



UNHCR

United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés



Excerpts of Concluding Observations and Recommendations from UN Treaty Bodies and Special Procedure Reports

- Universal Periodic Review:

FINLAND

We would like to bring your attention to the following excerpts from UN Treaty Monitoring Bodies' Concluding Observations and Recommendations relating to issues of interest and persons of concern to UNHCR with regards to Finland.

1. Treaty Body Reports

CRC/C/FIN/CO/4

COMMITTEE ON THE RIGHTS OF THE CHILD, 57th Session

20 June 2011

Non-discrimination

25. The Committee notes the State party's efforts to reform the Non-discrimination Act, namely to expand the scope of its application, and its plans to establish the Office of the Ombudsman on equal treatment. However, the Committee remains concerned at the prevalence of discrimination against children with disabilities, immigrant and refugee children and children from ethnic minorities such as Roma children. It is also concerned at the social exclusion and structural discrimination of the Roma population, which leads to increase in substance abuse, mental health problems and a poor standard of living for Roma children.

26. **The Committee urges the State party to strengthen efforts to combat all forms of discrimination, including discrimination against children with disabilities, immigrant and refugee children as well as children from ethnic minorities. It further recommends that the State party place high priority in the public agenda on preventing and eradicating discrimination, inter alia, through the media and education system. In particular, the State party should, in line with the National Policy on Roma, enhance the measures undertaken to combat ethnic discrimination and social exclusion of the Roma, and ensure an adequate standard of living for all Roma children. It recommends that the State party include information in its next periodic report on measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party in follow-up to the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, as well as the outcome document adopted at the 2009 Durban Review Conference.**

Follow-up to the United Nations study on violence against children

39. **The Committee encourages the State party to:**

- c) **Cooperate with and seek technical assistance from the Special Representative of the Secretary General on violence against children, UNICEF, the Office of the High Commissioner for Human Rights (OHCHR) and the World Health Organization (WHO), and other relevant agencies, inter alia, ILO, UNESCO, UNHCR, UNODC, as well as NGO partners.**

Asylum-seeking and refugee children

60. The Committee notes the 2006 Migration Policy Programme, in which the principle of the best interests of the child is taken into account in asylum and refugee policy, as well as the amendments to the Aliens Act in 2010, which provides for family reunification of unaccompanied children and by which the age determination procedure by means of medical examination is now regulated by law. However, the Committee remains concerned at the practice of detaining children who seek asylum in the State party. Furthermore, it is concerned that the asylum seekers aged 16 and above are accommodated in adult units of reception centres and that mental health services, therapy and psychiatric care for unaccompanied minors are insufficient.

61. **The Committee recommends that the State party:**

(a) **In light of the General Comment 6 (2005), when in doubt as to the age of an asylum seeker, give him/her the benefit of the doubt, treat him/her as a child, and introduce the possibility for asylum-seekers to appeal the outcome of the age determination;**

(c) **Ensure that detention of asyly-seeking children is carried out as a last resort, for the shortest time possible, when no alternative measures can be applied.**

CAT/C/FIN/5-6

COMMITTEE AGAINST TORTURE, 46th Session

29 June 2011

Non-refoulement

10. The Committee is concerned that available legal safeguards and the time frame prescribed by law are not always guaranteed to all asylum-seekers (especially under the accelerated asylum procedure) and aliens pending deportation; for example, the right to lodge a judicial appeal with suspensive effect to the Helsinki Administrative Court and the Supreme Administrative Court. The Committee has no information on whether deportation operations are monitored by an independent body (art. 3).

The Committee recommends that the State party guarantee a suspensive in-country right of appeal and respect for all safeguards and interim measures with regard to asylum and deportation procedures pending the outcome of the appeals to the Helsinki Administrative Court and the Supreme Administrative Court. The Committee would like to request information on whether deportation operations are monitored by an independent body.

Training

13. The Committee is concerned that all police training is monitored, evaluated and accepted by the National Police Board. It is also
14. concerned that medical personnel who come into contact with persons deprived of their liberty, asylum-seekers and other aliens are not systematically trained in the provisions of the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol) (art. 10).

The Committee recommends that all training of public officials be assessed and evaluated by a qualified independent body such as the envisaged independent evaluation body attached to the Ministry of Education and Culture which will start work in 2011. It also recommends that training on the provisions of the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) be introduced into the basic training curriculum for medical personnel.

Detention and ill-treatment of asylum-seekers, irregular immigrants and other aliens

17. The Committee is concerned about information regarding the frequent use of administrative detention with regard to asylum-seekers, irregular immigrants, unaccompanied or separated minors, women with children and other vulnerable persons, including those with special needs, as well as with their numbers, the frequency and the length of their detention. In addition, the Committee is concerned that the Aliens Act allows for preventive detention not for a crime already committed but if a person is suspected of the possibility of committing a crime (arts. 11 and 16).

The Committee recommends that the State party consider alternatives to the frequent detention of asylum-seekers and irregular immigrants, including minors and other vulnerable persons, and that it establish a mechanism to examine the frequent detention of such persons. It recommends that the State party consider increasing the use of non-custodial measures, use detention as a last resort and ensure that administrative detention of unaccompanied children is not practised. The Committee requests the State party to ensure that the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment be applied to asylum-seekers in administrative detention. In addition it would appreciate receiving information on the number of asylum-seekers and irregular immigrants in detention, how frequently they are detained and the average length of their detention.

18. The Committee is concerned at the conditions and length of detention of asylum-seekers and irregular immigrants at the detention unit for foreigners at Metsälä and the lack of legal safeguards regarding the length of detention. It is also concerned that such persons are detained not only in the Metsälä detention centre, which has a small capacity, but also in police and border-guard detention facilities which are not suitable for holding persons detained under legislation on aliens. The Committee is concerned that men and women are held together in such facilities¹, that children are held with adults when

¹ The UNHCR Regional Office Stockholm wishes to note that it is questionable to state that women are detained with men since there is a part of Metsälä detention unit which is reserved for women.

families with children are placed in migration-related detention and that a total of 54 children were detained in 2010 under the Aliens Act (arts. 2 and 11).

The Committee recommends that steps be taken to increase the capacity of the Metsälä detention centre or establish a new detention centre for foreigners. It also recommends that the State party review the detention, including length, of asylum-seekers, irregular immigrants and other foreigners in the Metsälä centre as well as in police and border-guard detention facilities, provide them with fundamental legal safeguards and set up a complaints mechanism regarding conditions of detention, and use non-custodial measures.

19. The Committee is also concerned at allegations concerning the rise in physical and psychological ill-treatment of asylum-seekers and irregular immigrants, including their harsh treatment by the police and other law enforcement authorities (arts. 10, 11 and 16).

The Committee recommends that the State party ensure that specialized training and internal guidelines for police, border guards and other law enforcement authorities make them aware of their obligations under human rights and refugee law so that they may treat asylum-seekers in a more humane and culturally sensitive manner and that perpetrators of ill-treatment are investigated, prosecuted and convicted.

CERD/C/FIN/CO/19

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION,

74th Session

13 March 2009

Positive Aspects

7. The Committee welcomes the adoption by Parliament, as orally stated by the delegation, of an amendment to the Aliens Act which will allow holders of a temporary permit (so-called B permit) to be granted a work permit.

8. The Committee notes with appreciation the State party's accession to the 1961 Convention on the reduction of statelessness and the State party's ratification of Protocol No. 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Concerns and Recommendations

17. The Committee expresses concern about de facto segregation in housing encountered by both immigrants and Roma. (art.3)

The Committee recommends that the State party ensure compliance with the law against discrimination in the allocation of housing and in its next periodic report supply information on the measures taken to address such segregation.

19. The Committee notes the State party's continued commitment to the integration of persons of foreign origin. Nevertheless, it remains concerned that despite such efforts, de facto discrimination against persons of foreign origin, including Somalis, persists in a number of areas. It is particularly concerned about the lower employment rate among persons of immigrant origin, especially women, and the difficulties that persons with an immigrant background and aliens continue to face when trying to access service places, such as bars and restaurants. While noting with appreciation the publication of

instructions for ensuring equal treatment in client services, the Committee remains concerned at the obstacles faced by immigrants to subscribe to contractual services such as insurance policies and mobile phone services. (arts. 5 (e) and (f))

The Committee recommends that the State party intensify its efforts to combat discrimination against persons of foreign origin. In particular, the State party should further improve the effectiveness of its legislation and policies aimed at eliminating discrimination in the labour market and improving employment opportunities for persons with immigrant backgrounds. The State party is invited to provide additional information, in its next periodic report, on the revision process of the Integration Act, which is aimed at providing a customised integration plan to persons who are likely to stay in Finland for more than a year.

21. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, when implementing the Convention in its domestic legal order, particularly as regards articles 2 to 7 of the Convention. The Committee also urges that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level. The Committee further encourages the State party to participate actively and comprehensively in the Preparatory Committee for the Durban Review Conference, as well as in the Durban Review Conference in 2009.

CEDAW/C/FIN/5 and 6

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, 41st Session

9 July 2008

Positive Aspects

163. The Committee welcomes the measures carried out by the State party to combat trafficking in women and girls, including the newly revised National Action Plan against Trafficking in Human Beings, the possibility of issuing residence permits to victims of trafficking and the ratification, in 2006, of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

Trafficking and exploitation of prostitution

175. While noting the enactment in 2005 of a bill criminalizing the buying of sex from victims of human trafficking and procurement, the Committee regrets the lack of information and data on the prevalence of prostitution in Finland, including clandestine prostitution in massage parlours. The Committee is concerned at the proliferation of plans of action against trafficking and the lack of coordination among them.

176. The Committee requests the State party to provide in its next periodic report complete information and data as well as the result of an ongoing study on the exploitation of prostitution of women, including information on clandestine prostitution in massage parlours, and an assessment of the law's implementation to

date. The State party is encouraged to continue formulating strategies and programmes to prevent women from entering prostitution and to establish programmes of rehabilitation and support for women and girls who wish to discontinue their lives in prostitution, including providing them with information on and support in relation to alternative livelihood options. The Committee requests the State party to enhance cooperation among entities responsible for the monitoring of plans of actions against trafficking, including coordination with countries of origin and transit.

Immigrant women

187. The Committee is concerned that immigrant women continue to suffer from multiple forms of discrimination, including with respect to access to education, employment and health services. The Committee is particularly concerned at the high rate of unemployment among immigrant women. It is also concerned that immigrant women may be particularly vulnerable to poverty and various forms of violence, including domestic violence and female genital mutilation, and may encounter difficulties in obtaining employment in jobs that are commensurate with their level of education, experience and qualifications.

188. The Committee calls upon the State party to keep under review and carefully monitor the impact of its laws and policies on women immigrants, with a view to taking remedial measures that effectively respond to the needs of those women, including the clear adoption of a gender perspective in the action plan for immigrants. In addition, the Committee calls upon the State party to conduct regular and comprehensive studies on discrimination against immigrant women, to collect statistics on their situation in employment, education and health care and on forms of violence that they may experience, and to submit such information in its next periodic report.

E/C.12/CO/FIN/5

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS,

38th Session

18 May 2007

Positive Aspects

9. The Committee welcomes the recent amendments to the Penal Code to include the crime of trafficking in human beings and aggravated trafficking in human beings in the Finnish legislation, as well as the adoption, in January 2007, of the Act on Support for Victims of Trafficking. The Committee also takes note of the recent ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, and the signature of the Council of Europe Convention on Action against Trafficking in Human Beings.

Principle Subjects of Concern

17. The Committee regrets the absence of disaggregated statistical data on the extent of poverty in the State party's report, particularly among refugees and the immigrant

population, and notes that the State party has yet to adopt an official poverty line, which would enable the State party to define the incidence and depth of poverty and to monitor and evaluate progress in alleviating poverty.

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