



General Assembly

Distr.: General
12 March 2012

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Thirteenth session
Geneva, 21 May - 4 June 2012

**Compilation prepared by the Office of the High
Commissioner for Human Rights in accordance with
paragraph 5 of the annex to Human Rights Council
resolution 16/21**

Finland

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, the Office of the High Commissioner for Human Rights (OHCHR), and other relevant official United Nations documents. It is presented in a summarized manner due to word-limit constraints. For the full text, please refer to the document referenced. This report does not contain any opinions, views or suggestions on the part of OHCHR other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

I. Background and framework

A. Scope of international obligations¹

Universal human rights treaties²

	<i>Status during previous cycle</i>	<i>Actions after review</i>	<i>Not ratified/not accepted</i>
<i>Ratification, accession or succession</i>	ICERD (1970) ICESCR (1975) ICCPR (1975) OP2-ICCPR (1991) CEDAW (1986) CAT (1989) CRC (1991) OP-CRC-AC (2002)		OP-CAT (signature only, 2003) OP-CRC-SC (signature Only, 2000) ICRMW CRPD (signature only, 2007) CED (signature only, 2007)
<i>Reservations, declarations and/or understandings</i>	ICCPR arts. 10 (2) (b), 10 (3), 14 (7) and 20 (1)		
<i>Complaint Procedures³</i>	ICERD, art. 14 (1994) ICCPR-OP 1 (1975) OP-CEDAW (2000) CAT, art.22 (1989) ICCPR, art. 41 (1975)		OP-ICESCR (signature only, 2009) OP-CRPD (signature only, 2007) CED, art. 31 ICRMW, art. 77

Other main relevant international instruments

	<i>Status after previous cycle</i>	<i>Actions after review</i>	<i>Not ratified</i>
<i>Ratification, accession or succession</i>	Convention on the Prevention and Punishment of the Crime of Genocide Rome Statute of the International Criminal Court Refugee and 1954 stateless persons ⁴ Geneva Conventions of 12 August 1949 and Additional Protocols thereto ⁵ ILO Fundamental Conventions ⁶ UNESCO Convention against Discrimination in Education Palermo Protocol	1961 stateless persons ⁷ Additional Protocol III to 1949 Geneva Conventions ⁸	ILO Convention No. 169 on indigenous and tribal peoples ILO Convention No. 189 on domestic workers

1. The Committee on the Rights of the Child (CRC) recommended that Finland ratify ICRMW.⁹ The Committee on the Elimination of Discrimination against Women (CEDAW) and the Committee on the Elimination of Racial Discrimination (CERD) made similar recommendation.¹⁰

2. In 2011, the Special Rapporteur on the rights of indigenous peoples noted that Finland has not ratified ILO Convention No. 169 although the ratification was recommended by United Nations treaty bodies and during the universal periodic review.¹¹ The Special Rapporteur urged, and CRC and CERD recommended, the ratification of ILO Convention No. 169.¹²

3. CEDAW and CRC encouraged the ratification of CED and CRPD.¹³ Furthermore, CRC recommended that Finland ratify OP-CRC-SC, OP-CAT, OP-CRPD, and OP-ICESCR.¹⁴

B. Constitutional and legislative framework

4. CRC recommended that Finland ensure that its legislation and administrative regulations conform fully to the Convention and to OP-CRC-AC and that it consider drafting consolidated legislation encompassing all rights under CRC.¹⁵

C. Institutional and human rights infrastructure and policy measures

5. In 2011, CAT welcomed the amendments to the Parliamentary Ombudsman Act, establishing the Centre for Human Rights as the national human rights institution, in accordance with the Paris Principles.¹⁶

6. CRC was concerned that children might not be aware of the complaints procedure of the Parliamentary Ombudsman and at the insufficient resources provided to the Office of the Ombudsman for Children.¹⁷ CRC recommended that Finland raise public awareness, especially among children, about the different complaints procedures within national mechanisms and ensure that the office of the Ombudsman for Children is provided with the necessary resources to guarantee its independence, efficacy and accessibility.¹⁸

7. CEDAW recommended that a mechanism, at a high level of the Government and with adequate resources, be designated and take up the responsibility and leadership role in coordinating the implementation of the gender-mainstreaming strategy in policies and programmes of all other Government departments and to ensure effective monitoring and evaluation of results achieved.¹⁹

Policy measures

8. In 2011, UNHCR stated that Finland has started preparations for the first national action plan for human rights through the dialogue with human rights organizations and other actors.²⁰

9. CRC welcomed the Action Plan for the Promotion of Sexual and Reproductive Health 2007–2011,²¹ the Health Care Act,²² and the National Development Programme for Social Welfare and Health Care for 2008–2011.²³

II. Cooperation with human rights mechanisms

10. Finland prepared and submitted mid-term review regarding the follow-up to the recommendations put forward during the universal periodic review held in 2008.²⁴

A. Cooperation with treaty bodies²⁵

1. Status of reporting

<i>Treaty body</i>	<i>Concluding observations included in the previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
CERD	August 2003	2011	March 2009	Pending consideration
CESCR	May 2007	2011		Pending consideration
HR Committee	October 2004	2011		Pending Consideration
CEDAW	February 2001		July 2008	Seventh report overdue since 2011
CAT	May 2005	2010 (LOIPR)	June 2011	Seventh report due 2015
CRC	September 2005	2008	June 2011	Fifth to sixth reports due 2017 Initial CRC-OP-AC report reviewed in 2005

2. Responses to specific follow-up requests by treaty bodies

Concluding observations

<i>Treaty body</i>	<i>Due in</i>	<i>Subject matter</i>	<i>Submitted in</i>
CERD	2010	Indigenous peoples' land. To combat contemporary manifestations of racial discrimination. To combat discrimination against persons of foreign origin.	Overdue
CEDAW	2010	Prevent and address violence against women	Overdue
CAT	2012	Legal safeguards in detention Reduce pretrial detention Detention of asylum-seekers and unaccompanied children Redress for victims of torture	Pending

Views

<i>Treaty body</i>	<i>Number of views</i>	<i>Status</i>
HR Committee	--	--

11. CAT expressed its appreciation to Finland for agreeing to report under the list of issues prior to the reporting procedures.²⁶

B. Cooperation with special procedures²⁷

	<i>Status during previous cycle</i>	<i>Current status</i>
<i>Standing invitation</i>	Yes	Yes
<i>Visits undertaken</i>	None	Indigenous peoples (13-16 April 2010) ²⁸
<i>Visits agreed to in principle</i>	None	None
<i>Visits requested</i>	None	None
<i>Responses to letters of allegations and urgent appeals</i>		During the period under review, 1 communication was sent. The Government replied to this communication.
<i>Follow-up reports and missions</i>		

12. In 2010, the Special Rapporteur on the rights of indigenous peoples attended a conference in Finland. A report on the situation of the Sami people in Sámi region of three Nordic countries, including Finland, was subsequently issued.²⁹

C. Cooperation with the Office of the High Commissioner for Human Rights

13. Finland financially contributed annually to OHCHR in the period of 2008-2011, including to the Voluntary Fund for Victims of Torture, the Voluntary Fund for Indigenous populations and to the Voluntary Fund on Slavery.³⁰

III. Implementation of international human rights obligations

A. Equality and non-discrimination

14. In 2011, the ILO Committee of Experts on the Application of Conventions and Recommendations requested Finland to ensure that the new legislation would cover all the grounds listed in the ILO Discrimination Convention (No. 111).³¹ In 2008, CEDAW called upon Finland to ensure that the issue of discrimination against women is given adequate visibility and attention during the reform of the legislation on equality and non-discrimination and its final outcome.³²

15. CEDAW was concerned that Sami women,³³ Roma women,³⁴ immigrant women³⁵ and women with disabilities³⁶ suffered from multiple discrimination. It called for effective measures to eliminate all forms of discrimination against those women.³⁷ Furthermore, CEDAW called upon Finland to integrate women with disabilities in the labour market.³⁸ CERD encouraged Finland to increase employment opportunities for Roma and to combat negative attitudes and prevailing stereotypes concerning Roma, in particular among employers.³⁹

16. CEDAW was concerned that media and advertising are increasingly becoming pornographic and that the over-sexualized depiction of women strengthens the existing stereotypes of women as sex objects, and girls' low self-esteem. It requested Finland to take proactive measures to ensure that media production and coverage are non-discriminatory and promote positive images of girls and women.⁴⁰

17. In 2011, CRC remained concerned at reports of widespread sexual and gender-based harassment against girls and bullying, including on the Internet and via mobile phones.⁴¹

18. CEDAW noted with concern the lack of a gender perspective in early childhood education. It requested Finland to introduce gender-sensitive curricula and teaching methods that address the structural and cultural causes of discrimination against women.⁴²

19. In 2009, CERD noted that Finland has adopted measures to combat racist and xenophobic attitudes among the young through the projects for the promotion of multiculturalism and anti-racist works and awareness-raising measures directed at both teachers and students. However, CERD remained concerned at the persistence of racist and xenophobic attitudes among many sectors of the population.⁴³ In 2011, UNHCR stated that there had been an increase in incidents of racist and xenophobic crimes.⁴⁴ UNHCR recommended that Finland strengthen its efforts in the fight against discrimination, racism and xenophobia and its work to achieve tolerance and respect for foreigners and members of national, racial and ethnic minorities.⁴⁵ CERD made similar recommendations.⁴⁶

20. Noting the efforts to combat racist propaganda and the spread of racist and xenophobic material on the Internet, CERD remained concerned about the persistence of this problem. It encouraged Finland to continue efforts to combat contemporary manifestations of racial discrimination, such as racist propaganda on the Internet and to find ways and means to block the use of the Internet for racist purposes.⁴⁷

21. While welcoming the 2009 National Policy on Roma,⁴⁸ CRC was concerned at the social exclusion and structural discrimination of the Roma population.⁴⁹ CRC recommended that Finland place high priority in the public agenda on preventing and eradicating discrimination through the media and education system and enhance the measures undertaken to combat ethnic discrimination and social exclusion of the Roma.⁵⁰

22. Noting commitment to the integration of persons of foreign origin, CERD remained concerned that de facto discrimination against persons of foreign origin persisted in a number of areas. It was concerned about the lower employment rate among persons of immigrant origin, the difficulties that persons with an immigrant background and aliens continue to face when trying to access service places and to subscribe to contractual services.⁵¹

23. CRC remained concerned at the prevalence of discrimination against children with disabilities, immigrant and refugee children and children from ethnic minorities, such as Roma children. CRC urged Finland to strengthen efforts to combat all forms of discrimination.⁵²

24. In 2011, the ILO Committee of Experts noted the activities under the national awareness-raising campaign "YES - Equality is priority" focusing on actions in the area of employment and entrepreneurship, including training of local employment and enterprise offices personnel to address equality, non-discrimination and diversity issues, including ethnic origin.⁵³

B. Right to life, liberty and security of the person

25. In 2011, CAT welcomed the amendment of the Criminal Code that criminalizes torture and establishes the absolute prohibition of torture in all circumstances.⁵⁴ However, it was concerned that the Code contained a statute of limitations for the crime of torture.⁵⁵

26. CAT recommended that Finland issue clear guidelines to be followed by the police when arresting and dealing with persons deprived of their liberty to prevent any ill-treatment of those detained.⁵⁶

27. CAT was 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.⁵⁷ UNHCR noted reports that the Finnish police and border guards did not always act in a culturally sensitive and humane way when dealing with asylum-seekers and irregular immigrants.⁵⁸

28. UNHCR stated that the amendment to the Aliens Act stipulated that a foreigner may be kept in detention for a maximum of 6 months subject to extension up to 18 months in exceptional cases.⁵⁹ CAT was concerned about information regarding the frequent use of administrative detention with regard to asylum-seekers and irregular immigrants and the length of their detention. CAT was also concerned that the Aliens Act allowed for preventive detention not for a crime already committed but if a person is suspected of the possibility of committing a crime. CAT recommended that Finland: consider alternatives to the frequent detention of asylum-seekers and irregular immigrants, including minors and other vulnerable persons; establish a mechanism to examine the frequent detention of such persons; consider increasing the use of non-custodial measures, use detention as a last resort and ensure that administrative detention of unaccompanied children not be practiced.⁶⁰ UNHCR made similar recommendations.⁶¹

29. CAT was 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 was also concerned that such persons are detained not only in the Metsälä detention centre, but also in police and border-guard detention facilities.⁶² UNHCR made a similar observation.⁶³ CAT recommended that Finland review the detention, including length, of asylum-seekers, irregular immigrants and other foreigners in the Metsälä centre and in police and border-guard detention facilities, provide them with fundamental legal safeguards and set up a complaints mechanism regarding conditions of detention.⁶⁴

30. CAT recommended that Finland amend the Mental Health Act and pass legislation rescinding the provisions governing involuntary psychiatric hospitalization and treatment, and ensuring basic legal safeguards, and that a meaningful and expedient court review of the measure of involuntary hospitalization is provided, which includes the possibility for complaints. Finland should ensure that mental health care and services provided to all persons deprived of their liberty are based on the free and informed consent of the person concerned, including any administering of electroconvulsive therapy.⁶⁵

31. CAT was concerned that while the total number of prisoners has fallen, the number of remand, female and foreign prisoners has increased and was also concerned about their situation and the length of pretrial detention. CAT recommended that Finland introduce a legislative amendment allowing for remand prisoners to be moved more quickly from police stations to regular prisons.⁶⁶

32. CAT was concerned that some 10 per cent of Roma prisoners have been accommodated in closed wards. It recommended that the Parliamentary Ombudsman monitor the conditions of detention of Roma prisoners and ensure that prison staff intervene in all incidents of discrimination against Roma brought to their attention.⁶⁷

33. CAT was concerned that occasional overcrowding continues to exist in some prisons and detention centers. It recommended that Finland remedy the situation of overcrowding, including by way of redistributing prisoners, accelerating the judicial procedures and using the system of probationary liberty under supervision. CAT urged Finland to accelerate the renovation of several prisons, in addition to installing sanitary equipment in all places of detention.⁶⁸

34. CAT recommended that Finland allocate sufficient resources to the Parliamentary Ombudsman to carry out frequent and unannounced visits to places of deprivation of liberty.⁶⁹ It also recommended the establishment of an independent body to monitor hospitals and places of detention, including with the authority to receive complaints.⁷⁰

35. In 2008, CEDAW remained concerned about the high incidence of violence against women, including a high number of women killed in domestic violence and sexual harassment. CEDAW was also concerned that the policy on violence against women is couched in gender-neutral language, which undermines the notion that such violence is a clear manifestation of discrimination against women. CEDAW regretted that the number of shelters, many of which have been established and are operating on the initiative of NGOs, is insufficient to meet the needs of women, both in numbers and in their mode of operation.⁷¹ While welcoming the adoption of the Programme on the Prevention of Violence Against Women in 2010,⁷² CAT recommended that Finland redouble its efforts to prevent and eradicate all forms of violence against women and adopt legislation with a view to increasing the number of shelters for victims with appropriate funding and specialised staff.⁷³ In 2008, CEDAW made similar recommendations in accordance with Finland's reaffirmed commitment made during the universal periodic review.⁷⁴ CRC recommended that Finland seek technical assistance from the various UN bodies and non-governmental organizations to study violence against children.⁷⁵

36. CAT⁷⁶ and CEDAW⁷⁷ welcomed the revision of the National Plan of Action against Trafficking in Human Beings in 2008. The ILO Committee of Experts noted that the revised national plan paid particular attention to victim identification and that Ombudsperson for Minorities has been appointed the National Rapporteur on Action against Human Trafficking.⁷⁸

37. In 2010, the ILO Committee of Experts reiterated that the imposition of labour under the Destitute Persons Act whereby destitute persons may be required, subject to personal sanctions, to reside in a welfare home and to engage in work comes under the definition of "forced or compulsory labour" in the Forced Labour Convention (No. 29). It recommended the amendment to the Act to provide clearly that any work in a welfare home is to be performed voluntarily.⁷⁹

38. In 2011, the ILO Committee of Experts requested Finland to specifically prohibit in the legislation the use, procuring or offering of a child less than 18 years for the production and trafficking of drugs.⁸⁰

39. CRC recommended that Finland provide a framework for prohibiting use of child labour by Finnish companies engaged with businesses abroad and multinational companies headquartered in Finland by establishing an effective monitoring system of their supply chains.⁸¹

40. CRC encouraged Finland to prioritize elimination of all forms of violence against children, including by ensuring implementation of the recommendations of the United Nations study on violence against children, paying particular attention to gender.⁸²

41. While welcoming the National Action Plan to eliminate corporal punishment of children for the period of 2010-2015, CRC remained concerned that corporal punishment continues to be tolerated and used, particularly in the home.⁸³ CRC recommended that Finland ensure full implementation of the laws prohibiting corporal punishment in all settings.⁸⁴

C. Administration of justice, including impunity, and the rule of law

42. CAT was concerned at the reported slowness of judicial apparatus and whether there are any members of ethnic minorities among the judiciary.⁸⁵

43. CAT recommended that legislation be adopted to reduce pretrial detention and to accelerate the pending civil and criminal procedures.⁸⁶

44. CAT was concerned that fundamental legal safeguards were not always ensured for persons deprived of their liberty, in particular for those having committed “minor offences”, including juveniles. It recommended that Finland ensure that all persons deprived of liberty are provided with fundamental legal safeguards from the very outset of detention, such as access to a lawyer, notifying their family of their detention and being examined by an independent doctor. CAT also recommended that Finland allocate the funds to equip places where persons are interrogated and where pretrial investigations occur with the necessary audio- and video-recording equipment.⁸⁷

45. CAT was concerned that criminal law did not contain any specific provisions on the prohibition of use of statements obtained under torture and that the prosecution service has not issued any instructions or orders with regard to the prohibition of using a statement obtained under torture as element of proof. It recommended that Finland enact legislation specifically prohibiting the use of statements obtained under torture as evidence and elements of proof.⁸⁸

46. CAT recommended that Finland ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation and that full rehabilitation be made available to all those victims, in all settings.⁸⁹

47. CRC recommended that Finland ensure that all children under the age of 18 be duly heard in judicial and administrative proceedings affecting them, including in cases of custody in accordance with the maturity of the child and in a child-friendly manner.⁹⁰

D. Right to privacy, marriage and family life

48. CRC was concerned at the high number of children who live with parents having problems relating to substance abuse and at the very long duration of custodial disputes.⁹¹ It was also concerned that the number of children placed in institutions was increasing. CRC recommended that Finland ensure that children in need of alternative care be placed in family-type and foster family care and not in institutions, avoid successive placement of children in public care and the provision of effective, well-publicized, independent and impartial complaints mechanisms for children without parental care.⁹²

49. UNHCR stated that the 2010 amendments to the Aliens Act introduced stricter family reunification criteria for minors, if the refugee was not yet self-reliant, and left open the option of new restrictions.⁹³ UNHCR recommended that Finland provide safeguards for the rights of family reunification for persons granted international protection and that all limitations on the rights of unaccompanied children and adolescents to family reunification be abolished.⁹⁴

E. Freedom of religion or belief, expression, and right to participate in public and political life

50. UNESCO reported that defamation is a crime with a penalty of imprisonment of up to six months or a fine.⁹⁵ UNESCO recommended that Finland decriminalize defamation.⁹⁶

51. UNESCO reported that the 2011 Code of Ethics contained provisions regarding online discussion sites and stated that media were obliged to delete anything that might promote violence, discrimination or privacy standards or constitute hate speech. The definition of such content was left up to the media. UNESCO recommended that an open democratic discussion on the use of social media be encouraged to address hate speech or other controversial materials.⁹⁷

52. In 2011, UNESCO stated that Finland spent a large amount of public funds on media support and had very high global rankings on freedom of expression and press freedom.⁹⁸ UNESCO recommended that Finland share its experience in ensuring freedom, editorial independence and plurality of media as widely as possible, including through existing development assistance programmes.⁹⁹

53. CEDAW noted with appreciation the high proportion of women parliamentarians and women in ministerial positions.¹⁰⁰ However, CEDAW remained concerned about the low percentage of women in high-ranking positions, in particular in the private sector, academia and the diplomatic services.¹⁰¹ It noted the inadequate political representation of Sami women both in their communities and at the national level.¹⁰²

F. Right to work and to just and favourable conditions of work

54. In 2008, CEDAW remained concerned about the significant vertical and horizontal occupational segregation between women and men in labor market, the persistence of a gender-based wage gap, illegal dismissal of women due to pregnancy and childbirth and the low rate of men who take parental leave.¹⁰³ CEDAW recommended that Finland take measures, including temporary special measures, to eliminate occupational segregation and close the gender-based wage gap between women and men and to prevent the practice of illegal dismissal of women in cases of pregnancy and childbirth.¹⁰⁴ In 2011, the ILO Committee of Experts requested Finland to address the challenges encountered in the implementation of the equal pay programme.¹⁰⁵

55. The ILO Committee of Experts noted the amendments to the Act on Equality between Women and Men providing definitions of sexual harassment and to the Anti-Discrimination Act concerning inherent job requirements.¹⁰⁶

G. Right to social security and to an adequate standard of living

56. CRC remained concerned that the number of children and families with children living in poverty had more than doubled in 10 years and that the amount of child benefits and parental benefits had de facto been reduced.¹⁰⁷

57. CERD expressed concern about de facto segregation in housing encountered by both immigrants and Roma.¹⁰⁸

58. UNHCR stated that the reception centres were struggling to find accommodation in municipalities for beneficiaries of international protection. In 2010, the plan to find 2,200 places for refugees was not reached. UNHCR reported that some refugees were obliged to wait a year before a suitable accommodation was arranged.¹⁰⁹ It recommended that Finland ensure that resettled refugees and other beneficiaries of international protection be granted a place in the municipalities in a timely manner.¹¹⁰

H. Right to health

59. CEDAW expressed concern at the deteriorating mental health situation of girls, including depression, eating disorders and increased alcohol and drug consumption and particularly at the high suicide rate among girls.¹¹¹ Additionally, CRC was concerned at the insufficient mental health services for children and at the lack of medical personnel permanently based in schools, including staff to provide children with psychological counselling.¹¹²

60. CRC was concerned at the shortcomings of early childhood education, such as a lack of professionals and the reported low quality of day care/pre-primary education. CRC recommended the drafting of a new general act on early childhood care and education and that the coverage and quality of early childhood education programmes be improved.¹¹³

61. CRC welcomed the amendments to the Basic Education Act in 2010, introducing enhanced or special support in learning, but remained concerned that, despite the excellent academic achievements of children, a high number of children were not satisfied with their schools.¹¹⁴

62. In 2011, CRC was concerned at the difficulties faced by different groups of children in vulnerable situations, including Roma children, in the education system, including the high rate of non-attendance, poor achievement, high number of children in special education classes and the high dropout rate.¹¹⁵ CERD, in 2009, recommended that Finland strengthen its efforts to increase the level of education of members of Roma communities, by raising awareness about the possibility for Roma children to receive instruction in their mother tongue, and by further promoting the recruitment of Roma teachers.¹¹⁶

63. UNESCO noted that Finland had no separate programme on human rights education. The core curriculum for basic education and secondary school emphasised human rights, equality and tolerance as aims of education and tolerance and multiculturalism are discussed in teaching of different school subjects.¹¹⁷

I. Right to education

64. CRC was concerned at the shortcomings of early-childhood education, such as a lack of professionals and reported low quality of day care/pre-primary education. CRC recommended the drafting of a new general act on early-childhood care and education and that the coverage and quality of early childhood education programmes be improved.¹¹⁸

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66. In 2011, CRC was concerned at the difficulties faced by different groups of children in vulnerable situations, including Roma children, in the education system, as well as the high rate of non-attendance, poor achievement, the number of children in special education classes, and the high dropout rate.¹²⁰ CERD, in 2009, recommended that Finland strengthen its efforts to increase the level of education of members of Roma communities, by raising awareness about the possibility for Roma children to receive instruction in their mother tongue, and by further promoting the recruitment of Roma teachers.¹²¹

67. UNESCO noted that Finland had no separate programme on human rights education. The core curriculum for basic education and secondary school emphasized human rights, equality and tolerance as aims of education, and tolerance and multiculturalism were discussed in teaching of different school subjects.¹²²

J. Cultural rights

68. UNESCO noted that the national legislation on heritage protection was considered adequate to preserve World Heritage sites in Finland as per the standards of the 1972 World Heritage Convention.¹²³ It raised the training needs for institutions and individuals concerned with the protection of World Heritage.¹²⁴

K. Persons with disabilities

69. While welcoming the amendments to the Act on Services and Assistance for the Disabled in 2009 and the Disability Policy Programme for 2010–2015, CRC remained concerned about the insufficient supply of health-care services for children with disabilities in some municipalities and the lack of Finland's financial commitment in this respect. CRC was also concerned that children with disabilities face limited mobility due to obstacles in the physical environment and public transportation, and thus the level of segregation of students with disabilities is high.¹²⁵ CRC recommended that Finland 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 and to obtain education in mainstream schools and improve the capacity of teachers to teach children with disabilities and special needs.¹²⁶

L. Minorities and indigenous peoples

70. CERD reiterated its opinion that Finland's approach to the definition of who may be considered a Sami is too restrictive. CERD reiterated its recommendation that Finland give more adequate weight to self-identification by individuals concerned.¹²⁷

71. In 2011, the Special Rapporteur on the rights of the indigenous peoples noted that education in the Sami language is guaranteed by law within the Sami homeland and that municipalities receive increased subsidies for teaching in the Sami language within the homeland area. However, there is no legislation or policy that guarantees education in the Sami language outside the core Sami area, where the majority of Sami students live. The fragmentation of Sami settlements and shortage of Sami teachers presents a problem for education in Sami language and culture, and there is also a shortage of education material, especially in the Skolt and Inari Sami languages. Some measures have been taken to facilitate long-distance learning, but these programmes have experienced problems primarily due to a lack of funding.¹²⁸ CRC made similar observations.¹²⁹

72. The Special Rapporteur noted that, while legislation guarantees the right to use the Sami language before certain State authorities and in relation to certain administrative and legal procedures, the legal protections were not implemented due in large part to the lack of the State authorities' knowledge of Sami languages.¹³⁰

73. In 2011, the Special Rapporteur noted that the legislation did not acknowledge or grant any special land rights to the Sami people or acknowledge any exclusive rights for them to pursue their traditional livelihoods, within or outside of the homeland areas. Furthermore, reindeer husbandry was not reserved for Sami people in particular but rather was open to any citizen of the European Union.¹³¹ He referred to continuous concerns expressed by Sami over the effects of logging on reindeer herding activities. Ongoing logging continued to pose a threat in areas that are vital to Sami reindeer herding.¹³² The Special Rapporteur recommended that Finland step up its effort to clarify and legally protect Sami rights to land and resources, and to ensure special protections for Sami reindeer husbandry.¹³³ CERD made a similar recommendation.¹³⁴

74. The Special Rapporteur noted that the statutory mandate of the Sami Parliament is limited to matters concerning Sami languages, culture and indigenous status and that even within those areas, the Sami parliament's input is restricted. Also, as a general matter with a few exceptions, Sami parliaments lack specific decision-making powers in matters pertaining to the use of lands, waters and natural resources.¹³⁵

75. CRC was concerned that children who belonged to the Roma minority did not receive health services, including mental health services in Romani. It was also concerned at the insufficient level of educational services and recreational activities in Romani.¹³⁶

M. Migrants, refugees and asylum-seekers

76. UNHCR noted the 2011 Integration Act which concerned all immigrants and focused on the initial stage of integration and the new Act on Reception of Asylum-Seekers that specified standards for accommodation of unaccompanied children and established additional conditions for the appointment of a guardian for them.¹³⁷

77. CEDAW was concerned that immigrant women might be particularly vulnerable to poverty and various forms of violence, including domestic violence and female genital mutilation, and obtaining employment in jobs that are commensurate with their level of education, experience and qualifications.¹³⁸

78. Noting the amendments to the Aliens Act in 2010 providing for family reunification of unaccompanied children, CRC remained concerned at the practice of detaining children who sought asylum in Finland. Furthermore, CRC was concerned that asylum-seekers aged 16 and above were accommodated in adult units of reception centres and that mental health services, therapy and psychiatric care for unaccompanied minors were insufficient.¹³⁹ CRC recommended that Finland, 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.¹⁴⁰

79. UNHCR stated that the accelerated procedure under the Aliens Act allowed an extremely limited time for asylum-seekers to have their cases considered thoroughly and to exhaust all lines of appeal if their application was rejected. Although a negative decision could be appealed, it might be enforced within eight days or even immediately, irrespective of an appeal, which would thus have no automatic suspensive effect. This issue had already been addressed during the UPR session on Finland during the first cycle. There is currently no change in the legislation or practice on this point. Most rejections of asylum applications by the Finnish Immigration Service were done in an accelerated procedure.¹⁴¹ UNHCR recommended that Finland ensure that all parts of the asylum procedure respect due process and legal safeguards for asylum-seekers, including suspensive effect of appeal.¹⁴² CAT made similar observations.¹⁴³

N. Right to development

80. CRC noted that, in 2010, Finland devoted 0.56 per cent of its gross national income (GNI) to international assistance and that it has committed to reaching the internationally agreed target of 0.7 per cent of GNI by 2015.¹⁴⁴

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in Multilateral Treaties Deposited with the Secretary-General: Status as at 1 April 2009

(ST/LEG/SER.E/26), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>. Please also refer to the United Nations compilation from the previous cycle, document A/HRC/WG.6/1/FIN/2),

² The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to the Convention on the Rights of Persons with Disabilities
CERD	International Convention for the Protection of All Persons from Enforced Disappearance.

³ In the previous compilation a table contained information on recognition of specific competences of treaty bodies namely, Individual complaints: ICERD, art. 14, CAT, art. 22, ICRMW, art. 77, and CED, art. 31; Inquiry procedure: OP-CEDAW, arts. 8 and 9; CAT, art. 20; OP-CRPD, arts. 6 and 7; Inter-State complaints: ICCPR, art. 41, ICRMW, art. 76, and CED, art. 32.

⁴ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and 1954 Convention relating to the Status of Stateless Persons.

⁵ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); and Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

⁶ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

⁷ 1961 Convention on the Reduction of Statelessness

⁸ Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III).

- ⁹ CRC/C/FIN/CO/4, 20 June 2011, para. 65.
- ¹⁰ CEDAW/C/FIN/CO/6, in A/63/38, *Official Records of the General Assembly, Sixty-third session*, Supplement No. 38, Part II, chap. IV, para. 198; and CERD/C/FIN/CO/19, 13 March 2009, para. 20.
- ¹¹ A/HRC/18/35/Add.2, para. 31.
- ¹² A/HRC/18/35/Add.2, para. 73, CRC/C/FIN/CO/4, 20 June 2011, para. 64 (e), CERD/C/FIN/CO/19, 13 March 2009, para.14.
- ¹³ CEDAW/C/FIN/CO/6, para. 198, CRC/C/FIN/CO/4, para. 65.
- ¹⁴ CRC/C/FIN/CO/4, para. 65.
- ¹⁵ *Ibid.*, para. 9.
- ¹⁶ CAT/C/FIN/CO/5-6, para. 5 (b)
- ¹⁷ CRC/C/FIN/CO/4, para. 14.
- ¹⁸ *Ibid.*, para.15.
- ¹⁹ CEDAW/C/FIN/CO/6, 18 July 2008, para. 170.
- ²⁰ UNHCR submission to the UPR on Finland, p. 3.
- ²¹ CRC/C/FIN/CO/4, para. 48.
- ²² *Ibid.*, para. 3 (e).
- ²³ *Ibid.*, para. 5 (c).
- ²⁴ See <http://lib.ohchr.org/HRBodies/UPR/Documents/Session1/FI/Finland.pdf>
- ²⁵ The following abbreviations have been used for this document:
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| CERD | Committee on the Elimination of Racial Discrimination |
| CESCR | Committee on Economic, Social and Cultural Rights |
| HR Committee | Human Rights Committee |
| CEDAW | Committee on the Elimination of Discrimination against Women |
| CAT | Committee against Torture |
| CRC | Committee on the Rights of the Child |
| CMW | Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families |
| CRPD | Committee on the Rights of Persons with Disabilities |
| CED | Committee on Enforced Disappearance |
- ²⁶ CAT/C/FIN/CO/5-6, 29 June 2011, para. 2.
- ²⁷ Abbreviation used follow those contained in the communications report of special procedures, A/HRC/18/51 and Corr.1.
- ²⁸ A/HRC/18/35/Add.2.
- ²⁹ A/HRC/18/35/Add.2. See also press release available at: <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=9967&LangID=E>
- ³⁰ OHCHR 2008 report, Activities and Results, pp. 174, 178-180, and 183; OHCHR 2009 report, Activities and Results, pp. 190, 195, 196 and 205, OHCHR 2010 report, Activities and Results, pp.67, 99, 100-102.
- ³¹ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2011, Geneva, doc. No. (ILOLEX) 092011FIN111, para. 1
- ³² CEDAW/C/FIN/CO/6, in A/63/38, *Official Records of the General Assembly, Sixty-third session*, Supplement No. 38, Part II, chap. IV, para. 168
- ³³ *Ibid.*, para. 191
- ³⁴ *Ibid.*, para. 189
- ³⁵ *Ibid.*, para. 187
- ³⁶ *Ibid.*, para. 193.
- ³⁷ *Ibid.*, paras. 190, 192 and 194.
- ³⁸ *Ibid.*, para.194.
- ³⁹ *Ibid.*, para. 18.
- ⁴⁰ *Ibid.*, para. 177.
- ⁴¹ CRC/C/FIN/CO/4, para. 54.
- ⁴² CEDAW/C/FIN/CO/6, paras. 181-182.
- ⁴³ CERD/C/FIN/CO/19, para. 15.
- ⁴⁴ UNHCR submission to the UPR on Finland, p.5.
- ⁴⁵ *Ibid.*, p. 6.

- 46 CERD/C/FIN/CO/19, para. 15.
47 CERD/C/FIN/CO/19, para. 16.
48 CRC/C/FIN/CO/4, para. 5 (d).
49 CRC/C/FIN/CO/4, para. 25.
50 CRC/C/FIN/CO/4, para. 26.
51 CERD/C/FIN/CO/19, para. 19.
52 CRC/C/FIN/CO/, paras. 25 -26.
53 ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2011, Geneva, doc. No. (ILOLEX) 092011FIN111, para. 6.
54 CAT/C/FIN/CO/5-6, para. 5 (a).
55 Ibid., para. 7.
56 Ibid., para. 22.
57 CAT/C/FIN/CO/5-6, 29 June 2011, para. 19.
58 UNHCR submission to the UPR on Finland, p.5.
59 Ibid., pp.1-2.
60 CAT/C/FIN/CO/5-6, para. 17.
61 UNHCR submission to the UPR on Finland, p. 6.
62 CAT/C/FIN/CO/5-6, para. 18.
63 UNHCR submission to the UPR on Finland, p.4.
64 CAT/C/FIN/CO/5-6, para. 18.
65 Ibid., para. 11.
66 Ibid., para. 15.
67 Ibid., para. 15.
68 Ibid., para. 14.
69 Ibid., para. 16.
70 Ibid., para. 11.
71 CEDAW/C/FIN/CO/6, in A/63/38, *Official Records of the General Assembly, Sixty-third session*, Supplement No. 38, Part II, chap. IV, para. 173.
72 CAT/C/FIN/CO/5-6, para. 6(b).
73 Ibid., para. 12.
74 Ibid., para. 12.
75 CRC/C/FIN/CO/4, para. 39 (c).
76 CAT/C/FIN/CO/5-6, para. 6(b).
77 CEDAW/C/FIN/CO/6, para. 163.
78 ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182), 2010, Geneva, doc. No. (ILOLEX) 092011FIN182, para. 2.
79 ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Forced Labour Convention, 1930 (No. 29), 2010, Geneva, doc. No. (ILOLEX) 062010SGP029, paras 1-5.
80 ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Worst Forms of Child Labour Convention, 1930 (No. 29), 2011, Geneva, doc. No. (ILOLEX) 092011FIN182, para. 1.
81 CRC/C/FIN/CO/4, 20 June 2011, para. 24.
82 Ibid., para. 39 (a).
83 Ibid., para. 35.
84 Ibid., para. 36.
85 CAT/C/FIN/CO/5-6, para. 15.
86 Ibid., para. 15.
87 Ibid., para. 9.
88 Ibid., para.21.
89 Ibid., para. 20.
90 CRC/C/FIN/CO/4, para. 30.
91 Ibid., para. 31.
92 Ibid., paras. 33 and 34 (a).

- 93 UNHCR submission to the UPR on Finland, p. 4.
94 Ibid., p. 6.
95 UNESCO submission to the UPR on Finland, para. 20.
96 Ibid., para. 25.
97 Ibid., paras. 23 - 25.
98 Ibid., para. 18.
99 Ibid., para. 25.
100 CEDAW/C/FIN/CO/6, para. 164.
101 Ibid., para. 179.
102 Ibid., para. 191.
103 Ibid., para. 183.
104 Ibid., para. 184.
105 ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Equal Remuneration Convention, 1951 (No. 100), 2010, Geneva, doc. No. (ILOLEX) 062011FIN100, para. 2.
106 ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2011, Geneva, doc. No. (ILOLEX) 092011FIN111, para. 1.
107 CRC/C/FIN/CO/4, 20 June 2011, para. 50.
108 CERD/C/FIN/CO/19, 13 March 2009, para. 17.
109 UNHCR submission to the UPR on Finland, pp. 4-5.
110 Ibid., p. 6.
111 CEDAW/C/FIN/CO/6, 18 July 2008, para. 185.
112 CRC/C/FIN/CO/4, paras. 42 – 44.
113 Ibid., paras 56 -57.
114 Ibid., para. 54.
115 CRC/C/FIN/CO/4, 20 June 2011, para. 25.
116 CERD/C/FIN/CO/19, 13 March 2009, para. 18.
117 UNESCO submission to the UPR on Finland, para. 5.
118 CRC/C/FIN/CO/4, paras 56 -57.
119 Ibid., para. 54.
120 Ibid., para. 25.
121 CERD/C/FIN/CO/19, para. 18.
122 UNESCO submission to the UPR on Finland, para. 5.
123 Ibid., para. 16.
124 Ibid., para. 17.
125 CRC/C/FIN/CO/4, para. 40.
126 Ibid., para. 41.
127 CERD/C/FIN/CO/19, para. 13.
128 A/HRC/18/35/Add.2, para. 70.
129 CRC/C/FIN/CO/4, para. 63.
130 A/HRC/18/35/Add.2, para. 66.
131 Ibid., para. 29.
132 Ibid., para. 59.
133 Ibid., para. 84.
134 CERD/C/FIN/CO/19, para. 14.
135 A/HRC/18/35/Add.2, para. 38.
136 CRC/C/FIN/CO/4, para. 63.
137 UNHCR submission to the UPR on Finland, p.1-2.
138 CEDAW/C/FIN/CO/6, in A/63/38, *Official Records of the General Assembly, Sixty-third session*, Supplement No. 38, Part II, chap. IV, para. 187.
139 CRC/C/FIN/CO/4, para. 60.
140 CRC/C/FIN/CO/4, para. 61.
141 UNHCR submission to the UPR on Finland, p. 6.
142 Ibid., p. 6.
143 CAT/C/FIN/CO/5-6, para. 10.

¹⁴⁴ CRC/C/FIN/CO/4, para. 22
