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Finland: changes to the procedure for gender recognition are long overdue.

Human Rights Council adopts Universal Periodic Review outcome on Finland

Amnesty International deeply regrets Finland's rejection of seven of the eight recommendations relating to changing its inhumane legal gender recognition procedure.¹ The only explanation given is that, while a working group has evaluated the legislation and proposed many changes, the government has "not agreed on presenting the issue to the parliament".²

The Trans Act³ must urgently be reviewed and amended to abolish the need for sterilization, other medical treatment, and a mental health diagnosis, as requirements for a person's gender identity to be legally recognized. Finland must develop a gender recognition procedure that is efficient, transparent, based on self-determination and available to all irrespective of age, medical or financial status.

The recent amendments to the Aliens Act have undermined the rights of refugees and asylum-seekers, including by restricting their access to legal aid. Amnesty International welcomes Finland's acceptance of recommendations to review its asylum legislation to ensure protection of refugees and asylum-seekers in line with international standards, to prohibit the detention of children, and to facilitate family reunification.⁴

Amnesty International welcomes Finland's acceptance of many recommendations to combat violence against women⁵ and trafficking.⁶ However, such efforts are systematically under-resourced and Finland must urgently provide the necessary funding for the full implementation of the Istanbul Convention.⁷

Amnesty International also welcomes the acceptance of recommendations to amend the Criminal Code to no longer define rape according to the degree of violence used by the

¹ Human Rights Council, Report of the Working Group on the Universal Periodic Review – Finland, 14 July 2017, A/HRC/36/8 recommendations 100.46-49 and 100.51-53 [Mexico, Netherlands, Portugal, Spain, Australia, Canada, Ireland].

² Human Rights Council, Report of the Working Group on the Universal Periodic Review – Finland, Addendum, 8 September, A/HRC/36/8/Add.1

³ Act on Legal Gender Recognition of the Gender of Transsexuals:
<http://www.finlex.fi/en/laki/kaannokset/2002/en20020563>

⁴ A/HRC/36/8, recommendations 100.152 and 100.153 [Kazakhstan, Honduras]

⁵ A/HRC/36/8, recommendations 100.25, 100.76, 100.101, 100.107-100.109, 100.116, 100.121 and 100.122 [Timor-Leste, Islamic Republic of Iran, Republic of Moldova, Iceland, Sweden, India, Canada, Estonia]

⁶ A/HRC/36/8, recommendations 100.77 and 100.80 [Russian Federation, United Kingdom of Great Britain and Northern Ireland]

⁷ Council of Europe Convention on preventing and combating violence against women and domestic violence: <http://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168008482e>

perpetrator, but instead on the basis of consent of the victim.⁸ Amnesty International disagrees, however, with the government's assertion that the legislation already in place fulfils the recommendations.⁹ It urges Finland to immediately revise the law to define rape based on the absence of consent.

Moreover, Amnesty International regrets Finland's rejection, without providing a reason, of the recommendation to revise the criteria for prosecuting cases of rape and sexual assault to give adequate consideration to the lack of consent by the victim.¹⁰ Finland should reconsider its position on this recommendation.

Amnesty International welcomes Finland's acceptance of recommendations to strengthen the national human rights framework;¹¹ to combat discrimination, racism and xenophobia;¹² and to adequately fund human rights education,¹³ and calls on Finland to guarantee adequate resources for their early implementation.

Finally, Amnesty International welcomes Finland's commitment to submit a mid-term report to this Council.¹⁴

Background

The UN Human Rights Council adopted the outcome of the Universal Periodic Review of Finland on 21 September 2017 during its 36th session. Prior to the adoption of the report of the review Amnesty International delivered the above oral statement. Amnesty International also contributed to the information basis of the review through its submission on country:

<https://www.amnesty.org/en/documents/eur20/5354/2016/en/>

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⁸ A/HRC/36/8, recommendations 100.20-100.22 and 100.24 [Namibia, Portugal, Australia, Brazil]

⁹ Report of the Working Group on the Universal Periodic Review. Finland. Addendum. Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, para 18.

¹⁰ A/HRC/36/8, recommendation 100.111 [United Kingdom of Great Britain and Northern Ireland]

¹¹ A/HRC/36/8, recommendations 100.28-100.32 [Guatemala, Mexico, Indonesia, Philippines, Canada]

¹² A/HRC/36/8, recommendations 100.54, 100.55, 100.60 and 100.62 [Philippines, Turkey, Namibia, Estonia]

¹³ A/HRC/36/8, recommendations 100.34 and 100.94 [Slovenia, Maldives]

¹⁴ Human Rights Council, National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21, Finland, A/HRC/WG.6/27/FIN/1