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**Human Rights Committee****List of issues prior to submission of the seventh periodic report of Finland<sup>\*,\*\*</sup>****A. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant**

1. Please provide information on processes in place to implement the recommendations contained in the Committee's previous concluding observations (CCPR/C/FIN/CO/6). Please indicate what procedures are in place for the implementation of the Committee's Views under the Optional Protocol and report on measures taken to ensure full compliance with the Views adopted in relation to the State party.

2. Please report on any significant developments in the legal and institutional framework within which human rights are promoted and protected that have taken place since the adoption of the previous concluding observations, including examples of cases in which the provisions of the Covenant have been referred to by national courts.

**B. Specific information on the implementation of articles 1–27 of the Covenant, including with regard to the previous recommendations of the Committee****Constitutional and legal framework within which the Covenant is implemented (art. 2)**

3. With reference to the previous concluding observations (para. 4), please report on any recent review of the necessity of the reservations to the Covenant, in particular to articles 14(7) and 20(1), with a view to withdrawing them, and indicate what consideration has been given in the course of such review to the Committee's interpretation of the said provisions.

4. Please respond to reports that human rights impact assessment of bills, policies and other initiatives or reforms has been limited or lacking in some cases, and provide information on measures taken to strengthen the mechanisms for human rights assessment of legislative and policy proposals prior to their adoption to ensure their compatibility with the Covenant.

**Non-discrimination, gender equality, and prohibition of advocacy of national, racial or religious hatred (arts. 2, 3, 20 and 26)**

5. Please report on the impact of the Non-Discrimination Act (1325/2014) on ensuring effective access to justice and reparation for victims of discrimination, clarifying inter alia

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\* Adopted by the Committee at its 125<sup>th</sup> session (4.29 March 2019).

\*\* Unless otherwise indicated, paragraph numbers in parentheses refer to the Committee's previous concluding observations (CCPR/C/FIN/CO/6).

whether: (a) the Non-discrimination Ombudsman can bring cases before the courts on its own motion; (b) the National Non-Discrimination and Equality Tribunal can award compensation to victims of discrimination.

6. Please comment on the reported increase of hate speech and intolerance in society, and provide information on measures taken to respond effectively to reports of: (a) hate crimes, harassment and hate speech, including online (especially on social media) and in political discourse, against foreigners and foreign language speakers, immigrants, and members of ethnic and religious minorities such as Roma and Muslims; (b) rise in anti-Semitic hate speech online; (c) proliferation of fake news outlets and internet trolling factories encouraging and contributing to hate speech. Please also report on the measures taken to ensure effective investigation of and prosecution for hate crimes (please supply data on the number of reported cases, investigations and prosecutions initiated, and their outcome).

7. Please provide information on the measures taken, and their impact, in relation to increasing the representation of women with disabilities, women from ethnic minorities and migrant women in political and public life.

**Discrimination on the grounds of gender identity and intersex status (arts. 2, 7, 9, 17, 24 and 26)**

8. In connection with the previous concluding observations (para. 8), please report on the measures taken to address discrimination against transgender persons. Please also report on the progress made in bringing into compliance with the Covenant the Act on Legal Recognition of the Gender of Transsexuals requiring inter alia compulsory sterilization or infertility as a precondition for legal gender recognition, and comment on reports that gender recognition requires a mental health diagnosis of “transsexualism”.

9. Please respond to reports that infants and children with variations of sex characteristics (intersex) are subjected to medically unnecessary and irreversible ‘sex-normalising’ surgeries and other medical treatment without fully informed and free consent. Please report on: (a) any follow-up to the proposal made in 2016 by the National Advisory Board on Social Welfare and Health Care Ethics that measures to modify external sexual characteristics of intersex children not be taken until they themselves can both define their gender and form a position on their sexuality; (b) the outcome of the study on the rights and experiences of intersex children, planned under the National Action Plan on Fundamental and Human Rights 2017-2019, and on any ensuing follow-up measures; (c) efforts to adopt national binding guidelines for medical professionals on the treatment of intersex individuals; and (d) measures to facilitate effective access to justice and redress for individuals who were subjected to such surgeries or other medical interventions.

**Counter-terrorism measures (arts. 2, 9, 12 and 14)**

10. Please respond to concerns that: (a) the recent amendments relating to the definition of terrorist crimes in the Criminal Code are vague and susceptible to abuse; (b) the criminalization of ancillary offences involving conduct excluded from the principal offence may not comply with the principle of legality and may unduly restrict certain rights such as the freedom of movement. Please also report on any independent and effective oversight mechanisms over the activities of the Finnish intelligence service.

**Violence against women, including domestic and sexual violence (arts. 2, 3, 6, 7 and 26)**

11. With reference to the previous concluding observations (para. 7), please report on measures taken and progress achieved in relation to tackling effectively the prevalence of violence against women, particularly domestic violence and rape, including measures to: (a) provide sufficient funding for the Committee for Combating Violence Against Women and Domestic Violence and for the implementation of policies and programmes aimed at combating violence against women and assisting victims; (b) encourage reporting of such violence, address the root causes of its underreporting, the low prosecution and conviction rates for rape and the ensuing lenient penalties; (c) make the lack of victim’s consent, as opposed to the use or threat of violence, as the core element of the definition of rape; (d)

reconsider the court fee for unsuccessful applications for restraint orders and ensure effective access to justice and remedies for victims of violence, including sexual violence; and (e) provide sufficient and adequate victim support services, including shelters and sexual assault support centres, throughout the country, and facilitate access to such services for all victims; and (f) provide counselling services for perpetrators. Please respond to reports that protection against forced marriage remains insufficient in the absence of comprehensive data on its extent and its effective criminalization, and report on the outcome of the project to collect information about forced marriage initiated in 2017.

**Right to life and prohibition of torture and other cruel, inhuman or degrading treatment or punishment (arts. 6, 7, 14)**

12. Please respond to the reported increase in the use of force by police, including by employing electro-muscular disruption devices (Tasers) and other “less-lethal” weapons, and provide information on the measures taken to strengthen oversight over their use and to ensure respect for the strict requirements of necessity and proportionality, and on appropriate training to law enforcement officials.

**Liberty and security of person and treatment of persons deprived of their liberty (arts. 9 and 10)**

13. With reference to the previous concluding observations (para. 11) and the Committee’s evaluation of the third follow-up reply of the State party (see [CCPR/C/120/2](#)), please clarify whether relevant provisions have been amended to ensure that persons arrested on criminal charges are brought before a judge within 48 hours of their arrest. Please report on measures taken to clarify the criterion “in the interests of the criminal investigation” as ground for deferral of notification of one’s custody for up to 48 hours, and indicate the safeguards in place against misuse of such exception to the right of notification.

14. Please report on the progress made in strengthening the right to autonomy for persons with mental and psychosocial disabilities in the context of involuntary placements and treatment in psychiatric institutions, including on safeguards available to them and on their effective access to legal remedies through judicial review. Please also respond to reports of deprivation of liberty in health and social care settings without sufficient legal basis and legal safeguards, including of older persons with dementia and patients ‘lacking capacity’, and to concerns about repeated postponement of draft legislation to address such shortcomings.

15. Please report on: (a) progress achieved towards discontinuing the detention of remand prisoners in police detention facilities, including information on the implementation in practice of the legislative amendment aimed at shortening such detention to seven days that entered into force on 1 January 2019; (b) the new alternatives to remand detention, i.e. the intensified travel ban and the technically-monitored arrest, and their implementation in practice (including relevant statistics).

16. With reference to the previous concluding observations (para. 13), please report on any policy and/or legislative steps to ensure that juveniles are as a general rule segregated from adult prisoners in all places of detention.

**Treatment of aliens, including refugees and asylum seekers (arts. 7, 9, 10, 13, 14, 17 and 24(3))**

17. Please respond to the following concerns related to restrictions limiting the rights of asylum seekers, and report on measures taken to address them:

(a) Restrictions to accessing legal aid at the first instance level, introduced in 2016; (in this respect, please report *inter alia* on the follow-up to the recommendations emanating from the study on access to legal aid by asylum seekers, published on 12 December 2018);

(b) Shortened deadlines for appeals before the Administrative Court and the Supreme Administrative Court, from 30 days to 21 and 14 days, respectively;

(c) Proposed further restrictions on the examination of repeat applications, which may potentially lead to violations of the principle of non-refoulement;

(d) Income requirements significantly restricting the right to family reunification; and

(e) The repeal of the humanitarian protection as a national protection category in 2016, with retroactive effect.

18. In connection with the previous recommendation (para. 10), please report on: (a) measures taken to ensure that the detention of asylum seekers is a measure of last resort, is applied for the shortest possible period and is reasonable, necessary and proportionate in the light of the circumstances; and (b) respond to reports of detention of families and single parents with children for several months; pre-removal detention of persons with special needs, and of the continuing practice of detaining asylum-seekers in detention facilities run by the police and border guards that are not fit for detention lasting longer than a few days. Please provide information on the implementation of the two alternatives to detention of asylum-seekers and irregular migrants introduced in 2016, namely the directed residence with reporting obligations and home curfew for unaccompanied children, and respond to concerns that the directed residence with reporting obligations of up to four times per day may amount to deprivation of liberty/detention, that such deprivation of liberty is not subject to judicial review and that it could potentially be used to seriously restrict asylum-seekers' freedom of movement. Please clarify whether there are plans to: (a) introduce a general ban on the detention of child asylum-seekers for immigration purposes; (b) retain the automatic periodic judicial review of the lawfulness of asylum seekers' detention as opposed to conducting such review upon request by the asylum seeker; and (c) review the grounds and procedural safeguards for the directed residence measure, with a view to ensuring that it is an alternative to detention de facto.

#### **Right to privacy (art. 17)**

19. Please report on the compatibility with article 17 of the Covenant of draft or adopted legislation regulating civilian and military intelligence and communications surveillance, addressing inter alia: (a) the concerns with regard to the proposed draft legislation such as the vaguely defined key term 'situations amounting to threats to national security'; the possible permission to civilian intelligence agencies to conduct communications surveillance in connection with threats to national security, without requiring a link to a specific criminal offence; and the restricted mandate of the proposed Intelligence Ombudsman as monitoring entity; (b) the safeguards in place against arbitrary interference with privacy in the context of surveillance activities by security and intelligence agencies, including prior judicial authorization for their conduct and effective and independent oversight mechanisms over surveillance activities; (c) access to effective remedies in case of abuse.

#### **Freedom of conscience and religious belief (arts. 2, 18 and 26)**

20. With reference to the previous concluding observations (para. 14), please report on: (a) measures taken to ensure that alternative service for conscientious objectors is not punitive or discriminatory in nature or duration by comparison with military service; (b) progress made in extending the exemption from military and civilian service accorded to Jehovah's Witnesses to other conscientious objectors.

21. In the light of the applicable regulations on the slaughtering of animals, please report on the measures taken to ensure that religious minorities have access to food products that meet their respective religious dietary restrictions.

#### **Freedom of expression (art. 19)**

22. Please report on measures taken to bring blasphemy laws (Criminal Code, Chapter 17, Section 10) into compliance with the Covenant.

#### **Rights of indigenous peoples (art. 27)**

23. In relation to the previous concluding observations (para. 16) and the Committee's evaluation of the third follow-up reply of the State party (see [CCPR/C/120/2](#)), please report on:

(a) Progress in amending the Act on the Sámi Parliament (974/1995), including on how any proposed or adopted revisions: (i) strengthen the right to internal self-determination of the Sámi, including the decision-making powers of Sámi representative institutions; (ii) accommodate Sámi concerns that led to the rejection of the proposed draft in September 2018, in particular regarding the definition of Sámi and the State's obligation to negotiate with the Sámi Parliament, and ensure that the criteria for eligibility to vote in Sámi

Parliament elections are defined and applied in a manner consistent with the right to internal self-determination of the Sámi people;

(b) Measures taken to ensure meaningful consultation with a view to obtaining the free, prior and informed consent of the Sámi people before adoption of legislation or policies or approval of development projects that may affect their rights as indigenous people, including information on compliance with this duty in the context of the adoption of the Act on the State parks and forest enterprise (Metsähallitus) in 2016, the signature of the Teno River Fishing Agreement in 2017, and the proposed Arctic Ocean Railway project.

Please also clarify how the concept of “significant harm” is defined and applied in practice when assessing the impact of measures, including development projects, that may directly or indirectly affect the Sámi culture and traditional livelihood. Please provide information on progress in ratifying the ILO Convention No. 169.

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