



CERD
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RE: CERD – Finland – NHRI contribution

Please find enclosed the contribution by the Finnish Human Rights Centre (HRC) submitted to the Committee on the Elimination of Racial Discrimination (CERD) for the consideration of the follow up report, submitted by the Government Finland following its review before the committee in August 2012.

The HRC is an autonomous and independent expert institution whose task is to promote the implementation of fundamental and human rights and increase cooperation and exchange of information between various actors. The National Human Rights Institution (NHRI) consists of the Human Rights Centre, its pluralistic 40-member Human Rights Delegation and the Office of the Parliamentary Ombudsman. The Institution was established by law (changes to the Law on the Parliamentary Ombudsman 535/2011), effective as of 1 January 2012. The NHRI accreditation under the ICC will be requested during 2014.

More information on the NHRI in Finland can be found on our website www.humanrightscentre.fi/in-english.

These submissions may be posted on the CERD website for public information purposes.

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Director, FTA

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Expert



Contribution by the Finnish NHRI – The Human Rights Centre (HRC)

HRC's observations on the implementation of the 2012 Concluding Observations with regard Finland.

Article 6 – Effective Protection and Remedies

Equality Act and Non-Discrimination Act

Concerning the currently pending legislative changes to the Equality Act and the Non-Discrimination Act it needs to be noted that the European Commission has in November 2013 issued a reasoned opinion to Finland in the second stage of infringement proceedings concerning inadequacies relating to the country's national race equality body which all Member States are required to set up under EU equality law (Directive 2000/43/EC).

According to the Commission's press statement, EU anti-discrimination rules make it obligatory for Member States to establish a national equality body tasked with providing independent assistance in pursuing complaints to victims of discrimination, as well as monitoring and reporting on discrimination. National equality bodies are crucial, in particular for the proper enforcement of the Directive and to ensure protection for victims of discrimination. It is essential that the national equality bodies actually carry out all the tasks required by the Directive. Finnish law currently fails to designate any equality body responsible for addressing cases of racial or ethnic discrimination in employment. The Commission is therefore calling on Finland to bring its rules in line with EU requirements.

The equality body in question, the Ombudsman for Minorities, hopes that the ongoing reform process of the Non-discrimination Act will remedy the situation and allow the equality body to fully investigate discrimination cases also in the field of employment. However, it is yet unknown how the legislative changes might reflect this or the Commission's opinion. As is, in its latest public draft version the renewed Equality Act does not fulfill the Directive's requirements. This might delay the legislative process and the planned changes in the non-discrimination structures in Finland with regard to, among others, the multiple discrimination as well as discrimination based on gender expression or gender identity. No proposals have been submitted to the Parliament yet.

Article 7 – Teaching, Education, Culture and Information

Human Rights Education

The HRC wishes to draw the Committee's attention to the importance of ensuring availability and accessibility of human rights education, including education on issues relating to racial discrimination from a human rights perspective, to all throughout the educational system. The HRC has conducted a national base line study on human rights education, the results of which will be published in February.

The study shows that although human rights issues are taught by different actors



in different fora, there is a lack of systematic implementation framework that would cover the entire educational system and include human rights education in all its aspects (education *about, through* and *for* human rights). Particular areas of concern include the lack of obligatory human rights education to state officials at different levels and to school teachers.

It can also be noted that several human rights bodies, including the Committee on the Rights of the Child and the Human Rights Committee have expressed their concerns in this area. The issue has also been raised in the context of the consideration of Finland's second national report for the UPR.

To guarantee a systematic implementation of human rights education in the Finnish educational system, the HRC and its Human Rights Delegation thus recommend the Finnish government adoption of a specific policy program on human rights education and training, with appropriate mechanisms of follow-up, including human rights based indicators.

Final thoughts on resources

Recently the Ombudsman for Children resigned from her post mid-term due to the lack of resources in relation to the mandate. The similar resource related difficulties are encountered by all the specialised ombudsmen, the NHRI as well as NGOs dealing with human rights issues. There is not enough personnel to perform all the tasks assigned to the offices, nor is there sufficient funding for the general promotional activities, research, education and publications. Similar issues are apparent in the various ministry units with human rights related mandates. This is somewhat understandable in the current economic situation, but in the large scale of promotion and fulfilment of human rights for all people, this does not fully correspond to the pledges made by the Government in the international fora.