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## **FINLAND'S THIRD UNIVERSAL PERIODIC REVIEW**

**April-May 2017**

### **Individual submission from the Human Rights Centre/ Finland's National Human Rights Institution**

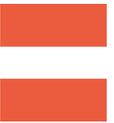
The Human Rights Centre (the Centre) was established in 2012. The Centre is an autonomous and independent expert institution whose tasks according to the legislation are:

- to promote information provision, training, education and research on fundamental and human rights
- to draft reports on the implementation of fundamental and human rights
- to take initiatives and give statements for the promotion and implementation of fundamental and human rights
- to participate in European and international cooperation related to the promotion and protection of fundamental and human rights
- to perform other similar tasks associated with the promotion and implementation of fundamental and human rights

The Centre does not handle complaints or other individual cases.

The Human Rights Centre, its Human Rights Delegation and the Parliamentary Ombudsman together form Finland's National Human Rights Institution (Finnish NHRI). The institution was accredited with the highest A-status in December 2014. In accordance with its legislative duties, the Centre takes part in and represents the Finnish NHRI in international and European cooperation.

The Human Rights Centre has a new task to promote, protect and monitor the implementation of the United Nations' Convention on the Rights of Persons with Disabilities (CRPD) together with the Parliamentary Ombudsman. It is the first statutory task collectively assigned to Finland's National Human Rights Institution.



## 1. Introduction

1.This submission is made by the Human Rights Centre as a representative of the Finnish NHRI.

## 2. Ratifications

2.The Centre welcomes the ratifications of several human rights conventions and/ or optional protocols during the reporting period.<sup>1</sup>

3.While appreciating the Finnish policy, according to which national legislation has to be in line with international conventions before they can be ratified, delays in ratification processes continue in Finland.<sup>2</sup> Referring to recommendations made during Finland's previous UPR the Centre notes that the Government has prepared the ratification of the International Convention for the Protection of All Persons from Enforced Disappearances (CPED) with some delay.

4.As regards the ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries, due to disagreement and tensions surrounding the Sami definition and Sami people's rights to traditional livelihoods and lands, the ratification is once again stalled pending the finalisation of a comparative study commissioned by the Government.<sup>3</sup>

## 5.Recommendations:

**a) Ratify the International Convention for the Protection of All Persons from Enforced Disappearances without further delay.**

**b) Continue the efforts to ratify the ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries and in a constructive manner engage the Sami people in the ratification process.**

## 3. Impact assessment, monitoring and mainstreaming of human rights

6.The promotion and protection of human rights is a key to maintaining prosperity and stability in the society. In this context, the assessment of human rights impacts should be given priority. The Government has in many instances been urged to review how its Bills and budget proposals may effect on the fulfilment of human rights.<sup>4</sup>

7.Especially when planning and carrying out austerity measures the



Government should find solutions which do not unjustly weaken the fulfilment of human rights of persons in a vulnerable situation. In the ongoing health, social services and regional government reform, which is going to have significant effects in terms of access to health care and social services, human rights impact assessment is essential.<sup>5</sup>

8. The Centre welcomes the drafting of the Second National Action Plan (NAP) on Fundamental and Human Rights as a sign of a more systematic approach to human rights monitoring and mainstreaming. However, the Centre is aware that there may not be additional funding available for the NAP, which could limit its full implementation.<sup>6</sup> Regional and local authorities should be also engaged as these authorities have major responsibilities in the actual realisation of human rights.<sup>7</sup>

#### **9. Recommendations:**

**a) More systematically and carefully assess human rights impacts of its bills, budget proposals, policies and other actions beforehand.**

**b) Allocate necessary resources for the implementation of the Second NAP on Fundamental and Human Rights.**

**c) Engage regional and local authorities in the design and in the implementation of the NAP.**

#### **4. Human rights architecture**

10. The Centre commends the establishment of the Government Network of Contact Persons for Fundamental and Human Rights as a permanent structure.<sup>8</sup> The Network strengthens co-operation between different ministries in human rights issues and is a useful mechanism for supporting the implementation of a human rights policy that is systematic and consistent. To ensure a more comprehensive human rights perspective and flow of information, the Centre encourages to establish human rights networks within every ministry alongside with the interministerial Network.<sup>9</sup>

11. The Centre also welcomes Government's continued efforts to develop and clarify coordination and division of tasks between national human rights actors.<sup>10</sup> At the same time, many of these actors, such as the special ombudsmen and the national human rights institution have received new statutory duties. The Centre considers it to be important that these actors are able to fulfil their tasks efficiently and independently with adequate resources.<sup>11</sup> It is also concerned on the ability of non-governmental



organisations to promote and monitor human rights on a long-term basis in a climate of decreasing and uncertain Government support. Particularly in a dire economic situation the promotion of human rights and monitoring of their implementation by independent human rights bodies and non-governmental organisations is indispensable.

## **12.Recommendations:**

**a) Further strengthen co-operation and coordination in human rights issues within the Government by establishing human rights networks inside each ministry.**

**b) Ensure that independent human rights bodies are provided resources that measure up with their duties.**

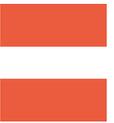
**c) On a long-term basis support the work done by non-governmental human rights organisations.**

## **5. Human rights education and training (HRET)<sup>12</sup>**

13.The Centre's baseline study (2014) revealed that Finnish legislation and political and administrative guidance do not sufficiently guarantee a systematic implementation of HRET so that it would reach everyone. The implementation of HRET depends too much on the interests and activeness of individual teachers, educators and education providers. In particular, there were significant shortcomings in teacher training and in the in-service training for civil and public servants.<sup>13</sup>

14.After the publication of the study, positive steps have been achieved with regard to HRET in Finland.<sup>14</sup> Furthermore, HRET has been a central element in the preparations of the next National Action Plan on Fundamental and Human Rights. In this context, the Centre strongly encourages the Government to include in the second NAP the training of civil servants at the regional and municipal level, where human rights are realised in practice.

15.Human rights have also been given a more prominent role in the new national core curricula for basic education and upper secondary education. As HRET in teacher training has been and still is limited, teachers often lack the necessary skills and understanding in human rights and human rights education in order to effectively teach human rights related content to their students as required by the curricula.<sup>15</sup>



16. Referring to recommendation received and rejected by Finland in the 2nd UPR cycle, even though Finnish legislation guarantees the autonomy of higher education institutions, there is a clear need to promote HRET in these institutions, especially in teacher training but also in the training of future public officials and legal professionals.<sup>16</sup>

#### **17. Recommendations:**

**a) Address the need to provide human rights training to public officials and civil servants also at regional and local levels.**

**b) Explore different possibilities to promote human rights education and training in higher education while respecting the autonomy of Finnish universities guaranteed by legislation.**

**c) Ensure that all teachers have necessary skills in human rights education in order to implement the national curriculum.**

#### **6. Non-discrimination<sup>17</sup>**

18. The Centre welcomes the adoption of the new Non-Discrimination Act. The Act extends the duty to promote non-discrimination and the scope of protection against discrimination. The Centre also welcomes the planned legislative amendment that would allow the Ombudsman for Equality to promote settlement in matters of compliance with the Equality Act.<sup>18</sup> As the Non-Discrimination Ombudsman already has this right, the amendment would strengthen and harmonise low-threshold legal protection measures that are accessible to the victim of discrimination.<sup>19</sup>

19. Despite these positive improvements, the supervision of legal protection in discrimination matters still require further harmonisation.<sup>20</sup> The Non-Discrimination Ombudsman cannot supervise compliance with the provisions on non-discrimination in working life. The National Non-Discrimination and Equality Tribunal on one hand can consider cases of discrimination in working life only when the discrimination is based on gender, gender identity or gender expression.<sup>21</sup> From the perspective of a person who has experienced discrimination, this system of asymmetric mandates may appear as confusing and difficult to access.<sup>22</sup> If the mandates of the aforementioned authorities were strengthened, this would also enable a more efficient consideration of matters related to multiple discrimination.<sup>23</sup>



**20.Recommendation:**

**Strengthen the mandates of the Non-Discrimination Ombudsman and the National Non-Discrimination and Equality Tribunal in order to further improve the legal protection of victims of discrimination and possibilities to tackle multiple discrimination.**

7. Hate speech<sup>24</sup>

21.Intolerance, hate speech and even hate crimes have increasingly become a concern in Finland. In particular, partly due to the increased influx of asylum seekers in 2015, the topic of immigration has roused heated debate.<sup>25</sup> This has resulted in verbal attacks against ethnic minorities, journalists, academics, activists and politicians. These kinds of verbal attacks and comments occur especially in social media. However, also other groups, such as disabled persons and LGBTI persons, encounter hate speech both in social media and in public places.<sup>26</sup>

**22.Recommendation:**

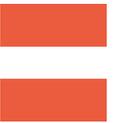
**Introduce concrete measures to combat all forms of hate speech and hate crime and ensure that such crimes are effectively investigated and prosecuted.**

8. Persons with disabilities

23.The Centre welcomes the ratification of the Convention of the Rights of Persons with Disabilities (CRPD) and its Optional Protocol in 2016.<sup>27</sup> The Centre also notes the positive developments achieved by Finland's Disability Policy Programme VAMPO 2010–2015.<sup>28</sup> However, in order to ensure the effective implementation of the CRPD, the work that was begun with VAMPO has to be continued with a new National Action Plan.

24.The Parliamentary Ombudsman has identified in the guarantee of the rights of persons with disabilities shortcomings that are related to restricting fundamental rights in special care for persons with intellectual disabilities, the preparation of service plans and special care programmes, the provision of disability services, as well as accessibility of premises and services and in the implementation of reasonable accommodations.<sup>29</sup> In addition, public authorities and other parties performing public functions do not sufficiently address the opportunities of persons with disabilities to participate and deal with others on an equal basis.<sup>30</sup>

25.In June 2016, the Centre published a report based on interviews with



disabled people's organisations. The interviews highlighted several similar problems faced by persons with disabilities with regard to access to rights, such as shortcomings concerning interpretation and transportation services, accessibility of electronic services and access to information. Additional concerns included the pressure of austerity in public finances and gaps in the realisation of full participation of persons with disabilities.<sup>31</sup>

26. Many of these issues occur at the local and regional levels. Therefore, it is essential that local and regional authorities are given clear instructions concerning the implementation of the CRPD.

27. In addition, the Centre wishes to express its concern regarding the planned reform of legislation concerning disability services. The reform is connected to austerity measures and the Government's plans to reduce the number of legislative duties of municipalities. As a result of the current plans, services for older persons with disabilities would be determined based on other legislation, which would increase the economic costs for the individual and possibly affect the right to personal assistance for older persons with disabilities. The legislative reform, together with the national reform of social welfare and health care services (SOTE) can have serious consequences for the rights of persons with disabilities.<sup>32</sup>

## **28. Recommendations:**

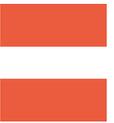
**a) Fully implement CRPD by drafting a comprehensive National Action Plan with clear targets, indicators and allocated funds, and ensure independent monitoring and evaluation of the Plan.**

**b) Ensure the full participation of persons with disabilities and their representative organisations in all matters concerning them, including in the drafting, implementation, monitoring and evaluation of the NAP.**

**c) Include in the NAP concrete measures to ensure the implementation of CRPD at the local and regional levels.**

**d) Protect the rights of persons with disabilities in the social welfare and health care reform.**

**e) Ensure that the planned reform of disability service legislation does not endanger the rights and services of older persons with disabilities.**



## 9. Older persons

29. The Parliamentary Ombudsman has highlighted continuous shortcomings in the conditions and treatment of older persons. These shortcomings relate to nutrition, hygiene, change of diapers, rehabilitation and access to outdoor recreation in institutional care and in assisted living units. In the care of older persons living at home there are also shortcomings that concern safety, outdoor recreation arrangements and services for running errands. Many of these problems result from insufficient staffing and internal overseeing of the administration. Also, there is no legislative foundation for measures limiting the right to self-determination in the care of older persons.<sup>33</sup>

### **30. Recommendations:**

**a) Ensure the care of older persons and internal overseeing of the administration are sufficiently resourced.**

**b) Establish a legislative basis for the measures limiting the right to self-determination in the care of older persons.**

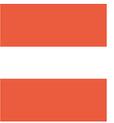
## 10. Violence against women<sup>34</sup>

31. The Centre supports Government's actions in developing good practices to prevent and combat violence against women.<sup>35</sup> The Centre also notes with satisfaction the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). As gender based violence is a persisting concern in Finland, the Centre considers it to be crucial that the Government draws an action plan that effectively promotes the implementation of the Istanbul Convention.<sup>36</sup>

### **32. Recommendations:**

**To effectively implement the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) the Government should:**

**a) Ensure the cooperation of relevant authorities and non-governmental organisations, taking special notice of the engagement of local and regional authorities.**



**b) Ensure sufficient amount of appropriate, accessible and geographically distributed services for victims of domestic and other violence.**

**c) Clearly indicate how the obligations included in the Convention are taken into account in its budget.**

#### 11. Persons seeking for asylum or family reunification<sup>37</sup>

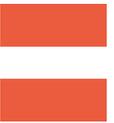
33. In 2016, several amendments to the Aliens Act were passed by the Parliament with the aim to restrict various rights. The Centre is especially concerned on the restriction to legal aid during asylum investigation. In many cases, asylum seekers are persons in a vulnerable situation and may thus have a greater need for legal protection. According to the amended Act, free legal aid is provided only if there are weighty reasons for it or if the asylum seeker is under 18 years of age and has arrived unaccompanied.<sup>38</sup> In addition, the time for appeal against the asylum decision was made shorter than the general time for appeal in other administrative matters of similar nature.

34. The Centre is also concerned that the current requirements for family reunification which are included in the Aliens Act and which have been tightened several times over the past years, could actually prevent reunifications completely. Due to the most recent amendment, the suggestive income requirement set for the sponsors may be so high that it is impossible for most to achieve.<sup>39</sup> Stricter provisions are problematic with regard to the right to respect for family life of sponsors and to the best interest of the child in cases where the sponsor is a minor. Neither do they promote integration.

#### **35. Recommendations:**

**a) Ensure asylum seekers' rights during the asylum process are fulfilled and that national legislation is not discriminatory towards them.**

**b) Review the impact of the latest legislative amendments concerning family reunifications and amend the Aliens Act, as necessary.**



## 12. Undocumented migrants<sup>40</sup>

36. The Centre welcomes the Government's sponsored study on the need and use of health care services among undocumented migrants.<sup>41</sup> At the same time, it is regrettable that the Government Bill which would have improved the access of undocumented minors, pregnant women and persons with chronic diseases to the aforementioned services expired. In the current national legislation, the access of undocumented migrants to health care is limited to emergency health care only. At the minimum, and to better comply with human rights obligations, access to other preventive health care services considered necessary by the health care professionals should be provided.<sup>42</sup>

### **37. Recommendation:**

**Amend its legislation so that all undocumented migrants would have access to both necessary and emergency health care services. Undocumented minors should be provided all health care services defined by the Health Care Act.**

## 13. LGBTI people<sup>43</sup>

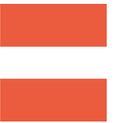
38. The Centre notes with appreciation the legislative reform and amendments which contribute to the fulfilment of equality for sexual and gender minorities and the respect of their private and family life.<sup>44</sup> Regardless of these developments, the Act on Legal Recognition of the Gender of Transsexuals still includes a requirement to be infertile before a person whose gender has been reassigned can be legally recognised. This requirement constitutes a severe interference to the physical integrity of a person and can be considered as discriminatory.<sup>45</sup>

### **39. Recommendation:**

**Further improve the equality of transgender people by abolishing the requirement to be infertile as a condition for the legal recognition of gender reassignment.**

## 14. Prisoners and remand prisoners

40. According to the Parliamentary Ombudsman, remand prisoners are still excessively held in police prisons, which are not suitable for long-term residence. This is also problematic from the perspective of safeguarding fair trials, as the investigation of an offence and holding a suspect should be kept as separate responsibilities.<sup>46</sup>



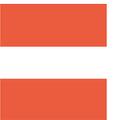
41. In addition, the Centre would like to raise some other problems identified by the Ombudsman, such as the lack of activities in prisons. Some prisoners have to spend 23 hours per day in their cells. The ongoing use of toiletless cells still remains a concern as well, despite criticism received by Finland for many years.<sup>47</sup>

#### **42. Recommendations:**

**a) Avoid detaining remand prisoners at police cells and hold them in remand prisons instead.**

**b) Ensure prisoners are provided with sufficient amount of activities outside their cells in all its prisons.**

**c) Expedite the replacement of toiletless cells with in-cell sanitary annexes.**



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<sup>1</sup> Finland has ratified the following Conventions/Optional Protocols during the reporting period: Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, Optional Protocol of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, ILO Convention No. 189 concerning decent work for domestic workers and the Convention on the Rights of Persons with Disabilities and its Optional Protocol.

See UPR recommendations: Report of the Working Group on the Universal Periodic Review of Finland A/HRC/21/8 (second cycle), paragraphs 89.1. (Namibia, China, Slovenia, Portugal); 89.3. (Belgium); 89.4. (Estonia); 89.5. (Spain, partly implemented); 89.7. (Philippines, partly implemented) and 90.1. (UK).

<sup>2</sup> Finland signed the Convention on the Rights of Persons with Disabilities and its Optional Protocol in 2007 and ratified them in 2016. Optional Protocol of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment was signed in 2003 and ratified in 2014. Similarly, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography was signed in 2000 and ratified in 2012.

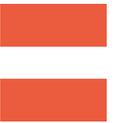
<sup>3</sup> The Convention was supposed to be ratified under the previous Government's term of office. See Programme of Prime Minister Jyrki Katainen's Government 2011, p. 30: <http://valtioneuvosto.fi/documents/10184/367809/Programme+of+Prime+Minister+Katainen+%E2%80%99s+Government/64238eca-58cd-43bb-81dc-963a364a422e> (viewed 12 September 2016).

Information (in Finnish) on the comparative study that examines the realisation of rights of the Sami people and is carried out by University of Lapland and Luleå University of Technology at [http://tietokayttoon.fi/hankkeet/hanke-esittely/-/asset\\_publisher/saamelaisten-oikeuksien-toteutumisen-kansainvalinen-oikeusvertaileva-tutkimus](http://tietokayttoon.fi/hankkeet/hanke-esittely/-/asset_publisher/saamelaisten-oikeuksien-toteutumisen-kansainvalinen-oikeusvertaileva-tutkimus) (viewed 12 September 2016).

See UPR recommendations that concern the ratification of the ILO Convention 169: Report of the Working Group on the Universal Periodic Review of Finland A/HRC/21/8 (second cycle), paragraph 89.8. (Nicaragua, Mexico, Norway).

<sup>4</sup> See for example: Constitutional Law Committee (2016). Government's report on the General Government Fiscal Plan. Committee's statement PeVL 19/2016 in Finnish at [https://www.eduskunta.fi/FI/vaski/Lausunto/Sivut/PeVL\\_19+2016.aspx](https://www.eduskunta.fi/FI/vaski/Lausunto/Sivut/PeVL_19+2016.aspx) (viewed 12 September 2016) and in Swedish at [https://www.eduskunta.fi/SV/vaski/Lausunto/Sidor/GrUU\\_19+2016.aspx](https://www.eduskunta.fi/SV/vaski/Lausunto/Sidor/GrUU_19+2016.aspx) (viewed 16 September 2016). See also a statement (2015) by the Human Right Centre's Human Rights Delegation on fundamental and human rights in Government's actions in Finnish (under the headline Kannanotot) at <http://www.ihmisoikeuskeskus.fi/keita-olemme/ihmisoikeusvaltuuskunta/> (viewed 13 September 2016) and in Swedish (under the headline Ställningstaganden) at <http://www.ihmisoikeuskeskus.fi/pa-svenska/vilka-ar-vi/manniskorattsdelegationen/> (viewed 16 September 2016).

<sup>5</sup> More information on the reform at <http://alueuudistus.fi/en/frontpage> (viewed 12



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September 2016).

<sup>6</sup> Lack of separate resources was seen as one of the greatest weaknesses in the evaluation report of first NAP. See: Heiskanen, Rautiainen, Seppä & Viljanen (2014). The evaluation of the National action plan on fundamental and human rights 2012 – 2013. Publication of the Ministry of Justice 19/2014, p. 69 (press release in English, report only in Finnish) at

<http://oikeusministerio.fi/en/index/currentissues/tiedotteet/2014/03/kansallisenperus-jaihmisoikeustoimintaohjelmantuloksellisuuttaarvioitu.html> (viewed 12 September 2016)

and shortly in Swedish at

<http://www.oikeusministerio.fi/sv/index/julkaisut/julkaisuarkisto/1396253612431.html> (viewed 16 September 2016).

<sup>7</sup> In the evaluation report of the first NAP it was recommended that human rights should be mainstreamed to all levels of governance. Links to the evaluation report above, p. 48.

<sup>8</sup> Report of the Working Group on the Universal Periodic Review of Finland A/HRC/21/8 (second cycle) paragraph 93 (b), Finland's voluntary commitment on the more effective and systematic monitoring of human rights.

<sup>9</sup> See also: Working group of the Ministry of Justice (2015). Report on the status, division of tasks and resources of fundamental and human rights actors in Finland. Publication of the Ministry of Justice 35/2015, p. 64 at

<http://www.oikeusministerio.fi/fi/index/julkaisut/julkaisuarkisto/1432185893641.html> (viewed 12 September 2016). A summary in Swedish at

<http://www.oikeusministerio.fi/sv/index/julkaisut/julkaisuarkisto/1432185893641.html> (viewed 19 September 2016).

Some ministries already have official or unofficial networks within them.

<sup>10</sup> See the links to the report above.

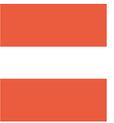
<sup>11</sup> See also: Commissioner for Human Rights of the Council of Europe (2012). *Report by Nils Muižnieks, Commissioner for Human Rights of the Council of Europe, Following his visit to Finland from 11 to 13 June 2012* (CommDH(2012)27), p. 8 at

<https://wcd.coe.int/ViewDoc.jsp?p=&id=1977837&direct=true> (viewed 12 September 2016).

<sup>12</sup> According to article 3 (2) of the United Nations Declaration on Human Rights Education and Training, human rights education and training (HRET) includes, inter alia, vocational training, particularly the training of trainers, teachers and State officials, continuing education, popular education, and public information and awareness activities. According to article 4(1) of the Declaration, States and relevant governmental authorities have the primary responsibility to promote and ensure HRET.

<sup>13</sup> Human Rights Centre (2014). *Human Rights Education in Finland*. Available online at <http://www.ihmisoikeuskeskus.fi/in-english/publications/> (viewed 13 September 2016).

<sup>14</sup> See Human Rights Centre (2016). *Human Rights Centre Annual Report 2015: Summary*, pp. 16–18. Available at <http://www.ihmisoikeuskeskus.fi/in-english/publications/> (viewed 13 September 2016).



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<sup>15</sup> The gradual implementation of the new core curricula began in August 2016.

<sup>16</sup> In the 2nd UPR cycle, it was recommended that Finland introduce human rights education as a mandatory part of teachers' training. The Finnish Government rejected the recommendation, stating that due to the autonomy of higher education institutions providing teacher education, any requirement of mandatory elements to all higher education institutions is impossible.

See recommendation: Report of the Working Group on the Universal Periodic Review of Finland A/HRC/21/8 (second cycle), paragraph 90.22. (Slovenia). See Government's response: Report of the Working Group on the Universal Periodic Review of Finland, Addendum A/HRC/21/8/Add.1, paragraph 90.22.

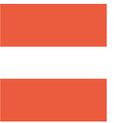
For the freedom of higher education and autonomy of universities, see the Constitution of Finland (731/1999), sections 16 and 123 (unofficial English translation available at <https://www.finlex.fi/fi/laki/kaannokset/1999/en19990731.pdf>, viewed 13 September 2016) and the Universities Act (558/2009), section 3 (unofficial English translation available at <http://www.finlex.fi/fi/laki/kaannokset/2009/en20090558.pdf>, (viewed 13 September 2016).

<sup>17</sup> See UPR recommendations: Report of the Working Group on the Universal Periodic Review of Finland A/HRC/21/8 (second cycle), paragraphs 89.17. (Palestine) and 89.21. (Spain).

<sup>18</sup> Government Bill 98/2016 for the amendment of the Equality Act and for the Act on the Ombudsman for Equality is under consideration in the Parliament (autumn 2016). More information on the Government Bill (in Finnish) available at <http://www.finlex.fi/fi/esitykset/he/2016/20160098> (viewed 13 September 2016) and in Swedish at <http://www.finlex.fi/sv/esitykset/he/2016/20160098.pdf> (viewed 19 September 2016).

<sup>19</sup> On the Ombudsman's right to promote settlement, see the Working group of the Ministry of Justice (2015), Report on the status, division of tasks and resources of fundamental and human rights actors in Finland. Publication of the Ministry of Justice 35/2015, p. 60 at <http://www.oikeusministerio.fi/fi/index/julkaisut/julkaisuarkisto/1432185893641.html> (in Finnish, viewed 12 September 2016) and a summary in Swedish at <http://www.oikeusministerio.fi/sv/index/julkaisut/julkaisuarkisto/1432185893641.html> (viewed 19 September 2016). See also Constitutional Law Committee (2014), Government Bill on the Non-Discrimination Act and other Acts related to it. Committee's Statement 31/2014 vp, p. 10 in Finnish at [https://www.eduskunta.fi/FI/vaski/Lausunto/Documents/pevl\\_31+2014.pdf](https://www.eduskunta.fi/FI/vaski/Lausunto/Documents/pevl_31+2014.pdf) (viewed 13 September 2016).

<sup>20</sup> Parliament's Constitutional Law Committee has stated it is problematic that the supervision of non-discrimination in working life is not included in the tasks of the Non-Discrimination Ombudsman and the National Non-Discrimination and Equality Tribunal. See Constitutional Law Committee (2014), Government Bill on the Non-Discrimination Act and other Acts related to it. Committee's Statement 31/2014 vp, pp. 9–10 in Finnish at [https://www.eduskunta.fi/FI/vaski/Lausunto/Documents/pevl\\_31+2014.pdf](https://www.eduskunta.fi/FI/vaski/Lausunto/Documents/pevl_31+2014.pdf) (viewed 13 September 2016).



<sup>21</sup> Non-discrimination in working life is supervised by the occupational safety and health authorities. See Non-Discrimination Act (1325/2014), section 22 at <http://www.finlex.fi/fi/laki/alkup/2014/20141325#Pidm2435408> (viewed 13 September 2016) and in Swedish at <http://www.finlex.fi/sv/laki/alkup/2014/20141325> (viewed 20 September 2016).

<sup>22</sup> See also: Committee on Economic, Social and Cultural Rights (2014), *Concluding observations on the sixth periodic report of Finland* E/C.12/FIN/CO/6, p. 3.

<sup>23</sup> Constitutional Law Committee (2014). Government Bill on the Non-Discrimination Act and other Acts related to it. Committee's Statement 31/2014 vp, p. 10 at [https://www.eduskunta.fi/FI/vaski/Lausunto/Documents/pevl\\_31+2014.pdf](https://www.eduskunta.fi/FI/vaski/Lausunto/Documents/pevl_31+2014.pdf) (viewed 13 September 2016).

<sup>24</sup> See for example the following UPR recommendations: Report of the Working Group on the Universal Periodic Review of Finland A/HRC/21/8 (second cycle), paragraphs 89.18. (Spain); 89.19. (Morocco); 89.20. (Algeria); 89.23. (Egypt); 89.40. (Iran) and 90.7. (USA).

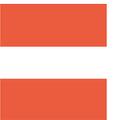
<sup>25</sup> In October 2015, the Human Rights Delegation of the Centre unanimously adopted a statement on the protection of fundamental and human rights in Government activities. In the statement, it expressed its concern over the increasing prevalence of hate speech and intolerance in society. According to the Delegation, the Government should combat and denounce all kinds of hate speech and hate crimes, as respect for everyone's human dignity is in the core of fundamental and human rights. See the statement (2015) by the Human Rights Centre's Human Rights Delegation on fundamental and human rights in Government's actions in Finnish (under the headline Kannanotot) at <http://www.ihmisoikeuskeskus.fi/keita-olemme/ihmisoikeusvaltuuskunta/> (viewed 13 September 2016) and in Swedish (under the headline Ställningstaganden) at <http://www.ihmisoikeuskeskus.fi/pa-svenska/vilka-ar-vi/manniskorattsdelegationen/> (viewed 16 September 2016).

<sup>26</sup> See, for example Jauhola & Korhonen (2016). *"I often find myself thinking how I should be or where I shouldn't go". Survey on hate speech and harassment and their influence on different minority groups*. Publication of the Ministry of Justice 7/2016 (English abstract on pp. 18–21). Available at: [http://www.oikeusministerio.fi/fi/index/julkaisut/julkaisuarkisto/1456826655763/Files/OMSO\\_7\\_2016\\_VIPU-raportti\\_158\\_s.pdf](http://www.oikeusministerio.fi/fi/index/julkaisut/julkaisuarkisto/1456826655763/Files/OMSO_7_2016_VIPU-raportti_158_s.pdf) (viewed 21 September 2016).

<sup>27</sup> Report of the Working Group on the Universal Periodic Review of Finland A/HRC/21/8 (second cycle), paragraphs 89.1. (Namibia, China, Slovenia, Portugal); 89.5. (Spain) and 90.1. (UK).

<sup>28</sup> Ministry of Social Affairs and Health (2012). *A strong basis for inclusion and equality. Finland's disability policy programme VAMPO 2010–2015*. Publications of the Ministry of Social Affairs and Health 2012/7. Available at <https://www.julkari.fi/handle/10024/112339> (viewed 13 September 2016).

<sup>29</sup> Parliamentary Ombudsman of Finland (2016). *Summary of the Annual Report 2015*, p. 16. Available at



<http://www.oikeusasiatietokeskus.fi/Resource.phx/ea/english/publications/annual.htm> (viewed 21 September 2016).

<sup>30</sup> Parliamentary Ombudsman of Finland (2016). *Summary of the Annual Report 2015*, p. 110. Available at <http://www.oikeusasiatietokeskus.fi/Resource.phx/ea/english/publications/annual.htm> (viewed 21 September 2016).

<sup>31</sup> Human Rights Centre (2016). *Vammaisten henkilöiden pääsy oikeuksiin: vammaisjärjestöjen neuvontapalvelut*. Available in Finnish at [http://ihmisoikeuskeskus-fi-bin.directo.fi/@Bin/63e1a2bc13be29b7e71c42be6dd468dd/1470994618/application/pdf/3503070/Vammaisten\\_pa%CC%88a%CC%88sy\\_oikeuksiin\\_FINAL.pdf](http://ihmisoikeuskeskus-fi-bin.directo.fi/@Bin/63e1a2bc13be29b7e71c42be6dd468dd/1470994618/application/pdf/3503070/Vammaisten_pa%CC%88a%CC%88sy_oikeuksiin_FINAL.pdf) (viewed 13 September 2016) and in Swedish at <http://ihmisoikeuskeskus-fi-bin.directo.fi/@Bin/c0a4dcf6e3de3354756253a0e3e3450d/1470994661/application/pdf/3528514/Tillg%C3%A5ng%20till%20r%C3%A4ttvisa%20f%C3%B6r%20personer%20med%20funktionsneds%C3%A4tning.pdf> (viewed 13 September 2016).

<sup>32</sup> The Disability Services Act and the Act on Special Care for People with Intellectual Disabilities will be integrated into a single act. According to current plans, the new act would include a provision setting a maximum age limit of 75 years for special services provided for persons with disabilities.

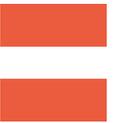
<sup>33</sup> Parliamentary Ombudsman of Finland (2016). *Summary of the Annual Report 2015*, p. 94. Available at <http://www.oikeusasiatietokeskus.fi/Resource.phx/ea/english/publications/annual.htm> (viewed 21 September)

<sup>34</sup> See UPR recommendations: Report of the Working Group on the Universal Periodic Review of Finland A/HRC/21/8, second cycle, paragraphs: 89.14. (Ukraine); 89.15. (Indonesia); 89.16. (Iran); 89.28. (Mexico); 89.29. (Egypt); 90.11. (Chile); 90.14. (Thailand).

<sup>35</sup> Ministry of Social Affairs and Health (2011). *Action Plan to Reduce Violence against Women 2010–2015*. Publications of the Ministry of Social Affairs and Health 2010/15 at [https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/72733/JUL1015\\_Violence\\_verkko\\_Final.pdf?sequence=1](https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/72733/JUL1015_Violence_verkko_Final.pdf?sequence=1) (viewed 13 September 2016). See also the evaluation report of the action plan (only in Finnish, a summary in Swedish p. 2): Törmä & Pentikäinen (2016) “*Tavoitteena naisiin kohdistuvasta väkivallasta ja perheväkivallasta vapaa Suomi. Naisiin kohdistuvan väkivallan vähentämisen ohjelmasta Istanbulin sopimuksen toimeenpanoon.*”, Publications of the Ministry of Social Affairs and Health 2016/15 at [https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/75030/Rap\\_ ja\\_ muist\\_ 2016\\_ 15\\_ 1\\_ pdf?sequence=1](https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/75030/Rap_ ja_ muist_ 2016_ 15_ 1_ pdf?sequence=1) (viewed 13 September 2016).

On recommendations related to the National Action Plan, see Report of the Working Group on the Universal Periodic Review of Finland A/HRC/21/8 (second cycle), paragraphs 90.9. (The Netherlands); 90.10. (Norway); 90.12. (Palestine) and 90.13. (Spain).

<sup>36</sup> See European Union Agency for Fundamental Rights (2014). *Violence against women: an EU-wide survey. Main results*, pp. 30, 73 and 98 at [http://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-main-results-apr14\\_en.pdf](http://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-main-results-apr14_en.pdf) (viewed 13 September 2016).



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<sup>37</sup> See UPR recommendations from the previous cycle: Report of the Working Group on the Universal Periodic Review of Finland A/HRC/21/8 (second cycle), paragraphs 89.10. (Nepal) and 89.25. (Namibia).

<sup>38</sup> Aliens Act (301/2004), section 9. Available in Finnish at <http://www.finlex.fi/fi/laki/ajantasa/2004/20040301> (viewed 13 September 2016) and in Swedish at <http://www.finlex.fi/sv/laki/ajantasa/2004/20040301> (viewed 13 September 2016).

<sup>39</sup> See Aliens Act (301/2004), section 114. Available in Finnish at <http://www.finlex.fi/fi/laki/ajantasa/2004/20040301> (viewed 13 September 2016) and in Swedish at <http://www.finlex.fi/sv/laki/ajantasa/2004/20040301> (viewed 13 September 2016).

<sup>40</sup> See UPR recommendations: Report of the Working Group on the Universal Periodic Review of Finland A/HRC/21/8 (second cycle), paragraphs 89.10. (Nepal) and 89.50. (Iraq).

<sup>41</sup> Keskimäki, Kuusio & Nykänen (2014). *Health care services for undocumented migrants in Finland*. National Institute for Health and Welfare. Report 11/2014. Available in Finnish at <https://www.julkari.fi/handle/10024/114941>, a summary in Swedish p.4, in English p. 5 (viewed 13 September 2016).

<sup>42</sup> Constitutional Law Committee (2014). Government Bill concerning an Act on municipality's responsibility to provide some health care services to some aliens and the amendment of the Act on Cross-Border Health Care. Committee's Statement 73/2014 vp, p. 2. Available in Finnish at [https://www.eduskunta.fi/FI/vaski/Lausunto/Documents/pevl\\_73+2014.pdf](https://www.eduskunta.fi/FI/vaski/Lausunto/Documents/pevl_73+2014.pdf) (viewed 13 September 2016).

See also Keskimäki, Kuusio & Nykänen (2014). *Health care services for undocumented migrants in Finland*. National Institute for Health and Welfare. Report (in Finnish) 11/2014, pp. 62–67. Summary in English at <https://www.julkari.fi/handle/10024/114941> (viewed 13 September 2016).

<sup>43</sup> See UPR recommendation: Report of the Working Group on the Universal Periodic Review of Finland A/HRC/21/8 (second cycle), paragraph 90.8. (Iceland).

<sup>44</sup> See Non-Discrimination Act (1325/2014) in Finnish at <http://www.finlex.fi/fi/laki/alkup/2014/20141325#Pidm2435408> (viewed 13 September 2016), in Swedish at <http://www.finlex.fi/sv/laki/alkup/2014/20141325> (viewed 20 September 2016), the Act on Equality between Women and Men (609/1986), section 3 in Finnish at <http://www.finlex.fi/fi/laki/ajantasa/1986/19860609> (viewed 13 September 2016), in Swedish at <http://www.finlex.fi/sv/laki/ajantasa/1986/19860609> (viewed 20 September 2016) and Marriage Act 234/1929, sections 1 and 1a in Finnish at <http://www.finlex.fi/fi/laki/ajantasa/1929/19290234#a20.2.2015-156> (viewed 13 September 2016), in Swedish at <http://www.finlex.fi/sv/laki/ajantasa/1929/19290234> (viewed 20 September 2016).



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<sup>45</sup> Human Rights Centre (2014). Statement on the draft Government Bill to amend the Act on Legal Recognition of the Gender of Transsexuals. Diary number 3796/9B/14, p. 1 (in Finnish).

<sup>46</sup> Parliamentary Ombudsman of Finland (2016). *Summary of the Annual Report 2015*, pp. 66 and 96. Available at <http://www.oikeusasiames.fi/Resource.phx/ea/english/publications/annual.htx> (viewed 21 September 2016).

<sup>47</sup> Parliamentary Ombudsman of Finland (2016). *Summary of the Annual Report 2015*, p. 95. Available at <http://www.oikeusasiames.fi/Resource.phx/ea/english/publications/annual.htx> (viewed 21 September 2016).