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## Draft report of the Working Group on the Universal Periodic Review\*

### Finland

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## Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its thirteenth session from 21 May to 4 June 2012. The review of Finland was held at the 6<sup>th</sup> meeting on 23 May 2012. The delegation of Finland was headed by the Minister for International Development, Ms. Heidi Hautala. At its 10<sup>th</sup> meeting held on 25 May 2012, the Working Group adopted the report on Finland.
2. On 3 May 2012, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Finland: Djibouti, Jordan and Peru.
3. In accordance with paragraph 15 of the annex to resolution 5/1 and paragraph 5 of the annex to Human Rights Council resolution 16/21 of 25 March 2011, the following documents were issued for the review of Finland:
  - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/13/FIN/1);
  - (b) A compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/13/FIN/2), A/HRC/WG.6/13/FIN/2/Corr.1 and A/HRC/WG.6/13/FIN/2/Corr.2;
  - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/13/FIN/3) and A/HRC/WG.6/13/FIN/3/Corr.1.
4. A list of questions prepared in advance by Czech Republic, the Netherlands, Norway, Slovenia, Sweden, United Kingdom of Great Britain and Northern Ireland was transmitted to Finland through the troika. These questions are available on the extranet of the UPR.

## I. Summary of the proceedings of the review process

### A. Presentation by the State under review

5. In its introductory statement, the delegation mentioned that it was a privilege and at the same time it was a challenge to be among the first countries being reviewed in the second round of the Universal Periodic Review (UPR). It reiterated the importance of UPR with its universal character to address human rights challenges at the international and national level.
6. The delegation highlighted some key lessons that it documented during preparation of its second review. First, the government maintained a transparent approach in the preparation of the national report. Authorities and civil society organizations had the possibility to comment on the strengths and weaknesses of human rights situation and to submit their views on a draft version of the report. Individual citizens had a possibility to present views on the Finnish human rights situation via an internet forum. Secondly, the UPR work, before and after the review, should be founded on a real dialogue between the government and the civil society. The third lesson is that the UPR is a continuous process and the implementation of recommendations is the most important phase. A voluntary mid-term review helps in keeping the implementation process on track.
7. The focus of the National Report was on the implementation of recommendations made during the first review and also depicted the development of human rights since 2008.

It also referred to the implementation of two voluntary commitments made by Finland during its first review. Finland also presented two new voluntary commitments: firstly, the commitment to the development assistance objective was renewed and human rights were put at the center of its development policy. Secondly, the newly established network for fundamental and human rights, with representatives from all the ministries would serve to undertake more effective monitoring of the implementation of Finland's human rights obligations and commitments.

8. The delegation continued its introductory statement by responding to advance written questions. On non-discrimination, the delegation highlighted that the equality legislation has been under reform to strengthen it in respect to the various discrimination grounds, such as sexual orientation and disability. The renewed legislation should enter into force before the next Parliamentary elections in 2015. A new Disability Policy Programme for the years 2010–2015 contains 122 concrete measures. Furthermore, the Government was finalizing a cross-sectoral action plan for gender equality.

9. The National Policy on the Roma, adopted in 2010, is human right-based policy and contains six key policy areas, 10 guidelines and 147 concrete proposals. The National Policy is implemented by a steering and monitoring group which coordinates and monitors the policy implementation, provides expert support for the implementation, develops indicators, collects data and draws up the first progress report in 2013. Half of the members of the group have Roma background. According to the Government's new survey, the standard of housing for the Roma is almost the same as that for the main population. Roma people are, however, more frequently dependent on rented flats offered by municipalities.

10. In respect to domestic violence, the delegation stated that the Action Plan to reduce violence against women for the period of 2010-2015 promoted the prevention of violence, victim protection and support, as well as bringing offenders to justice. The delegation stated that unfortunately the number of fatal attacks involving families have increased sharply in the past year. A panel has been set up to study inter alia how such incidents could be averted in the future.

11. Regarding the implementation of the CRC, the delegation highlighted that Finland's family policy fosters a safe living environment for children while also supporting parenthood. The Government implements the Programme for Children and Youth Policy 2012-2015. The Office of the Ombudsman for Children monitors the rights and wellbeing of children.

12. The Government planned to adopt a resolution on dismantling institutional care for persons with intellectual disabilities till 2020. A national goal was set to reduce the number of persons with intellectual disabilities living in institutions. A service and transfer plan was drawn up for all persons with disabilities who move away from residential care or their childhood home. Persons with intellectual disabilities will live in ordinary apartments either on their own or in small groups. To ensure that there is enough affordable housing for the intellectually disabled moving from the institutional care the Government is financing the construction of housing for the disabled persons and offering them individual services and support.

13. The Government has been stepping up its work to combat racism, intolerance and xenophobia. The new amendment to the Criminal Code provided additional power to address racism and hate speech. Public display or dissemination of opinions or other messages that threaten, slander or insult any group is punishable. The police have stepped up Internet monitoring and have also been working in the social media, with virtual local police officers serving under their own names online and thereby facilitating contact with the police.

14. Exemption from military service on grounds of conscience is provided for in legislation. Application for non-military service can be submitted before the military service, during or after it. Claim of conscientious objection is valid without inquiry. Non-military service is organized in such a way that the service duties do not conflict with the conviction of the person. Service is as long as the longest period of military service. A person who refuses to perform any type of service will be sentenced to imprisonment - the duration of which is half of the remaining service period and at the most six months. On the basis of the new Monitoring Sentences Act, those who have refused all kinds of service may be sentenced to house arrest, which will be electronically supervised, instead of unconditional imprisonment. Finland was planning to reduce the duration of both military and non-military service by 15 days.

15. Several measures have been taken to alleviate the excessive length of judicial proceedings, including streamlining procedures and reallocating resources. Finland is also examining the possible introduction of plea bargaining. In 2010, a new law entered into force to guarantee compensation in cases where delays in judicial proceedings have taken place.

16. The delegation reassured Finland's commitment to full and effective implementation of the 1951 Geneva Convention related to the status of refugees and to respecting the principle of non-refoulement. When assessing the reasons for persecution, the Finnish Immigration Service took into account, inter alia, certain factors, such as sexual orientation. According to the recent decision of the Supreme Administrative Court, asylum cannot be denied even if the person could have avoided persecution in his home country by hiding his sexual orientation.

17. The delegation informed that the Government approved the first national Human Rights Action Plan which defines concrete measures for the next two years.

## **B. Interactive dialogue and responses by the State under review**

18. During the interactive dialogue, 42 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

19. Malaysia noted that Finland continued to face challenges in combating racism, intolerance and xenophobia, which was evident by the increase in racist and xenophobic incidents and the growing xenophobic attitudes in its society. Malaysia also raised concerns that despite the obligations under CEDAW the media and advertising in Finland were increasingly becoming pornographic and reinforced the existing stereotypes of women and girls' low self-esteem. Malaysia made recommendations.

20. Mexico noted the new integration and anti-discrimination policies for immigrants. It also noted the entry into force of provisions to prevent racism, intolerance and xenophobia through information technologies. Mexico expressed its belief that the new inter-institutional programme to reduce violence against women would provide a good basis to prevent violence against women, protect and support victims and bring perpetrators to justice. Mexico made recommendations.

21. Morocco praised Finland's efforts to prevent violence against women and encouraged it to continue reducing the high level of homicide. Morocco supported Finland's efforts to combat racism and xenophobia particularly on the Internet. It inquired about the bill on reviewing the provisions on detention of foreigners. Morocco requested information about the progress made in the negotiations with Sweden and Norway on the Nordic Convention on the status of the Sami, as indigenous peoples. Morocco made a recommendation.

22. Mozambique commended Finland for its policies and actions to promote the rights of children, the elderly, minorities, in particular Roma, and disadvantaged people as well as gender equality. It welcomed the incorporation into domestic law of international instruments. Mozambique encouraged Finland to continue with its commitments under the new Act on the promotion of integration and carry on with its decision to ratify CRPD.

23. Namibia commended Finland's commitment to the promotion and protection of human rights, including through its exemplary education programmes and policies on gender equality. It noted Finland's ratification of core human rights instruments. It commended Finland for emphasizing the rights of foreigners, immigrants and asylum seekers, but noted that they continued to face racism, discrimination, intolerance and xenophobia. Discrimination against the Roma also remained a concern. Namibia made recommendations.

24. Nepal noted Finland's strong foundation in human rights and its role in international development policy areas, peacekeeping and mediation. It noted with satisfaction the legal and institutional mechanisms to promote and protect human rights. Finland's efforts to reduce poverty, inequality and gender disparities were encouraging. Particularly noteworthy was the Child and Youth Policy Programme for 2012-2015 in that regard. Nepal made recommendations.

25. Netherlands commended the establishment of the Human Rights Centre and associated Human Rights Delegation, which meant to contribute to the development of indicators for assessing concrete realization of fundamental human rights. It encouraged the steps undertaken by Finland to enhance implementation of the Convention on the Rights of the Child. It hoped that Finland will continue with its on-going efforts to ensure children a safe, stable and violence-free living environment. Netherlands made recommendations.

26. Nicaragua noted that Finland's human rights policy was also part of its international cooperation and hence human rights represented a pillar of Finland's foreign policy. However, it expressed concern at the negative effects on human rights, that the conditionalities attached to the cooperation might have, especially on the right to development. Nicaragua emphasized that cooperation must comply with the guiding principles of mutual respect and solidarity. It encouraged Finland to address domestic human rights issues, particularly persistent discrimination against ethnic and Sami communities. Nicaragua made recommendations.

27. Norway praised Finland's efforts in addressing issues of persons with disabilities. Noting the National Action Plan to prevent violence against women, Norway referred to the high level of domestic violence. Norway expressed concern at the overcrowding in the immigration detention facility. Norway made recommendations.

28. Palestine welcomed Finland's efforts to ensure the promotion and protection of fundamental freedoms and human rights for all irrespective of gender, age, origin, language, religion, beliefs, opinions, health or disability. It welcomed the signing by Finland of the Council of Europe Convention on preventing and combating violence against women and domestic violence, which was the first European Convention on women's rights to establish a comprehensive legal framework. Palestine made recommendations.

29. In responding to the question on combating discrimination and racism, the delegation reaffirmed the Government's commitment to combat racism and referred to a number of measures undertaken by Finland that were provided in the national report, including the reform of relevant legislation and the establishment of the National Human Rights Institution to conduct studies and monitor the realization of human rights in Finland. A number of policy initiatives, including equality planning and equality impact assessment have also been undertaken to promote equality in a number of areas of life. The Government provided funding to civil society initiatives to combat discrimination and

racism. The Government promoted the participation of minority groups in decision making in a number of policy areas.

30. The delegation informed the intention of Finland to ratify the ILO Convention no 169 by 2015 with the aim to strengthen the participation of Sami, especially with regard to access to land and water. In this respect, Finland has amended the Mining and Water Acts to ensure rights of the Sami to participate in decision making. A national program for revitalizing the Sami languages has been adopted. A Nordic Sami Convention is being drafted with the participation of the representatives of the Government and Sami.

31. The Government has started the development of a new integration program for the period of 2012 -2015, which would include measures to address the issues of employment, education, housing, access to social welfare and health, and cultural rights of immigrants. One of the focuses of this program is the reduction of unemployment among immigrants.

32. To address the issue of child labor in the companies that operate outside of Finland, the Government has a special program to promote corporate social responsibilities of such companies. The corporate social responsibility has also been an important part of the Government's development policy with the aim to actively cooperate with the companies to ensure their contribution to the development in the respective countries.

33. In respect to questions on Finland's policy and approach to development cooperation, the delegation mentioned that with regard to women's rights international human rights standards must be applied. Regarding Finland's development assistance objective, the delegation reiterated its commitment for increasing its ODA towards the 0,7 per cent target.

34. Finland started the training of trainers and establishment of focal points in municipalities for the formation of the network to combat domestic violence as a part of the implementation of the National Action Plan on combating domestic violence. Finland has been also working to address the issue of the lack of shelters for victims of domestic violence and social services.

35. Philippines welcomed the broad participatory process in the preparation for the 2nd UPR cycle and the formulation of its First National Action Plan for human rights promotion and protection. It commended Finland's frank acknowledgement that women are paid 17 per cent less than men for doing the same or equivalent work. Philippines also referred to the situation of migrants and their protection under domestic labour and social laws. Philippines made recommendations.

36. Portugal welcomed Finland's determination to combat racism, intolerance and discrimination and the recent amendment to the Criminal Code. Portugal was concerned about the high incidence of violence against women and in this respect it welcomed the adoption of a national action plan in 2010, which was based on a comprehensive approach. It welcomed Finland's signature of the Optional Protocol to the CRC on the communications procedure. Portugal made recommendations.

37. Romania welcomed specific measures, including legislative measures, adopted by Finland in the field of human rights, particularly to reduce violence against women, to address homelessness and to improve the rights of immigrants and the Sami community. It requested more information on Finland's National Action Plan on Fundamental and Human Rights. Romania also asked for details about results achieved in the implementation of its twin-track gender equality strategy.

38. Russian Federation noted steps taken by Finland to implement the recommendations made during the first UPR. The Russian Federation expressed its concern over the fact that children were taken away from families and placed in the children institutions based on the arbitrary and groundless decisions. It referred to information provided by NGOs about

insufficient professional training of the staff working in those institutions. Russian Federation also expressed concern over the compulsory hospitalisation of patients in psychiatric institutions. The Russian Federation made a recommendation.

39. Slovakia noted the broad and open national consultation process in the process of preparation of its report. It commended Finland for being among the first group of countries to sign the Optional Protocol to CRC on a communication procedure. Slovakia noted with appreciation the establishment of an independent human rights centre and associated human rights delegation attached to the Office of the Parliamentary Ombudsman, jointly constituting Finland's National Human Rights Institution. Slovakia made recommendations.

40. Slovenia welcomed the fact that Finland has taken meaningful steps to fulfil its commitments from the first cycle of the review, and that a gender perspective was integrated into the UPR follow-up process. It welcomed Finland's commitment regarding human rights at the national and international level. In particular, it welcomed the leadership role of Finland in the process leading to adoption of a new Optional protocol on a communications procedure to the CRC, signed by Finland in 2012. Slovenia made recommendations.

41. Spain noted the strong commitment of Finland to the promotion and protection of human rights, which perfectly complemented its foreign policy both bilaterally and internationally, with particular emphasis on the United Nations system. Internally, Finland had rigorous constitutional protection and a number of independent bodies monitoring compliance of its human rights obligations and exercising control over public administration. Spain made recommendations.

42. Sweden welcomed the Finnish National Action Plan for Human Rights adopted in March 2012 and the establishment of a Finnish National Centre for Human Rights. Sweden referred to the ruling of the European Court of Human Rights on the excessively lengthy trial proceedings and other violations of article 6 of the European Convention of Human Rights. It also mentioned the criticism that the Finnish Immigration Service faced with regard to the deportation of asylum-seekers to countries where their safety was highly challenged, even with the risk of torture. Sweden made recommendations.

43. Thailand highlighted Finland's efforts to prevent discrimination and violence against women and children. It commended the establishment of the National Human Rights Institution and Human Rights National Action Plan. Thailand welcomed Finland's efforts to promote non-discrimination for the Roma population and urged Finland to further promote the rights of all minorities. It appreciated Finland's victim-centred approach to combating trafficking in persons and its efforts to review procedures relating to asylum-seekers. Thailand made recommendations.

44. Ukraine praised Finland for the truly multi-participatory approach in preparing its national report, which had enabled all interested national human rights actors, including civil society, to provide their views and assessments of the Finnish human rights situation. It made a recommendation.

45. Finland confirmed that the CRPD and its Optional Protocol would be ratified once two working groups set up to prepare legislation for ratification and to consider the legal obstacles to ratification had completed their work in autumn 2012. A draft bill on the new legislation should be ready for the submission to the Parliament at the earliest in autumn 2013.

46. Regarding the ratification of other international treaties, the delegation said that the draft bill on the OP-CRC-SC had been approved by the Parliament and ratification should take place in June 2012. As to the ratification of the Optional Protocol to ICESCR, the



delegation assured that insurance of economic, social and cultural rights was the government's priority and a draft bill had been prepared for submission to Parliament in this respect. The ratification of the Optional Protocol to CAT has also been in the process and a government bill was currently being drafted for submission to Parliament in autumn 2012, with the Parliamentary Ombudsman proposed as the required national mechanism. The Finnish Government had considered the ratification of the ICRMW several times and had concluded that it was not expedient to ratify the Convention, as no distinction was made between migrant workers and other immigrants in legislation and they therefore enjoyed the same rights. Moreover, the status of migrant workers was not only affected by social security law, but also by social security agreements concluded by Finland and EU social security legislation.

47. With regard to combating bullying and discrimination in schools, the delegation said that Finland had launched an anti-bullying programme with the participation of over 90 per cent of schools. An evaluation of the programme indicated that it had significantly reduced bullying and victimization, including verbal, physical and cyber bullying, with 98 per cent of victims reporting that their situation had improved. Furthermore, a positive effect on academic achievement and motivation levels had been recorded. The programme had won the European Crime Prevention Award in 2009.

48. Turning to sexual crimes and rape, in 2011 the revised Criminal Code came into force with widening the scope rape.

49. In response to enquiries about Finland's first Human Rights National Action Plan, the delegation said that it had been prepared through an open dialogue with civil society, the Ombudsman and other stakeholders. The main priority had been to ensure efficient follow-up and implementation of its commitments.

50. As for questions relating to minority groups, trafficking in persons and the detention of foreigners, the delegation said that revised legislation on trafficking in persons was under preparation, including provisions for a national assistance system for victims of trafficking, identifying victims and exchange of information between the authorities and other actors. Furthermore, the Finnish police, border guards and immigration service personnel received regular training on how to combat human trafficking.

51. The detention of unaccompanied minor asylum-seekers will be prohibited and alternatives to detention should take precedence. The inter-ministerial working group had recently published its first draft on child detention, which proposed the prohibition of the detention of unaccompanied children and that the detention of other children should be more closely regulated. Children detained with their families under the Aliens Act would only be placed in administrative detention units, for as short a duration as possible and only as a last resort. Concerning the question raised on comprehensive statistical data on detained foreign nationals, the delegation acknowledged that there was a lack of sufficient information, but efforts were being made to remedy the situation.

52. With regard to children placed in social institutions, measures to reduce the number of children taken into care would be strengthened, with the emphasis shifting to prevention and early support services. Recently, for the first time family care had overtaken institutional care as the primary form of substitute care. Children with significant problems, however, continued to be taken into care. There were plans to intensify the supervision of institutions by national and regional authorities.

53. Concerning questions raised on provisions for mental health, the delegation said that the new Health Care Act would deal also with mental health issues and measures had been adopted to promote it within preventive primary services and voluntary services. The Mental Health Care Act was also due for review, which was scheduled for autumn 2012.

One amendment planned was a revision of the rights of patients in cases of compulsory hospitalization.

54. With regard to gender equality in the workplace, the delegation acknowledged that there was still a gender pay gap in Finland, which currently stood at 17 per cent. The main reason was the gender segregation prevalent in the labour market and steps were being taken to bridge the gap through gender-awareness education, positive recruitment measures and steps to promote the equal sharing of parental responsibilities, including equal paternity and maternity leave.

55. As for the twin-track gender equality strategy, the delegation said that gender mainstreaming was an important principle, and that it works better if there was a key focal point in the Government. In the Finnish Government, the focal point was the Ministry of Social and Health Affairs. An interesting innovation had been 'gender budgeting', with all ministries responsible for identifying gender aspects when allocating budgets. It had proved useful in increasing gender awareness and thus contributing to gender equality.

56. United Kingdom of Great Britain and Northern Ireland encouraged Finland to ensure effective implementation of the National Action Plan of 2010, especially with regard to women's rights. It welcomed Finland's commitment to ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol and stressed the importance of this ratification. It referred to the creation of a National Human Rights Institution. United Kingdom of Great Britain and Northern Ireland encouraged Finland to continue protecting the rights of the Roma minority domestically. It made recommendations.

57. United States of America congratulated Finland for its record on the human rights of LGBT individuals. It expressed concern at the excessive length of judicial proceedings and the occasional failure to provide detainees timely access to legal counsel. While commending Finland on its system for monitoring trafficking in persons, it noted that more effort should be made to identify and support victims. It was concerned by reports of societal discrimination against ethnic minority in Finland. United States of America made recommendations.

58. Uruguay noted the adoption of the Action Plan on Fundamental and Human Rights. Uruguay commended Finland for its commitment to improve the implementation of the CRC. However, it raised concerns about the practice of corporal punishment in homes. Uruguay welcomed Finland's efforts to revise its legislation in compliance with CAT. It expressed concern over the use of administrative detentions for asylum seekers, irregular migrants, unaccompanied minors and other vulnerable people. It expressed concern over the Finish Government's study of ICRMW which recommended non-adherence to it. Uruguay made recommendations.

59. Uzbekistan asked Finland about measures that were envisaged to prohibit forced labour in the country, given that requiring destitute persons to work fell under the definition of forced labour under ILO Convention No. 29. It also asked what steps were being taken to ensure equal work opportunities for men and women, remove wage inequality and prohibit the dismissal of women because of pregnancy or childbirth. It made recommendations.

60. Algeria appreciated the commitment of Finland to achieve the MDG of allocating 0.7 per cent of GNP to Official Development Assistance. It encouraged Finland to consider reviewing its position regarding the ratification of ICRMW. Algeria also stressed the need to take new initiatives to eliminate the gender-based pay gap in addition to the tripartite equal pay programme. Algeria also noted the measures taken by Finland to combat racism and xenophobia and requested more information about the objectives of the first Finnish National Human Rights Action Plan. Algeria made a recommendation.

61. Argentina, referring to the issue of health and the elderly raised in Finland's report, stressed the need to promote the rights of the elderly internationally in order to strengthen the enjoyment of their rights. It commended Finland for the measures it had adopted to implement the recommendations made in the first UPR cycle, especially those relating to eliminating discrimination. Argentina made recommendations.

62. Belgium highlighted the issue of discrimination against women and protection of children. It praised Finland for its 2007-2011 Plan of Action promoting reproductive and sexual health, and for its National Plan for the elimination of corporal punishments against children. Belgium stressed the need to provide shelter, adequate resources and specialised staff for victims of sexual harassment and violence. It made recommendations.

63. Brazil noted that Finland was not immune to human rights challenges, including the high incidence of violence against women, which was double the EU average, and the negative perception of immigrants. It welcomed the establishment of the Human Rights Centre and the enhancement of dialogue between the Government and civil society. It commended Finland for its efforts in the United Nations to promote preventive diplomacy and the peaceful dispute settlement. Brazil made recommendations.

64. Iceland congratulated Finland on the National Action Plan on Fundamental and Human Rights and encouraged Finland to ensure effective implementation of the Plan. Iceland commended Finland for its comprehensive approach to reduce violence against women, including domestic violence and human trafficking by means of the National Action Plan to Reduce Violence against Women. Iceland encouraged Finland to guarantee implementation of this plan; and to prepare and implement a similar plan regarding the right of the child. It made a recommendation.

65. Chile considered that Finland's institutional strength and well-functioning national mechanisms had enabled Finland to make consistent progress in promoting and protecting human rights. It welcomed the establishment of the Human Rights Centre to operate as Finland's national human rights institution. Chile also welcomed the launch of Finland's first Human Rights National Action Plan, which had been promoted through the participation of civil society organizations. Chile made recommendations.

66. China commended Finland's achievement in gender equality and the rights of persons with disabilities, and its policy regarding the rights of minorities, migrants and other vulnerable groups. It inquired about the experiences of Finland in eliminating hate speech and racism. China made recommendations.

67. Ecuador recognized Finland's efforts on the protection of gender equality. It noted that there was high female representation in parliament and at ministerial level. Ecuador was concerned at increasing reports of the physical and psychological ill-treatment of asylum-seekers and irregular immigrants by the police, including the frequent use of lengthy administrative detention. It was also concerned about repeated reports of domestic violence, female deaths due to domestic violence, sexual harassment and suicides. Ecuador made recommendations.

68. Egypt appreciated the attention that Finland paid to achieving equality between women and men. It also recognised the steps aimed at combating violence against women although were concerned by the prevalent high rates of such violence. Egypt inquired about the measures taken to address domestic abuse of and violence against children and the effectiveness of those measures. It raised concerns about the rise in hate speech and other manifestations of racism and xenophobia. It referred to the situation of migrants, refugees and asylum-seekers as well as persons belonging to national, ethnic or religious minorities. Egypt made recommendations.

69. The delegation mentioned that civil society took active part in the process of ratification of CRPD. In general, there is a long tradition of the Government's close cooperation with the civil society in meeting treaty body obligation, including reporting. The draft periodic reports have been shared and discussed with NGOs. Concluding observations of the treaty bodies have been widely shared with civil society which should be shared as a best practice among other countries.

70. On the question on rendition flights, Finland responded that the Ministry for Foreign Affairs in cooperation with respective state bodies carried out enquiries in a transparent manner regarding allegations that CIA aircrafts illegally transporting prisoners landed at the Finnish airports in the period of 2001-2006. The findings were made public and document no evidence to support that the rendition flights landed at the Finnish airports. The Ministry for Foreign Affairs has referred its findings to the Parliamentary Ombudsman who is currently examining a complaint by a private individual with regard to the alleged rendition flights.

71. In respect to discrimination of LGBTI persons, the delegation acknowledged the existing challenges in protection of the rights of this group and that the protection of the rights of LGBTI persons were not visible enough in Finland. In addition to the ongoing reform of the legislation, the Ombudsman for Equality has increasingly been called upon to address the protection of the sexual and gender minorities. The delegation assured its commitment to work closely with the LGBTI community and NGOs to address the protection of this minority.

72. The national assistance system exists for the victims of human trafficking and it includes the provision of legal advice, crisis assistance, social welfare and healthcare services and is based on special needs of each victim. The system has been in the process of reform for further improvements and the adoption of a new anti-trafficking legislation is expected next year. Deportations have been taken in connection of the so called Dublin procedure, as according to the Finnish immigration service, in all states applying the Dublin regulation there should be a system in place that can offer assistance and advise to the possible victims of trafficking. All cases are, however, examined individually.

73. The delegation reported that the detention of foreigners has been used only as a last resort. Such detainees have a right to question their detention before courts.

74. Finland stated that while the rate of use of alcohol has decreased but it still remained high, especially among youngsters in comparison to the European standards. Measures have been taken to address this issue, including awareness campaigns. The Government plans to review the Alcohol Act to introduce further restrictions to alcohol advertisement and increase further taxation on alcohol.

75. In response to the question on corporal punishment, the delegation stated that corporal punishment is prohibited by law and there is zero tolerance to corporal punishment in Finland.

76. Estonia recognized that human rights were important part of Finnish domestic and foreign policies. It welcomed measures adopted to address violence and the ill-treatment of vulnerable groups in society. It commended Finland for its efforts to change the legal base for social services to provide assistance to women and child victims of violence and for the establishment of a special shelter for abused children. Estonia encouraged Finland to continue its efforts to address the rise of hate speech in public fora. Estonia made a recommendation.

77. France paid tribute to Finland for its policy in the area of social integration of women and for signing the Convention of the Council of Europe on prevention and fight against violence towards women and domestic violence. France inquired about measures

that Finland has been implementing and planning to tackle these issues regarding judicial procedures and care for victims. France commended Finland for the elaboration of a law project on the Ratification of the International Convention for the Protection against Enforced Disappearances. France welcomed Finland's intention to ratify the Optional Protocol to the Convention against Torture. France made recommendations.

78. Germany commended Finland for the inclusive and innovative way of preparing the national report for the second UPR cycle and considered it a best practice. It referred to the amendments to the Criminal Code to intervene in racist and other hate speech and upgrade Internet monitoring system. Germany inquired whether Finland intended to raise more public awareness on this issue. It also asked about Finland's plans to focus on the Roma question in its awareness raising campaigns. Germany requested further information on the concrete steps that were planned to ensure protection and assistance to women, victims of gender-based violence.

79. Guatemala welcomed Finland's programme and policy aimed at the rights of women, children, ethnic and linguistic minorities, indigenous peoples, persons with disabilities, persons with HIV and sexual and gender minorities. Guatemala also congratulated Finland for the ratification of various international instruments and requested information about the steps taken to ratify the ILO Convention no. 169. It praised Finland's efforts to protect the rights of migrants. Guatemala also requested further information on legislation and practices in the area of migration. Guatemala expressed concern over reported high level domestic violence and encouraged Finland to continue its efforts to protect women and children.

80. Hungary noted with satisfaction the National Action Plan on Fundamental and Human rights. It inquired about how Finland intended to promote the rights of children living in remote communities, many of whom being members of ethnic, linguistic or national minorities. It then inquired about any plans to further reduce the duration of both the military and the non- military service and whether the government be inclined to substitute the current penalty of total objectors with a fine based scheme. Hungary made recommendations.

81. India appreciated the publication of the voluntary mid-term report on the implementation of the UPR recommendations. It welcomed the launch of the Equality First Project to combat discrimination, adoption of an integration policy, efforts to combat and prevent racism and xenophobia, especially on the Internet and the launch of the National Action Plan to reduce violence against women. India inquired about the government's plan to address the issue of victims of trafficking and their testimony in cases of prostitution. It welcomed the establishment of the National Human Rights Institution in 2012 and made a recommendation.

82. Indonesia welcomed the adoption of the first National Action Plan on Fundamental and Human Rights and the establishment of the Human Rights Centre. It noted the various measures and initiatives in eliminating discrimination and preventing violence against women and children, referring to the Equality First Project and the National Action Plan against Disciplinary Violence for Children. Indonesia made recommendations.

83. Islamic Republic of Iran referred to concerns over the human rights violations in Finland, particularly with regard to the existing inequality and discrimination against women, children and workers. It made recommendations.

84. Iraq praised Finland's approach to human rights through its first National Action Plan on Fundamental and Human Rights. It asked Finland about its policy to reduce poverty and gender inequality and measures to combat racism and discrimination. It also inquired about its projects after 2013 in the National Action Plan. Iraq made recommendations.

85. On the issue of hate speech and xenophobia, particularly in the Internet and the press, Finland noted that since 2007 there has been a serious increase in hate crimes. The police carried out preventive work and made efforts to lower the threshold for reporting hate crimes to the police. The police have also been trained to recognize racial motivations during investigations. The police have also stepped up Internet monitoring and citizens are encouraged to report actively.

86. Finland expressed its view that the Paris Principles were applied when establishing the new Human Rights Centre. The resources for the Centre which just became operational were not very big at the moment.

87. Finland had been actively working together with other EU countries and institutions to address the discrimination against the Roma and their socio-economic situation because it was a common challenge and that all EU member states had issued national strategies.

88. In conclusion, Finland noted with appreciation the participation of all delegations in the review. The dialogue would allow Finland to assess the extent to which it had implemented the recommendations received during the review in 2008. The delegation noted that the new Network for Fundamental and Human Rights, with representatives from all Ministries, would review all recommendations received during this review and actively follow up on their implementation. Furthermore, Finnish civil society would be invited to follow-up as well. Finland stated that a voluntary interim report on the progress made would be submitted to the Human Rights Council in 2014.

## **II. Conclusions and/or recommendations**

89. **The recommendations formulated during the interactive dialogue and listed below have been examined by Finland and enjoy the support of Finland:**

89.1. **Advance its efforts to ratify CRPD (Namibia) / Actively consider ratifying CRPD (China) / Ratify and implement the CRPD, with active involvement of representatives of persons with disabilities (Slovenia) / Expedite the on-going internal proceedings and ratify the CRPD and its Optional Protocol enabling individual complaints (Portugal);**

89.2. **Continue strengthening efforts to ratify CED (Argentina) / Ratify CED and fully recognize the competence of the Committee on Enforced Disappearances (France);**

89.3. **Ratify the Optional Protocol to CRC on the sale of children, child prostitution and child pornography (Belgium);**

89.4. **Proceed swiftly with the ratification of the OP- CRC-SC and OP-CAT (Estonia);**

89.5. **Ratify OP-CRC-SC, OP-CAT, CRPD and its Optional Protocol, CED, and OP-ICESCR (Spain);**

89.6. **Consider signing and ratifying the ICRMW (Egypt);**

89.7. **Consider ratifying ICRMW as well as ILO Convention no.189 on decent work of domestic workers (Philippines);**

89.8. **Ratify promptly the ILO Convention 169 (Nicaragua) / Conclude as soon as possible the process towards the ratification of the ILO Convention (169) on indigenous and tribal peoples in independent countries and carry out the necessary internal normative adjustments to this end (Mexico) / Ratify ILO Convention No. 169 on Indigenous and Tribal Peoples in Independent**

Countries within the term of office of the current government administration (Norway);

89.9. Consider adhering to and/or ratifying all those international human rights instruments that have not been adhered to and/or ratified (Ecuador);

89.10. Take further legislative and institutional measures for the promotion and protection of human rights including those of the immigrants (Nepal);

89.11. Ensure that the National Human Rights Institution is fully compliant with the Paris Principles (India);

89.12. Reinforce its efforts, such as the drafted National Action Plan for Reducing Crime, to eliminate the phenomenon of bullying and violence at schools (Slovakia);

89.13. Brief the Human Rights Council in their UPR mid-term review report on the lessons learnt of the National Action Plan on Fundamental and Human Rights, including on the effectiveness of the established indicators (Hungary);

89.14. Undertake further measures aimed at protection of women's rights, including prevention of violence (Ukraine);

89.15. Continue its efforts in eliminating discrimination and preventing violence against women and children (Indonesia);

89.16. Take effective legal and practical measures to eliminate all forms of discrimination and violence against women and children, in particular women and children with disabilities, immigrant and refugee women and children, and women and children from ethnic and religious minorities, especially Muslims and Roma (Iran);

89.17. Continue to combat racism and discrimination and adopt effective national legislation in this regard (Palestine);

89.18. Strengthen efforts to restrict the outbreaks of racism and xenophobia, especially the manifestations of racism on the Internet, as was recommended by CERD (Spain);

89.19. Persevere in its efforts to prevent and combat xenophobia, in particular on the Internet (Morocco);

89.20. Step up its efforts to combat racism and xenophobia and ensure that racially-motivated crimes are promptly detected, investigated and sanctioned (Algeria);

89.21. Increase the attention and effective measures to fight against discrimination faced by minorities, ensuring the protection of their rights (Spain);

89.22. Strengthen mechanisms aimed at combating discrimination, racism and xenophobia, and persevere in the adoption of measures to promote tolerance and respect of foreigners and members of national, racial and ethnic minorities (Chile);

89.23. More stringent monitoring mechanisms to address the rise in racist and racially-motivated crimes and xenophobic acts, and ensure effective detection, investigation, prosecution, and punishment (Egypt);

89.24. Continue its efforts to combat racism, intolerance and discrimination as well as to strive towards the integration of Roma and immigrants (Portugal);

- 89.25. Strengthen its measures to protect the rights of foreigners, immigrants, asylum-seekers and the Roma as well as enhance its integration programmes to enforce the principles of equality and non-discrimination, which are enshrined in its Constitution (Namibia);
- 89.26. Pursue appropriate, efficient policies to eliminate the social exclusion of the most vulnerable groups, in particular mentally disabled children, immigrant and refugee children and children from ethnic minorities at schools (Slovakia);
- 89.27. Continue efforts in empowering those sections of the society that require special treatment (Nepal);
- 89.28. Give special attention to the prevention of domestic violence against women and children (Mexico);
- 89.29. Strengthen the relevant legislative and implementation frameworks regarding the violence against women (Egypt);
- 89.30. Prevent the re-victimization in cases of violence in intimate partnership and bring perpetrators to justice (Brazil);
- 89.31. Ensure that rape is categorized as a sexual violation rather than according to the degree of violence used or threatened by the perpetrator; and facilitate access to justice for victims of rape to ensure that cases of rape are reported and prosecuted in court (Slovenia);
- 89.32. Take effective measures to eliminate widespread sexual misuse and harassment against women and girls, including on the Internet and via mobile phones (Iran);
- 89.33. Ensure that women who are victims of trafficking are recognized as such and provided with protection and assistance (Slovenia) (UK);
- 89.34. Implement existing procedures upholding internationally recognized standards in combating trafficking in persons and conduct necessary training for law enforcement to properly identify and protect victims of trafficking (USA);
- 89.35. Watch over the full implementation of laws that forbid corporal punishment in all settings through, among other measures, awareness-raising campaigns between adults and children, as well as the promotion of positive and non-violent forms of discipline that do not affect the upbringing of these children (Uruguay);
- 89.36. Ensure that children are heard in the judicial and administrative procedures concerning them, in accordance with procedures adapted to their maturity and, when children must be placed, this be done in family-type structures rather than in institutions (Belgium);
- 89.37. Promptly create a national mechanism for the prevention of torture with access to all places of deprivation of liberty (France);
- 89.38. Take steps to ensure by both legislative and non-legislative measures, including initiatives for the promotion of multiculturalism, the protection of all religions and faiths and the non-escalation of hatred among people of different religions and faiths, based on the tenets of understanding, mutual acceptance and respect (Malaysia);



- 89.39. Implement strict measures, including in the area of legislation, to combat hate speech and other manifestations of racism and xenophobia, including on the internet, in line with the obligations under articles 19 and 20 of ICCPR (Egypt);
- 89.40. Take effective measures to combat racist propaganda and the xenophobic material on the Internet (Iran);
- 89.41. Share its best practices acquired in fighting internet spread racism, including the results of the last measures that is the ratification of relevant instruments, modification of the Criminal Code, police monitoring of the internet (Hungary);
- 89.42. Ensure effective implementation of the ILO Forced Labour Convention no. 29 and the ILO Convention no. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (Uzbekistan);
- 89.43. That the first National Action Plan for Fundamental and Human Rights integrate the concerns of all minorities (Nicaragua);
- 89.44. Consider the possibility of establishing new measures to strengthen the respect for the rights of migrants and fight against all forms of discrimination they suffer (Argentina);
- 89.45. Implement training programs in the field of human rights for the police and the forces of order, especially directed at improving the treatment of asylum-seekers and immigrants in an irregular situation and consider ratifying the ICRMW of 1990 (Ecuador)<sup>1</sup>;
- 89.46. Evaluate the internal guidelines and criteria with regards to risk assessment in the countries of origin of asylum-seekers and ensure a continuous flow of information and education on these internal guidelines (Sweden);
- 89.47. Take concrete measures to reduce the resort to detention of migrants solely for immigration purposes (Brazil);
- 89.48. Apply alternative measures to the detention of asylum-seekers and irregular immigrants, including children and other vulnerable people, and establish a mechanism to examine this practice (Uruguay);
- 89.49. Adopt specified standards for accommodation of unaccompanied children and establish additional conditions for the appointment of a guardian for them (Thailand);
- 89.50. Give more attention to asylum-seekers and unaccompanied minors in cases of family reunion (Iraq);
- 89.51. Reconsider the matter by taking the necessary steps to fulfil the objective expressed in 2008 to reach the 0.7% target for ODA in relation to the Millennium Development Goals by 2015 (Norway);

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<sup>1</sup> The recommendation as read during the interactive dialogue: Implement training programs in the field of human rights for the police and the forces of order, especially directed at improving the treatment of asylum-seekers and immigrants in an irregular situation and ratify the ICRMW of 1990 (Ecuador).

90. The following recommendations will be examined by Finland which will provide responses in due time, but no later than the 21st session of the Human Rights Council in September 2012.

90.1. Ratification and effective implementation of CRPD, with full participation and active involvement of NGOs in the promotion, protection and monitoring of the human rights treaty framework (UK);

90.2. Develop and introduce specific measures directed at improving professional training of the staff of the children institutions, improving the legislation and practice in the provision of psychiatric treatment, as well as eradicating discrimination against ethnic minorities (Russian Federation);

90.3. Undertake concrete measures to ensure that the media production and coverage are non-discriminatory and promote positive images of girls and women (Malaysia);

90.4. Take effective legal and practical measures to prevent and combat dissemination of racist, xenophobic and Islamophobic propaganda in particular in press and on the Internet (Iran);

90.5. Carry out more efforts to integrate the Roma minority in society, especially by the allocation of funds for the implementation of the National Plan and the participation of this minority in carrying out this Plan (Spain);

90.6. Continue to take tangible measures to guarantee equal treatment of Roma and other minorities to promote the right to work and to better integrate them into the society (China);

90.7. Establish broad public outreach programmes to discourage discrimination against ethnic minority residents in Finland (USA);

90.8. Increase its efforts in the field of discrimination on grounds of sexual orientation and gender identity, inter alia, by review of national legislation and administration with a view to eliminate discrimination against LGBTI people with regard to family and parental rights and the right to security and integrity of the person (Iceland);

90.9. Allocate sufficient funds in order to ensure an effective implementation of the National Action Plan to reduce violence against women that came into force in 2010 (The Netherlands);

90.10. Further step up the efforts and allocate sufficient funds to ensure the effective implementation of the National Action Plan to prevent violence against women as well as broaden the action plan to cover domestic violence (Norway);

90.11. Continue strengthening measures aimed at addressing domestic violence, with special focus on the programmes being developed to consolidate the mechanisms to protect women and children (Chile);

90.12. Allocate the necessary funds to ensure effective implementation of the National Action Plan to combat violence against women (Palestine);

90.13. Take the necessary measures to prevent domestic violence, through the creation of a national action plan, in particular Finland was urged that the violence not be classified depending on the degree of violence or threat used by the author (Spain);

- 90.14. Step up its effort to prevent violence against women, particularly victims of trafficking, by providing adequate protection and assistance, especially shelters, funding and staffs for these shelters (Thailand);
- 90.15. Train educators and health workers in identifying signs of sexual abuse in children (Slovenia);
- 90.16. Provide a framework for prohibiting use of child labour by the Finnish companies engaged with businesses abroad and multinational companies headquartered in Finland (The Netherlands);
- 90.17. Allocate additional resources to the judicial system as necessary to ensure timely due process (USA);
- 90.18. Conclude the drafting of the Government bill on administrative proceedings and the preparations of the client service strategy (Sweden);
- 90.19. Carry out independent investigations regarding the cases of violations of labour rights in the country, including in the area of forced labour and equal pay between women and men (Uzbekistan);
- 90.20. Ensure equal pay for both sexes (Iraq);
- 90.21. Mental health services in schools should benefit from sufficient resources and qualified staff in order to deal with problems affecting in particular adolescents, such as suicidal thoughts and nutritional or addictive problems (Belgium);
- 90.22. Introduce human rights education as a mandatory part of teachers' training (Slovenia);
- 90.23. Establish a holistic legal and policy framework to guarantee the equal right of children with disabilities to access good-quality health-care services, public buildings and transportation (Iran);
- 90.24. Address overcrowding in the immigration detention facility by increasing the capacity of the existing facility or by making additional facilities available to ensure proper treatment of those detained (Norway);
- 90.25. That development aid must not be tied to conditionalities that do not take into account the traditional values of recipient countries (Namibia);
- 90.26. Investigate the cases of rendition flights where Finland's participation is suspected and bring to justice those involved, considering additionally the possibility of compensation for victims of torture in conformity with internal legislation and international legislation (Ecuador);
91. The recommendations below did not enjoy the support of Finland.
- 91.1. Adhere to ICRMW (Uruguay 3) /Expedite means and ways towards the ratification of the ICRMW as part of its international obligation in promoting and protecting the rights of migrant workers (Indonesia 2) / In conformity with article 77 of ICRMW, declare that it recognizes the competence of the Committee to receive and examine the communications that allege that the rights of individuals protected by this Convention have been violated (Uruguay).
92. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.

### III. Voluntary pledges and commitments

93. Finland undertakes the following voluntary commitments.

(a) Finland renewed its commitment, presented during the first Universal Periodic Review of Finland, regarding the development assistance objective, as further elaborated in the national report for the second Universal Periodic Review.

(b) Finland is committed to more effective and systematic monitoring of the implementation of human rights. As part of this commitment, the newly established Network for fundamental and human rights, composed of contact persons representing all Ministries, will monitor the implementation of the National Human Rights Action Plan and prepare the Government Report on Human Rights Policy. The Network will analyse the situation of fundamental and human rights in Finland, including the implementation of Finland's human rights obligations and commitments, and the associated periodic reporting. The Network will also review UPR recommendations.

Finland has several good practices in the sphere of cooperation with civil society and other stakeholders on human rights. The Network will provide an opportunity for further development of these partnership models.

(c) Finland is committed to present a voluntary interim-report on the progress made in implementing the UPR recommendations to the Human Rights Council in 2014.

## Annex

### Composition of the delegation

- The delegation of Finland was headed by Ms. Heidi Hautala, Minister for International Development, Ministry for Foreign Affairs and composed of the following members:
- Mr. Antti Rytövuori, Deputy Permanent Representative, Permanent Mission of Finland;
- Mr. Johannes Koskinen, MP, Chair of the Constitutional Law Committee, Parliament of Finland;
- Mr. Erik Lundberg, Head of the Unit for Human Rights Policy, Ministry for Foreign Affairs, Finland;
- Ms. Johanna Suurpää, Director, Ministry of Justice;
- Ms. Päivi Kairamo-Hella, Adviser, Ministry for Foreign Affairs;
- Ms. Maria Kurikkala, Diplomatic Adviser to the Minister for International Development Ministry for Foreign Affairs;
- Ms. Krista Oinonen, Legal Counsellor, Ministry for Foreign Affairs;
- Mr. Timo Turkki, Ministerial Counsellor, Ministry of Defence;
- Ms. Susanna Siitonen, Ministerial Counsellor, Ministry of Employment and the Economy;
- Ms. Riitta-Maija Jouttimäki, Ministerial Counsellor, Ministry of Social Affairs and Health
- Ms. Viveca Arrhenius, Ministerial Counsellor, Ministry of Social Affairs and Health;
- Mr. Panu Artemjeff, Senior Officer, Ministry of the Interior;
- Ms. Kukka Krüger, Senior Officer, Ministry of the Interior;
- Mr. Mikko Cortés Téllez, Senior Planning Officer, Ministry of Education and Culture;
- Ms. Minnamaria Nurminen, Senior Adviser, Ministry of Defence;
- Mr. Ville Koponen, Legal Adviser, Ministry of the Environment;
- Ms. Tiina Sanila-Aikio, Liaison and Vice President of the Finnish Sámi Parliament;
- Ms. Martta October, Vice President, Liaison of Civil Society Organizations;
- Mr. Tapio Rantanen, Temporary Desk Officer, Ministry for Foreign Affairs, Finland;
- Mr. Stefan Lee, First Secretary, Permanent Mission of Finland;
- Ms. Hanna NISSINEN, Second Secretary, Permanent Mission of Finland;
- Ms. Annika Lindholm, Intern, Permanent Mission of Finland;
- Ms. Hanna Sarkkinen, Intern, Permanent Mission of Finland;

