, it is likely that significant gaps will remain.

Discrimination in employment is monitored only by the Occupational Safety and Health Administration. The Non-Discrimination Ombudsman and the National Non-Discrimination and Equality Tribunal lack mandates to handle individual cases in the field of employment. This leads to gaps and delays as well as lack of access to remedies for victims. However, both institutions are low-threshold remedies that should be available for victims of discrimination, on an equal basis in all spheres of life.

The Tribunal is not mandated to decide on financial compensation to victims of discrimination, and obtaining compensation requires going through civil procedure. This implies a strict timeframe, lengthy procedures and a cost risk for victims. The Non-Discrimination Ombudsman can take a case to the Tribunal only when an individual victim is identified. Hence, it is not possible to address harassment or other forms of discrimination targeted generally at a group of people based on e.g. ethnicity, religion or sexual orientation.

The Act on Equality between Men and Women requires an intervention by the Ombudsman for Equality in order to take a case to the Tribunal, while there is no such requirement under the Non-Discrimination Act. Having identical processes under both laws would promote access to justice.

In terms of people with disabilities, authorities, education providers, employers and providers of goods and services are required to provide reasonable accommodations as needed. The denial of such accommodations constitutes discrimination under the Non-Discrimination Act. However, the definition of reasonable accommodation has been interpreted so narrowly that it fails to properly reflect the requirements of the Convention on the Rights of Persons with Disabilities (CRPD).

Recommendations:

- *Grant the National Non-Discrimination and Equality Tribunal mandates to intervene in cases of discrimination in employment, and to rule on financial compensation from the perpetrator to the victim.*
- *Grant the Non-Discrimination Ombudsman mandate to intervene in cases of discrimination in employment, and to bring cases to the Tribunal based on harassment or another kind of discrimination towards a group of people, without naming an individual victim.*
- *Allow victims of gender-based discrimination to bring their cases to the Tribunal independently, without an intervention from the Ombudsman for Equality, as is the case for victims of discrimination in the frame of the Non-Discrimination Act.*
- *Modify the definition of reasonable accommodations in the Non-Discrimination Act to ensure compliance with CRPD standards.*

2.1 Racism and xenophobia, hate crimes

Reg. recommendations 100.62. Continue to introduce effective measures to combat all forms of discrimination, hate speech and hate crime, both online and offline, and ensure that such crimes are effectively investigated (Estonia); 100.36 (South Africa); 100.42. (Brazil); 100.55. (Turkey); 100.56. (Uzbekistan); 100.57. (Chile); 100.58. (China); 100.60. (Namibia); 100.61 (Honduras); 100.62 (Estonia); 100.63 (India); 100.66. (Turkey); 100.67. (Angola); 100.68. (Côte d'Ivoire); 100.69. (Italy); 100.71. (Côte d'Ivoire); 100.72. (Cuba); 100.149 (Argentina)

We welcome the Government's Action Programme for Combating Racism and Promoting Good Relations between Population Groups (2021-2023), and call for its effective implementation, which requires adequate resources. Instead of short-term projects, its implementation must should focus on long-term processes to target structural racism in society. For example, anti-racist training of officials must be structural and continuous and reflect regional standards in the area.

Political discourse concerning minorities has hardened during recent years. Certain politicians and parties use openly racist and discriminatory language in public. The Government must follow the Recommendations of the European Commission against Racism and Intolerance (ECRI) and do more to tackle racism within political parties and to condemn racist and xenophobic speech by public figures.

Hate crime rates have remained high although they have come down from the peak of 2015-2016.¹ Under-reporting of hate crimes and hate speech remains an issue, and online hate speech, in particular, is rarely investigated even when it includes threats of violence.²

Research shows that both the police and border guards as well as private security guards in cities use illegal ethnic profiling in performing their duties. Several incidents of racist attitudes or behaviour by the police have been reported in the media, and need to be investigated.

We welcome the training of police departments on hate crimes and non-discrimination, but it should be incorporated in a more structural and systematic manner. Human rights elements have been included in the police curricula. Their quality and results need to be regularly evaluated, using good practice from other countries as a benchmark.

Recommendations:

- *Ensure that efforts to combat racism are adequately funded and systematically implemented into existing structures, institutions and policies.*
- *Ensure that law enforcement officials at all levels receive systematic and mandatory training on fundamental and human rights, including anti-discrimination and hate speech/crime, and that the content and quality of such training is regularly reviewed.*
- *Ensure effective and prompt investigation and prosecution of hate crime, and review existing legislation concerning hate crime, to ensure compliance with international standards.*
- *Ensure that hate speech and racist and xenophobic discourse, including by public figures, is addressed and firmly condemned by the authorities.*

2.2 The rights of transgender and intersex persons

Reg. recommendations 100.44 Ensure implementation of comprehensive legislative reform that guarantees the same level of protection for all grounds of discrimination, in particular discrimination on the

grounds of sexual orientation and gender identity (Montenegro); 100.45 (Albania); 100.46 (Mexico); 100.47 (Netherlands); 100.48 (Portugal); 100.49 (Spain); 100.50 (Sweden); 100.51 (Australia); 100.52 (Canada); 100.53 (Ireland)

The Government has launched a reform of the Trans Act. According to the Government Programme, self-determination will be the base for legal gender recognition, which is a long-awaited change. Yet, the reform should not be limited to persons over 18 years of age.

Intersex children are exposed to non-consensual, not medically necessary interventions on their sex characteristics. Such interventions violate the child's right to self-determination, physical integrity and bodily autonomy. The Government Programme pledges to stop this kind of interventions. However, this reform still remains to be initiated.

Recommendations:

- *Reform the Trans Act in a way that provides quick, transparent and accessible legal gender recognition based on self-determination, including to minors.*
- *Legislate to guarantee intersex children's right to self-determination, physical integrity and bodily autonomy. Ban unnecessary and non-consensual genital normalising surgery and other non-consensual, not medically necessary interventions on (intersex) children's sex characteristics.*

2.3 Rights of the Finnish Roma

Reg. recommendations *100.139 Establish and promote culturally sensitive initiatives to provide services for minority groups such as Roma and Sami and for migrants and refugees (Maldives); 100.141 (Peru); 100.142 (Timor-Leste)*

Discrimination of Roma people is widespread in Finland. In 2021, it was revealed that the Helsinki police had kept a register of persons of Roma origin at least during 2013-15, which the Non-Discrimination Ombudsman stated may constitute illegal ethnic profiling.³

We welcome the Government's plan to establish a third National Plan for the Roma Minority for the years 2023-2030.

Recommendation:

- *Carry out an independent investigation into the lawfulness of the register of persons of Roma origin and ensure its follow-up.*
- *Adopt and promptly implement a Third National Plan for the Roma minority with a focus on human rights. Ensure adequate resources for the implementation of the plan.*

2.4 Rights of the Sami indigenous peoples

Reg. recommendations *100.3 Promptly ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) (Guatemala); 100.14 (No. 169) (Mexico); 100.15 (Norway); 100.16 (Peru); 100.139 (Maldives); 100.143 (Guatemala)*

The right of the Sami to free, prior and informed consent (FPIC) has been reiterated in several government documents and legislation, but has not been lived up to in all relevant legislative and other procedures. Finland still has not ratified the ILO169 Convention on Indigenous and Tribal Peoples' Rights.

A reform of the Sami Parliament Act was prepared by a working group in 2021. The reform must be taken forward in a form that implements the two rulings by the UN Human Rights Committee (2019) on the self-determination of the Sami, and strengthens the Sami people's right to self-determination also regarding the FPIC principle.

Positive developments since the previous UPR cycle include a guideline memorandum jointly drafted by the Ministry of Justice and the Sami Parliament, regarding negotiations between public authorities and the Sami Parliament, adopted in 2017. The memorandum emphasises the need to engage in genuine negotiations in a timely manner. Furthermore, the Government has initiated a Truth and Reconciliation Process between the state and the Sami. An independent commission has been established to plan and implement the process.

Education and services in the three Sami languages are scarce. The situation is relatively better within the Sami homeland, but the majority of the Sami population live in other areas. More resources should be targeted at securing the cultural and linguistic rights of the Sami both within and outside of the Sami homeland.

Recommendations:

- *Urgently reform the Sami Parliament Act to implement the two rulings by the UN Human Rights Committee (2019).*
- *Strengthen the application of the principle of free, prior and informed consent in all legislation concerning the rights of the Sami.*
- *Ratify the ILO Convention 169 on indigenous people's rights.*
- *Ensure the implementation of the linguistic and cultural rights of the Sami, including by providing education and early education, and health and social services in the Sami languages, also for people with disabilities and elderly people, within the Sami homeland as well as outside of it.*
- *Secure financial and other means for continued psychosocial support for Sami people during and after the Truth and Reconciliation process.*

3. GENDER-BASED VIOLENCE

Reg. recommendations 100.23 *Continue strengthening national laws on offences related to violence against women and girls (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. (Republic of Moldova); 100.114 (France); 100.115. (Germany); 100.116 (India); 100.118 (Netherlands); 100.121 (Canada); 100.122. (Estonia); 100.123. (Libya)*

Regarding gender-based violence (GBV), we welcome various important developments in national measures, including the establishment of sexual violence centres, the increase in shelters' reception capacity, the enactment of an Action Plan for Combating Violence against Women (2020–23), an Action Plan against Trafficking in Human Beings (2021–23), an Action Plan for the Istanbul Convention (2022–25), a bill to reform the legislation on sex crimes and the establishment of an independent national rapporteur on gender-based violence. Despite the improvements, serious shortages persist.

In this statement, we focus on the forms of violence that fall under our own area of expertise, the so-called honour-based violence (HBV) and female genital mutilation (GBV). On a general level, however, it can be noted that the number of shelters, although increased, remains clearly below the recommendation by the

Council of Europe and important regional differences exist. The situation is worrying, for example, in Northern Finland, including the Sámi Homeland. Moreover, the consequences of the COVID-19 pandemic on GBV remain to be seen, but according to a recent study⁴, social distancing seems to have enabled different ways of coercive control at home, deteriorating access to shelters, especially for women with immigrant background.

3.1 Honour-based violence

Women and girls with migrant backgrounds are at heightened risk of experiencing HBV and being subjected to forced marriage and FGM. According to a study conducted by FLHR in 2016 professionals such as teachers, police and social workers have little knowledge of the phenomenon and lack clear guidelines for providing support to the victims.⁵ More research on HVB is needed, and statistics must be gathered to understand the real prevalence of the phenomenon in Finland.

Improvements in recent years include increased training for public officers and professionals, and the strengthening of national coordination at the National Institute for Health and Welfare. HBV is specifically mentioned in the Government's Action Plan for Gender Equality (2020–23), which specifies concrete objectives and measures to eliminate gender-based discrimination, including by providing training for officials and professionals. In addition, the Action Plan on the Prevention of Violence against Children (2020-25) contains various measures to prevent HBV.

In 2021, the first recognized case of so-called 'honour killing' took place in Finland. The particular case showed that professionals and the judicial system do not recognize the risks of HBV, and the victim's rights are not protected. In order to ensure that victims of HBV and forced marriage get the protection and support they are entitled to, more training for authorities is necessary. However, training as well as support to victims is currently mainly provided by CSOs.

In addition, HBV and FGM must be more systematically taken into consideration as grounds for asylum as currently the risk is not always recognized during the asylum procedure.

On a positive note, granting dispensations for under-aged persons to marry was abolished in 2019. However, additional legislative change is needed to comply with the Istanbul Convention, according to which forced marriages need to be criminalized and made voidable, annulled or dissolved. Currently, forced marriages can only be dissolved through divorce.

Forced marriage can currently be punishable as trafficking or aggravated trafficking in human beings, or as coercion. Current legislation is not applicable to all cases of forced marriage, which is why criminalizing forced marriage (including legally invalid marriages) is essential. The need for criminalization is currently under assessment and, simultaneously, a government bill on dissolving forced marriage is being discussed in the parliament. However, the memos and proposals under discussion seem to fail to recognize the variety of forced marriages, and the rights of the victims are not fully guaranteed.

3.2 Female genital mutilation

In 2019, the Ministry of Social Affairs and Health published a second Action Plan for the Prevention of FGM. Among its main objectives is to ensure sufficient training, instructions and clinical pathways to prevent FGM, and to offer care for the survivors. The National Institute for Health and Welfare has taken a more active role in the national coordination of measures against FGM, with increased human and financial resources. In addition, data collection as well as estimations on the prevalence and risk have increased. Yet, the impacts of these developments remain to be seen.

Data collected by FLHR among women in communities with a relatively high risk of FGM, indicate that the professionals' duty to speak about FGM and to protect girls is not fulfilled: during pregnancy or after delivery, only 5 out of 67 women had been inquired about the risk of FGM to their child. Other shortcomings in national anti-FGM work include the lack of tailored support services for victims and the failure to sufficiently include men in the preventive discussions in e.g. day care centres.⁶

The process of a specific criminalization of FGM began in 2021. It is crucial that the process results in a new law that sufficiently protects girls from all forms of FGM.

Recommendations:

- *Increase the number of shelter places and the geographic distribution of shelter to host survivors of GBV, HBV and FGM.*
- *Ensure systematic training of relevant authorities and professionals on FGM, HBV and other forms of GBV.*
- *Ensure that FGM and HBV are systematically taken into consideration as grounds for seeking and obtaining asylum.*
- *Ensure that tailored support services for victims of FGM and HBV are available.*
- *Criminalize forced marriage, including the legally invalid marriages*
- *Enable voiding, annulling or dissolving forced marriage without undue financial or administrative burden being placed on the victim.*
- *Implement the Action Plan for the Prevention of FGM fully and efficiently, and allocate sufficient resources to competent authorities to this end.*

4. ECONOMIC AND SOCIAL RIGHTS

4.1. Right to social protection

Reg. Recommendations 100.87 *Continue with its structural reforms in the social welfare and health care with a focus on protecting the rights of women, children and vulnerable groups (Pakistan); 100.151 (Egypt)*

The UN Committee on Economic, Social and Cultural Rights and the Council of Europe's European Committee on Social Rights, have repeatedly called on Finland to guarantee that social security provision is sufficient to ensure an adequate standard of living. The most recent governmental evaluation report on the sufficiency of basic social security (2019) found that the level of several benefits was too low to meet a reasonable minimum level of consumption for several groups⁷. Inadequate benefits, or obstacles in accessing them, have forced an increasing number of people to permanently supplement their income with social assistance, despite it being originally meant as a last-resort, supplementary benefit to be granted temporarily.

The number of people wholly reliant on basic social security has increased since 2010 by about 50,000.⁸ In 2018, there were 243,000 such people, or 4.5% of Finnish residents. In 2019, 16% of the population was at risk of poverty or social exclusion. The share of households facing difficulties to cover everyday living costs increased from 6,8 %, in 2019, to 7,3 % in 2020⁹, reflecting the impact of Covid-2019 that exacerbated the vulnerability of low-income groups.

The index cuts and freezes implemented during the previous governments were reversed in 2020, which was a step in the right direction. However, the increases were too low to significantly improve the standard of living for those most at risk: families with children; people experiencing illness, homeless and unemployed people; people with disabilities, and elderly persons. There is a lack of data and analysis of how the right to social security and the related right to an adequate standard of living are realized for groups that face discrimination, the indigenous Sámi people, LGBTI+ people, people with disabilities, Roma people and migrants and asylum-seekers. Data disaggregated by gender is also lacking. Furthermore, the cumulative impact of different benefits, as well as the way they combine with changes in laws and other policies, is not sufficiently examined.

The Government appointed a Parliamentary Committee to implement social security reform over two electoral terms (2020-2027). This provides a crucial opportunity to amend the structural problems preventing people from fully enjoying their social and economic rights. However, this requires a strong commitment from the state to developing the system in line with its human rights obligations.

Recommendations:

- *Take immediate action to raise social security benefits to a level that is human rights compliant and ensures that social assistance is needed only in the short term and in exceptional situations. In the longer term, raise the level of basic social security towards a reasonable minimum¹⁰.*
- *Ensure that the ongoing Social Security reform is based on a thorough human rights impact assessment that gives particular emphasis to the situation of the groups at most risk of poverty, marginalization and discrimination, and provides for specific measures to mitigate it.*

4.2. Unequal access to social and health services

Reg. Recommendations 100.87 *Continue with its structural reforms in the social welfare and health care with a focus on protecting the rights of women, children and vulnerable groups (Pakistan)*

There is no legislation securing undocumented migrants' access to health care beyond emergency health services, to which their access is limited in practice due to service fees. Services of prenatal clinics and treatment of serious chronic illnesses are excluded from this, while some municipalities, like Helsinki, provide pregnancy check-ups.

At a more general level, primary healthcare services are not equally available and accessible throughout the country. Important regional differences exist in the availability of mental health services, and preventive care is insufficient. The situation of mental health care for children and youth is particularly alarming, and exacerbated by the Covid-19 pandemic.

The availability of residential care for the elderly is insufficient, and the access is limited due to high costs. Significant shortcomings in some privately-owned residential care homes have forced the authorities to close units. The passing of a law that sets a minimum of 0.7 employees per resident in intensified residential and long-term institutional care is a welcome advance. Yet, resources need to be directed to monitoring the quality of care and treatment, in addition to the numerical requirement.

Recommendations:

- *Amend legislation in order to secure necessary, cost-free healthcare services for all undocumented migrants.*
- *Reinforce universal and low-threshold basic-level mental health services, including preventative services for children and young people.*

- *Allocate sufficient resources to monitor the residential care of the elderly, in terms of both quality and quantity.*

4.3. Labour rights of persons with disabilities

Reg. Recommendation: 100.137 *Continue efforts on the promotion of opportunities of productive and paid employment for people with disabilities (Colombia)*

Among persons with intellectual disabilities, only 3 percent (400-500 out of 25,000)¹¹ participate in paid employment. In government policy, they tend to be seen as receivers of social benefits instead of potential labour market participants, and few municipalities offer supported employment and job coaching services which would enable entry to paid employment for people with disabilities.

Thousands of people with intellectual disabilities in Finland work in integrated sheltered employment, which is performed in municipality-run sheltered workplaces, or in regular workplaces. This type of work is not based on an employment contract and instead of a salary, the participants receive an incentive pay of on average €5 per day. They lack work-related legal entitlements such as annual and sick leave, pension and occupational health care.

Recommendation:

- *Conduct a holistic reform of legislation and municipality practices concerning integrated sheltered work of people with disabilities, recognizing their rights as workers*

4.3 Violations of labour rights, discrimination and exploitation of migrant workers

Reg. recommendations 100.93 *Take further measures to address discrimination against non-native Finnish citizens in the area of employment, particularly by reducing the wage gap between immigrants and native Finns (Serbia); 100.148 (Bangladesh); 100.150 (Philippines)*

Formally, the Finnish law treats national and foreign workers equally. However, insufficient attention is given to the vulnerable position of migrant workers, such as seasonal workers in agriculture, who are susceptible to exploitative practices due to their weak language skills and legal awareness, as well as fear of retaliation, loss of income or residence. Excessively low pay as well as withholding of wages by the employers are reported. According to the Southern Finland Regional State Administrative Agency (2017), employers frequently fail to comply with the salary provisions of the binding, sectoral collective bargaining agreements in the case of foreign workers.¹²

A particularly vulnerable group are the wild berry pickers, mainly from Thailand or Ukraine. Considered self-employed or entrepreneurs, they are excluded from the protections of the labour law. While the new Act on the Legal Status of Foreigners Picking Natural Products (2021) prohibits, for instance, charging of recruitment fees and excessive costs for accommodation, it is unclear how the law will be enforced in practice. The law also fails to guarantee a minimum level of income that would prevent exploitative practices.

The new Action Plan against Trafficking in Human Beings (2021) defines important measures to tackle labour exploitation, including awareness raising among both public authorities and private businesses. However, the access of victims of labour exploitation to legal protection is limited because they are not always recognized as victims of human trafficking, to whom a specific assistance system is provided.

Recommendations:

- *Define labour exploitation as a key priority of labour inspection by the occupational health and safety authorities and increase resources in sectors with severe forms of labour exploitation, such as agriculture, including wild berry picking, to ensure the effective implementation of labour law and international standards.*
- *Criminalize excessively low pay or develop other effective means to sanction exploitative practices.*
- *Secure the employment rights of wild berry pickers and legally define their condition as an employment relationship.*
- *Make complaint mechanisms easily accessible for victims of labour exploitation, and broaden the coverage of the assistance system for victims of human trafficking to include extortionate work discrimination (usury).*

5. BUSINESS AND HUMAN RIGHTS

Reg. recommendation 100.74. *Ensure that its policies, legislation, regulations and enforcement measures effectively serve to prevent and address the heightened risk of business involvement in abuses in conflict situations, which includes situations of foreign occupation (State of Palestine)*

In its programme (2019), the Government committed to developing binding legislation on corporate responsibility. Such a law would be a significant step towards the reinforcement of Finnish companies' human rights responsibilities. Studies commissioned by the Government show clear shortcomings in the human rights due diligence processes of Finnish companies.¹³ The companies fail to systematically integrate this responsibility into their policies and core activities and publish relatively little information on the human rights impact of their activity.

Recommendation:

- *Pass and bring into force regulation on mandatory human rights and environmental due diligence, to prevent and address corporate abuse*

6. CLIMATE CHANGE AND HUMAN RIGHTS

The Government is reforming the Climate Change Act to achieve carbon neutrality by 2035, and to be in line with the obligations of the Paris Agreement. The parliamentary process of the government proposal is ongoing. FLHR welcomes the proposed Sámi Climate Council and stronger inclusion of Sámi people's participatory rights concerning decision-making in the climate politics protected in the Aarhus Convention (AC).

The Government has informed that in the reform process, access to justice, especially the right to appeal will be treated separately later in 2022. In the light of the AC and the Constitution of Finland, access to justice and the right to appeal should be protected more broadly than previously by enabling appealing to individuals and NGO's on government decisions.

Recommendation:

- *Ensure that the reformed Climate Change Act will include clear, effective and adequate access to justice by ensuring a broader chance to appeal and access to remedy to victims.*

7. SPORTS AND HUMAN RIGHTS

The sports sector in Finland faces similar human rights issues as the rest of the society. While some studies have been published on issues such as sexual and gender-based harassment, gender equality and discrimination of certain minorities, there is a lack of systematic data on the respect of human rights within the sports sector. For instance, more focus should be put on researching racism or the fulfilment of the rights of the child in sports.

We recognize the efforts of the Ministry of Education and Culture to promote equality and non-discrimination in the sports sector, i.e. through requesting an equality and non-discrimination plan as a condition for government funding. However, monitoring and reporting is needed on the implementation of the Non-discrimination Act and the Act on Equality between Men and Women as well as on broader human rights issues. To better fulfil access to justice in cases of discrimination or crime in sports, we encourage the Government, in cooperation with sports organisations, to clarify the relation between the public justice system and sport organisations' own disciplinary systems.

Recommendations:

- *Provide more research and data on human rights issues such as the fulfilment of the rights of the child, racism and rights of various minorities in the sports sector.*
- *Increase the national authorities' monitoring and reporting on the fulfilment of human rights in the field of sport, with a view to addressing any shortcomings. Clarify the relation between the public justice system and sport organisations' disciplinary systems so as to ensure access to remedies in case of human rights violations within the sports system.*

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Submitting organisations:

FIDH - FIDH is an international human rights NGO federating 192 organizations from 117 countries. Since 1922, FIDH has been defending all civil, political, economic, social and cultural rights as set out in the Universal Declaration for Human Rights. FIDH's headquarters are in Paris and the organization has offices in Abidjan, Bamako, Brussels, Conakry, Geneva, The Hague, New-York, Pretoria and Tunis. For FIDH, transforming societies relies on the work of local actors. Therefore, FIDH's activities aim to reinforce their capacities and their influence. It acts at national, regional and international levels in support of its member and partner organisations to address human rights abuse and consolidate democratic processes. Its primary beneficiaries are national human rights organisations who are members of FIDH, and through them, the victims of human rights violations.

FLHR - The Finnish League for Human Rights (FLHR) is a religiously and politically independent human rights organisation. Our principal objective is to monitor the human rights situation in Finland. The FLHR was founded in 1979 and pursues the work of the League for Human Rights, established in 1935. It is FIDH's member organisation in Finland.

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¹ Rauta (2021) *Poliisin tietoon tullut viharikollisuus Suomessa 2020*. Poliisiammattikorkeakoulu, Helsinki

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