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UNIVERSAL PERIODIC REVIEW

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**

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1. The delegation provided information on follow-up measures to the recommendations contained in A/HRC/8/24. More comprehensive information on follow-up is contained in A/HRC/8/24/Add.2.
2. Concerning recommendation No. 1, it was clarified that although public awareness of cultural diversity is increasing and the Government has worked persistently to integrate immigrants into Finnish society, there were still certain problems of racism and intolerance in Finland. Different measures were taken to address these challenges. The Non-Discrimination Act was currently under revision in order to strengthen the guarantees. In the recent Internal Security Programme of 8 May 2008, the security of immigrants and ethnic minorities was one of the key issues to be paid special attention to in the coming years.
3. With regard to recommendation No. 2, the delegation provided information that the Ministry of Justice is currently examining the need to amend the legislation *to oblige* the service providers of Internet sites to follow up on and erase material amounting to hate speech and racist offences.
4. With reference to recommendation No. 3, it was stated, inter alia, that first-hand data was important to better understand the context in which violence within families occurred so as to be able to provide better services, prevention and monitoring measures, advocacy as well as awareness-raising. Finland was carrying out the Council of Europe's Campaign to Combat Violence against Women in 2008 and a comprehensive study on violence against children will be published in the autumn.
5. Concerning recommendation No. 4 about considering ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the delegation of Finland clarified that the rights of immigrants were already covered by national legislation, European Union legislation as well as by other human rights instruments, including the European Convention for the Protection of Human Rights and Fundamental Freedoms. The basic rights and freedoms of the Finnish Constitution protect everyone residing in Finland, including migrant workers. Finland did not envisage that consultations between ministries to revise its position towards the Convention would take place in the near future.
6. Regarding recommendation No. 5, the delegation stated that it pursued actively the enhancement of the rights of the Sámi people. The objective of the present Government is to solve the issue of the land use question during the current term of the Government. Another question related to the right of Sámi people to participate in decision-making on the use of land in the Sámi homeland area and the delegation stated that the aim of the Government was to find a solution that would include the prerequisites to ratify ILO Convention No. 169 on Indigenous and Tribal Peoples in Independent Countries.
7. Referring to recommendation No. 6, Finland stated that it was committed to the full and inclusive application of the 1951 Convention relating to the Status of Refugees and that the Ombudsman for Minorities found that the accelerated asylum procedure, as a rule, safeguarded the legal protection of an asylum applicant during the process. Furthermore, the Finnish Constitution and Aliens Act prohibited deportation of aliens to a country where they could face the death penalty, torture or ill-treatment.

8. With regard to recommendation No. 7, Finland reported, inter alia, that it had initially studied the Yogyakarta *Principles* and recognized their usefulness in bringing greater clarity and coherence to States' human rights' obligations. Finland was committed to further enhancing the situation of the LGBT people in Finland and the possible role of the *Yogyakarta Principles* in this would be studied further.

9. Concerning recommendation No. 8 on fully integrating a gender perspective into the follow-up process to the UPR review, it was explained that the Government was preparing an action plan for gender equality, the key objectives of which were, among others, to mainstream the gender perspective, to raise awareness of gender equality in schools and to reduce violence against women. The final action plan would be adopted soon and carried out intersectorally by all ministries and will be also taken into account while following up on the UPR.

10. Concerning the question of the elements employed to present violence against women as a human rights violation, the delegation clarified that it was the Government's duty to raise public awareness of the problem, to positively shape attitudes and to take up other necessary actions in order to prevent violence against women. It also stated that violence against women or violence between the spouses as an aggravated ground for punishment was currently under examination at the Ministry of Justice.

11. On the question of other measures that would address the root causes of the problem of violence against women rather than the consequences and the proper role of mass media, Finland replied that data and information were a prerequisite for evidence-based policy-making, and that it was continuing its work in this field. In addition to holding offenders accountable and providing treatment programmes, it was also crucial to enhance positive male role models and to engage men in the efforts to eliminate violence against women in both prevention and advocacy. The delegation stated that it was only through a truly holistic approach that impunity can be ended and this violation of human rights eliminated.

12. In answer to the questions on the ombudsman system, it was indicated that the Ministry of Justice has set up an Equality Committee in January 2007 to prepare an overall reform of equality and non-discrimination legislation. In that connection, the status, duties and powers of the Ombudsmen were to be re-examined with a view to improve the functionality of the supervision mechanism.

13. Finland provided information that the Ombudsman for Minorities started work in 2001 and its tasks were increased by a legislative amendment (22/2004) that took effect on 1 February 2004 in connection with the enactment of the new Non-discrimination Act. In addition to issuing guidance, advice and recommendations, the Ombudsman supervised compliance with the Non-Discrimination Act outside employment relationships and service relationships governed by public law. The Ombudsman for Minorities was assisted by the Advisory Board for Minority Issues, set up for the years 2005 - 2008. Together with the Ombudsman, the Board was dealing with issues concerning the prevention and monitoring of ethnic discrimination, and supervision of non-discrimination. It also promoted related cooperation between different authorities. The Ombudsman for Minorities was the Chairman of the Board, which consisted of 14 members, who represented State authorities, trade unions, ethnic minorities and non-governmental organizations focusing on human rights. In 2007 the Ombudsman for Minorities handled a total of 737 customer cases, investigating them and, where necessary, referring the matter to the competent authorities. Some cases were taken further either for police investigation, to the National Discrimination Tribunal, or for a decision to prosecute by the Prosecutor General, or the case was referred for

legal aid.

14. Regarding the main challenges for the Government in extending assistance to victims of human trafficking and protecting potential victims, it was explained that assistance for victims of trafficking in human beings begins with their identification. Finland was mainly a transit country for victims of trafficking and often, when in transit, the victims did not yet know that they will become victims of trafficking and they travel with legal travel documents. Therefore, their identification is challenging for the authorities. The Ministry of the Interior was responsible for assisting victims of trafficking in human beings. Various services and support measures were organised for the victims and coordinated by asylum seekers' reception centres in Joutseno or Oulu. In addition to taking care of accommodation and means of support, these measures may also include emergency aid, health services, legal advice and interpretation. Victims of trafficking in human beings were also given guidance in practical matters. In organizing services, attention was paid to the victims' individual needs and safety. For reasons of safety, information relating to victims of trafficking in human beings was kept confidential. Authorities responsible for assisting victims, along with other parties involved, were bound to professional secrecy.

15. In reply to the question on action taken by the Government to prosecute racially motivated crimes it was explained that one of the aims in the Prosecution Service in 2008 was to raise awareness to see whether a crime under prosecution was racially motivated. The Office of the Prosecutor General has ordered (order No. 2008:1) the prosecutors to report to the Office on all crimes which might have a racist motive.

16. Finland was asked whether it would consider integrating issues such as the resolution of the existing human rights problems, like racism and intolerance, into Finnish human rights education programmes. In reply it stated that in the core national curriculum for pre-school education, basic education and upper secondary schools, the basic values were human rights, equality and democracy. Education against racism was also part of the core values in all the curricula. Basic education promoted tolerance and multicultural understanding. Human rights, tolerance and democracy were also incorporated in the core curriculum for adult education, both in the basic and upper secondary education for adults.

17. Special features in the education of different language groups and cultural groups have also been observed in the new core curriculum for basic education. The national languages of the Sami as an indigenous people and the national minorities have to be taken into consideration in education. The curriculum also emphasized the versatility the immigrant students from various different countries bring to the Finnish culture.

18. The Ministry of Education had, together with the Ministry for Foreign Affairs, the National Board of Education and civic organizations, prepared a national programme on internationalization. Education in human rights, tolerance, multiculturalism and minorities was part of this programme. One goal was to continue to strengthen the practical internationalization in schools and to evaluate the need for the development of school materials.

19. In 2005 the Equality Act was amended to include measures to be taken to promote equality in educational institutions. In general education, this meant the upper secondary schools. According to the amendment, the schools were required to make an equality plan once a year, together with the staff and student body representatives. The plan had to include the equality situation in the educational institution and the promotion of equality in schools. Special attention had to be paid to the student selections.

20. Information was also provided on how Finns and others can follow up on visits by the special procedures and on the recommendations of treaty bodies, which is also contained in paragraphs 86 and 87 of the national report (A/HRC/WG.6/1/FIN/1). It was explained that concluding observations were translated into the two national languages, Finnish and Swedish, and if possible also into the minority languages used in Finland, e.g. North Sámi, and published on the website of the Ministry for Foreign Affairs (<http://formin.finland.fi>). Implementation is monitored by seminars, as well. Monitoring the implementation of the Convention on the Rights of the Child has been a pilot project. Annual seminars had been useful, including as interactive discussion forums which contributed to implementing the concluding observations of the Committee on the Rights of the Child and monitoring implementation at the national level at all stages of the reporting cycle. In addition, these seminars contributed to the preparation of the Government's periodic report and raised awareness of the Convention and the related monitoring and implementation processes, which proceeded as a spiral continuum.

21. On the question of how Finland currently guaranteed the right to consultation of collective property for the Sami people in regard to lands, the delegation in its reply stated that environmental projects may affect the traditional livelihood of Sami people. The special legislation relating to the environment and land use provided legal safeguards for those whose rights or interests were concerned, including the Sami people. Provisions on the right to issue an opinion and a right of appeal were included, for example, in the Environmental Protection Act, the Land Use and Construction Act, the Nature Conservation Act and the Act on Environment Impact Assessment. The Finnish Government stated that it pursued actively the enhancement of the rights of the Sami people and that the objective of the present Government was to solve the issue of the land use question during the current term of the Government. It was further stated that the Government Bill was under preparation and there were active negotiations between the Ministry of Justice, the Ministry of Agriculture and Forestry and the Sami Parliament, which was a necessary partner in the negotiations. The point of departure was to ensure the culture of the Sami people and the right of Sami to use the land they traditionally occupied or where they traditionally lived. *Another question related to the right of Sami people is to participate in decision-making on the use of land in the Sami homeland area.* The aim of the Government was to find a solution that would include the prerequisites to ratify ILO Convention No. 169. Another ongoing project in Finland concerning the rights of Sami is the establishment of a new Sami Cultural Centre, which is to be built in Lapland, in the Sami homeland. The Government has already reserved nearly 12 million euros for the project. The main purpose of the Centre will be to enhance the Samis' ability to independently maintain and develop their culture, language and community life, manage and nurture their cultural and linguistic autonomy, and support the development of their living conditions. The premises will be used by the Sami: the Centre will be a Sami Parliament house, Sami library, a concentration of culture, education and skill resources, as well as an events venue for meetings, music, cinema and theatre. The Centre will be in use in 2012.
