

Universal Periodic Review (41st session)

Contribution of UNESCO

Finland

I. Background and framework

<i>Title</i>	<i>Date of ratification, accession, acceptance, or succession</i>	<i>Declarations /Reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education 1960	Ratified in 1971	Reservation to this Convention shall not be permitted		Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	Ratification on 4 March 1987 Committee Member (1997-2003 and 2013-2017)			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	Ratification on 21 February 2013			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	Acceptance on 18 December 2006 Committee Member (2007-2012 ; 2017-2021)			Right to take part in cultural life

II. Promotion and protection of human rights on the ground

A. Education

1. The Constitution of Finland of 1999 (as amended in 2011)¹ enshrines the right to basic education for all in its section 16 and guarantees the principle of equality before the law and non-discrimination in its section 6.
2. The Finnish Basic Education Act of 1998 (as amended in 2020),² section 25, guarantees nine years of compulsory primary and lower secondary education, starting at the age of seven. The Basic Education Act of 1998, section 31, and the Act on General Upper Secondary Education of 2018,³ section 34, provide that at least twelve years of primary and secondary education are guaranteed for free.

B. Freedom of opinion and expression

Constitutional and Legislative Framework:

3. Section 12 of the Constitution guarantees the right to freedom of opinion and belief,⁴ and explicitly prohibits all forms of censorship or other similar limitations to freedom of expression. According to the same article, restrictions can be made in case of publications in which the interests of public order or the security of the State are at stake. The same section encompasses the protection of access to information, which guarantees transparency in government administration and the right of access to information.⁵
4. Defamation is criminalized and punishable by fine.⁶ Aggravated defamation (Criminal Code Art. 24(10)) is defined as an act of defamation that causes “considerable suffering or particularly significant damage”. The penalty is a fine or imprisonment for up to two years.

¹ <http://www.unesco.org/education/edurights/media/docs/027132e7e9e595c7b0c0219e17f9f32ea0b45bbe.pdf>

² <http://www.unesco.org/education/edurights/media/docs/89c81638374e374af7e1d88222b54d6d78574323.pdf>

³ <http://www.unesco.org/education/edurights/media/docs/4de4cf6e43bba47c95ce37342cfc99f6f5ac86fc.pdf>

⁴ https://www.constituteproject.org/constitution/Finland_2011#s7

⁵ https://www.constituteproject.org/constitution/Finland_2011#s7

⁶ Chapter 24 of Criminal Code <http://www.finlex.fi/en/laki/kaannokset/1889/en18890039.pdf>

5. Finland has publicly supported the construction of fibre networks in areas without access to high-speed networks, and their digital infrastructure strategy⁷ was published in October 2018.⁸
6. The Act on the Openness of Government Activities was adopted in 2000 and revised in 2015. The country did not respond to UNESCO's annual survey aimed to assess implementation of the right to information (RTI) guarantees, mandated by the Decision on Monitoring and Reporting on SDG Indicator 16.10.2 (public access to information) adopted by the Intergovernmental Council of the International Programme for the Development of Communication at its 31st session in November 2018.

Implementation of the law:

7. The media regulatory authority – the Finnish Transport and Communications Agency (Traficom) – functions independently and effectively. The National Audiovisual Institute, another independent media body, has more specialized functions notably to classify audiovisual programmes for the purpose of the protection of minors, and to promote media education.
8. As part of the national transposition of the EU's revised Audiovisual Media Services Directive (AVMSD), new regulations have entered into force in Finland in January 2021, obliging media service providers to make information concerning their ownership structure publicly accessible.⁹
9. The Council for Mass Media (CMM) is a self-regulatory body which is tasked with interpreting and defining good professional practice and overseeing freedom of speech and freedom of expression.¹⁰ The Council is responsible for monitoring ethical standards for print, broadcast and online media. The framework of the CMM's operations is stipulated in a Charter, which is signed by all the organizations which have committed themselves to self-regulation and accepted its objectives.
10. In October 2020, the Government issued a grant of 7.5 million euros aimed at supporting the content production media affected by the COVID-19 pandemic and increasing the supply of diverse journalistic content, as well as promoting journalism

⁷ <https://www.lvm.fi/en/-/digital-infrastructure-strategy-turning-finland-into-the-world-leader-in-communications-networks-985076>

⁸ <https://digital-strategy.ec.europa.eu/en/policies/broadband-finland>

⁹ Act on Electronic Communications Services 917/2014, Art. 4a; Regional Act (2011: 95) on radio and television activities, Art. 5, as amended by Act of Åland 2020/119

¹⁰ http://www.jsn.fi/en/Council_for_Mass_Media/the-council-for-mass-media-in-finland/

at local, regional and national levels. The grant was awarded to all the media companies that fulfilled the primarily economic criteria, including evidence of a decline in advertising sales.

Safety of journalists:

11. UNESCO recorded the killings of 2 journalists in Finland (in 2016) since systematic reporting began in 2006 [and as at 17 February 2022]. Both cases are being considered resolved according to information provided by the Government to UNESCO.¹¹

III. Review and specific recommendations

A. Education

Legislative, regulatory and policy framework:

- The Vocational Education and Training Act (531/2017) entered into force on 1 January 2018. Its aim is to enable education to be sought and accessed flexibly through different paths and to secure a study place for everyone who has completed their basic education, including applicants requiring special support. All students in vocational education and training have a personal competence development plan, which also includes guidance and support services for every student.¹²
- The Act on Early Childhood Education and Care (540/2018) contains provisions on the right of a child to early childhood education and care, the organization and provision of early childhood education and care in Finland, and the data repository for early childhood education and care. This Act applies to early childhood education and care provided by a municipality, joint municipal authority, and independent service provider at an early education center or as family daycare or, where appropriate, to the arrangement and provision of open early childhood education and care activities.¹³ The Government Decree on Early Childhood Education and Care (753/2018) concerns staff at early education centers and in family daycares and contains

¹¹ [UNESCO observatory of killed journalists - Finland | UNESCO](#)

¹² 10th Consultation on the implementation of the UNESCO Convention against discrimination in education national report

¹³ <https://okm.fi/en/legislation-eccec>

provisions on the studies leading to qualification as a childcare worker in early childhood education and care, and on the eligibility of a family daycare childminder to work as a childcare worker in early childhood education and care.

- The “Right to Learn” Early childhood education and care programme for quality and equality 2020-2022¹⁴ seeks effective measures to promote children’s learning and wellbeing and to reverse inequalities arising from children’s socio-economic backgrounds, immigrant backgrounds or gender in early childhood education. Between 2020 and 2022, Finland plans to spend 125 million Euros to improve the quality and equality of early childhood education.
- The “Right to Learn” Comprehensive school education programme for quality and equality 2020-2022¹⁵ seeks effective measures to reinforce inclusion, support learning and accessibility and strengthen the quality of education in comprehensive schools. Between 2020 and 2022, a budget of 180 million Euros will be used by the Government to strengthen quality and equality in comprehensive schools.

Human rights education

- In line with recommendations N°100.33, N°100.34 and N°100.94 of the last UPR cycle, Finland made efforts for all teachers to receive the basic knowledge and skills, relevant to inclusion, equality, non-discrimination, and human rights during their pre-service education. Finland has affirmed in its national report for the 10th Consultation on the implementation of the UNESCO Convention against Discrimination in Education that curricula and methods in the country have holistic and inclusive approach for Basic and General Upper Secondary Education with a strong emphasis on human rights values, equity, inclusion, non-discrimination, participation and global citizenship, among the key objectives of the national core curriculum for compulsory education. Finland has also drafted an implementation report in May 2020 on the Third Phase of the World Programme for Rights Education¹⁶, detailing action undertaken at the national level aiming to strengthen implementation of human rights education in primary, secondary and higher education.

¹⁴

https://planipolis.iiep.unesco.org/sites/default/files/ressources/finland_the_right_to_learn_early_childhood_education_and_care_programme_for_quality_and_equality_2020-2022_2019_eng.pdf

¹⁵

https://planipolis.iiep.unesco.org/sites/default/files/ressources/finland_the_right_to_learn_comprehensive_school_education_programme_2020-2022_2019_eng.pdf

¹⁶ <https://www.ohchr.org/Documents/Issues/Education/Training/thirdphase/NationalReports/finland.pdf>

Non-discrimination and equality

- The Finnish National Agency for Education (EDUFI) provides guidance for teachers, schools and education providers in their equality and non-discrimination planning. In 2019, the EDUFI produced a guide for upper secondary education in 2019 called “On board! Equality and equity work at secondary level” (“*Mukana! Tasa-arvo- ja yhdenvertaisuustyö toisella asteella*”).¹⁷

Gender equality

- Finland aims to develop contents for teacher education related to gender equality, planning and equality work, for example with the SetSTOP 2017-2019, a nationwide project planning to include themes of gender equality and non-discrimination to the curricula of all the levels of teacher education in Finland.¹⁸

Violence within educational institutions

- No legal provision has been identified prohibiting explicitly corporal punishment within educational institutions. Nevertheless, in general, child corporal punishment is forbidden by law. The Pupil and Student Welfare Act states that the training provider must draw up a plan to protect students from violence, bullying and harassment.

Right to education of parenting and pregnant woman

- No legal provision has been identified relating to the right to education of pregnant and parenting girls.

Financing education

- Finland has allocated 6.3% of its GDP to education, which is in line with the 4-6% required by the Framework for Action, while the expenditure on education as a percentage of total government expenditure on education was 11.8% in 2018.¹⁹

¹⁷ <https://www.oph.fi/fi/tilastot-ja-julkaisut/julkaisut/mukana-tasa-arvo-ja-yhdenvertaisuustyö-toisella-asteella#:~:text=ja%20hyvinvoinnin%20kasvattamiselle,-,Mukana!,kehitt%C3%A4miskohteita%20ja%20esittelee%20hyvi%C3%A4%20k%C3%A4yt%C3%A4nt%C3%B6j%C3%A4>.

¹⁸ 10th Consultation on the implementation of the UNESCO Convention against discrimination in education national report

¹⁹ UIS data, Expenditure on education as a percentage of total government expenditure (%), 2018.

However, there is steady decrease both in terms of GDP share and government expenditure.

Digital education

- UNESCO's Initiative on the [Evolving Right to Education](#) reveals the needs for digital skills of learners and teachers. In Finland, digitalization has been given emphasis at all levels of education and in the spring of 2020, the Finnish Ministry of Education and Culture launched the New Literacies development programme, which aims to strengthen the ICT, media literacy and programming skills of children and pupils in early childhood care and education (ECCE) and basic education. At all levels of education, digitalization has been given great emphasis, including skills development and support for teaching staff.

Specific recommendations:

12. Finland should be encouraged to:

- Introduce a legal protection for the right to education of pregnant and parenting women.
- Continue to enhance the digital inclusion of learners while ensuring their protection and privacy.
- Continue to submit regularly comprehensive national reports for the periodic consultations on UNESCO's education-related standard-setting instruments, and notably on the Convention against Discrimination in Education.
- Share with UNESCO any relevant information to update its country profile on UNESCO's [Observatory on the Right to Education](#) and [Her Atlas](#).

B. Freedom of opinion and expression

13. It is recommended that Finland decriminalize defamation and place it within a civil code that is in accordance with international standards.

14. Finland is encouraged to co-operate with UNESCO's annual survey instrument to measure global progress on access to information, and to consider including relevant information in their Voluntary National Reviews under the SDGs.

C. Cultural Rights

15. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972), the Convention for the Safeguarding of the Intangible Cultural Heritage (2003) and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005), Finland is encouraged draw on constitutional guarantees to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions which are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Finland is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and civil society organizations as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

D. Freedom of scientific research and the right to benefit from scientific progress and its applications

16. Finland submitted its National Report on the implementation of the Recommendation on Science and Scientific Researchers (2017) for the consultation the period from 2018 to 2021. The aim of this monitoring exercise is to record implementation actions, especially noting legislative or other measures adopted by the reporting State to ensure application of the Recommendation's norms and standards in national law, policy and practice paying a particular attention to the legal provisions and regulatory frameworks which ensure the implementation of human rights of scientific researchers themselves (rights of association, freedom of research, expression and publication, etc.) as well as human rights obligations related to the practice of science generally; the human rights related to access to and uses of scientific knowledge through education; the principle of non- discrimination, requiring in this case active promotion of women and girls entering scientific careers, as well as protections for

human rights of human subjects of research.

17. The national report as submitted by Finland indicates that significant action has been taken in relation to all ten key areas of the 2017 Recommendation, including: the establishment of the Strategic Research Council responsible for ensuring important topics are covered by scientific research, and from multi-disciplinary perspectives; the appointment of expert bodies by the Ministry of Education and Culture, such as the National Board for Research Integrity and the Committee for Public Information; and, encouraging responsible research through the Coordination for Open Science in Finland and the Publication Forum hosted by the Federation of Finnish Learned Societies among others.
18. The national report highlights several relevant constitutional and legislative frameworks and provisions:
 - The Universities Act (558/2009²⁰) states:
 1. The mission of the universities is to promote independent academic research as well as academic and artistic education, to provide research-based higher education and to educate students to serve their country and humanity at large. In carrying out their mission, the universities shall promote lifelong learning, interact with the surrounding society and promote the social impact of university research findings and artistic activities.
 2. The universities shall arrange their activities so as to ensure a high international standard in research, artistic activities, education and tuition in conformity with research integrity.
Thus, universities should interact with the surrounding society, contribute to its development, and have an impact on it. The Universities of Applied Sciences Act (932/2014²¹) has a very similar definition, with a stronger emphasis on professional and regional impact.
 - Respecting human dignity is explicitly mentioned in the Act on Medical Research (488/1999)²², and it also forms the backbone of the guidelines on ethical research practices that are maintained by the Finnish National Board of Research Integrity (TENK).
 - According to the law on general upper secondary schools (714/2018²³), it is mandated that all secondary schools collaborate with higher education institutions, to ensure smoother transitions for students from secondary to tertiary education.

²⁰ https://www.finlex.fi/en/laki/kaannokset/2009/en20090558_20160644.pdf

²¹ https://www.finlex.fi/en/laki/kaannokset/2014/en20140932_20160563.pdf

²² https://www.finlex.fi/en/laki/kaannokset/1999/en19990488_20100794.pdf

²³ <https://www.finlex.fi/en/laki/kaannokset/2018/en20180714.pdf>

- Equality, diversity and non-discrimination must be respected in all research institutions. This is mandated by the Act on Equality between Women and Men (609/1986, 1329/2014²⁴) and the Non-discrimination Act (1325/2014²⁵).
- The Finnish Constitution guarantees the freedom of science, the arts and higher education (731/1999).²⁶ This is further defined in the Universities Act and the Act for Universities of Applied Sciences. For example, for universities, the Section 3 on Autonomy states:
 - The universities have autonomy, through which they safeguard scientific, artistic and higher education freedom. The autonomy entails the right of universities to make their own decisions in matters related to their internal administration.
 - When legislation is drafted concerning them, the universities shall be given the opportunity to express their opinion on the matter.

19. Against this background, Finland is encouraged to expand the input on issues covered by the 2017 Recommendation in its national report to the UPR to allow a dedicated discussion at the Human Rights Council and the formulation of specific recommendations. Additionally, Finland is urged to consider expanding the scope of application of freedom of expression to include scientists and scientific researchers.

²⁴ https://www.finlex.fi/en/laki/kaannokset/1986/en19860609_20160915.pdf

²⁵ <https://www.finlex.fi/en/laki/kaannokset/2014/en20141325.pdf>

²⁶ <https://www.finlex.fi/en/laki/kaannokset/1999/en19990731.pdf>