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## RECOMMENDATIONS RECEIVED BY FINLAND DURING THE CONSIDERATION OF ITS HUMAN RIGHTS SITUATION BY THE WORKING GROUP ON THE UNIVERSAL PERIODIC REVIEW IN MARCH 2008, AND THE ACTIONS UNDERTAKEN BY THE GOVERNMENT OF FINLAND IN RESPONSE TO THESE RECOMMENDATIONS

### Recommendations

The recommendations made to Finland during the consideration of its human rights situation by the Working Group on the Universal Periodic Review in March 2008 were as follows:

- To increase the focus, targeted efforts and effective measures eliminating discrimination, and to make further efforts and measures to promote the rights of minorities, inter alia, ethnic minorities
- To strengthen the efforts to restrict any outbreaks of racism and xenophobia, particularly manifestations of racism and discrimination on the Internet, as recommended by CERD
- To continue to take effective measures to prevent violence against women, and to compile information on the violence against children within the family
- To consider ratifying the International Convention for the Protection of the Rights of All Migrant Workers and Members of their Families and the ILO Convention No. 169 on Indigenous and Tribal Peoples in Independent Countries
- To continue reviewing the procedures regarding requests for asylum in the light of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol
- To provide the same coverage in national legislation and anti-discrimination training activities for the grounds of sexual orientation and disability as for other grounds of discrimination, for example in areas such as the provision of services and health care, and to consider using the Yogyakarta Principles on the Application of International Human Rights Law in relation to sexual orientation and gender identity as a guide to assist in its policies development
- To fully integrate a gender perspective into the follow-up process to the UPR review.

### Voluntary pledges

During the review, Finland gave the following voluntary pledges:

- To integrate the outcome of the UPR into the next Government White Paper on the Human Rights Policy of Finland

- To increase the amount of Official Development Assistance to 0,7 per cent of the Gross National Income (GNI) by 2015 as recommended by the United Nations and to 0,51 of the GDP by the year 2010.

Regarding the pledges, both have been fulfilled. The preparation for the UPR and the questions and recommendations received were an invaluable element of the preparation of the Government White Paper on Finland's Human Rights Policy. The White Paper was adopted by the Government in September 2009, after which it was extensively studied by the Parliament and approved in March 2010. The White Paper, which both sets out the objectives of Finland's international human rights policy and describes the activities undertaken and under work by the Government regarding the domestic human rights situation, will guide our actions for the next four years.

Fulfilling the second pledge, regarding the share of our GNI devoted to Official Development Assistance, is on track. The target for 2010 was 0,51 per cent of the GNI. The actual amount of our ODA this year reaches 0,54 per cent of the GNI. The Government remains committed to the recommended target of 0,7 per cent by 2015 in spite of the world-wide economic crisis, which has hit hard countries such as Finland whose economies are largely based on foreign trade.

With regard to the implementation of the recommendations received, progress has been achieved on a number of issues. The following text describes some notable measures but should not be taken as a complete description of all the relevant developments that have taken place in Finland since March 2008.

#### **Non-discrimination and the rights and situation of minorities**

The principle of non-discrimination is an essential element of Finland's human rights policy both in its international dimension and domestically. In addition to measures seeking to realize the right to equal treatment, targeted action is called for in the case of groups finding themselves in particularly vulnerable circumstances. Indirect discrimination and discrimination based on multiple grounds need to be addressed as well.

In 2008, the Non-Discrimination Act was amended concerning its scope of application by extending the scope of the prohibition of ethnic discrimination to partly cover relations between individuals in the provision of publicly available housing, other immovable or movable property or services to the public.

On 2 July 2008 the Commission of the European Communities submitted a proposal for a Council directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation. Adopting the directive would require revisions of the relevant national legislation, especially the Non-Discrimination Act.

On 25 January 2007, the Ministry of Justice set up an *equality committee* to reform the equality and non-discrimination legislation. The purpose of the reform is to strengthen the protection of equality and non-discrimination by making the legislation cover more clearly all grounds of discrimination and by making it more consistently applicable to all sectors of life. Further, the remedies and sanctions applicable to different cases of discrimination should be as commensurate with each other as possible. The reform would, to the extent necessary, include revising the status, duties and powers of the authorities responsible for discrimination issues. The revision would be conducted

with due account of the monitoring of basic rights and liberties and human rights in Finland as a whole, as well as of the international requirements on this monitoring. The committee was set up in response to a resolution made by the Parliament when enacting the Non-Discrimination Act, requiring that the Government should draft non-discrimination legislation on the basis of the Finnish system of basic rights and liberties and with the aim of making all grounds of discrimination subject to commensurate legal remedies and sanctions.

The equality committee gave its report on the need and options for the reform of the equality and non-discrimination legislation in February 2010.

Finland has implemented EU non-discrimination directives 2000/78/EC and 2000/43/EC by means of the Non-Discrimination Act of 2004 and by acts on employment relationships in the private and the public sector. The grounds of discrimination prohibited by the Non-Discrimination Act, the Employment Contracts Act, the Act on Civil Servants in Local Government and the State Civil Servants' Act are more comprehensive than those prohibited by the directives. In addition to the grounds of discrimination prohibited by the directives, the Finnish non-discrimination legislation lists language, health and other personal characteristics as prohibited grounds of discrimination. The scope of application of the Non-Discrimination Act is divided in accordance with directives 2000/78/EC and 2000/43/EC so that discrimination on the basis of ethnic origin is prohibited in more sectors of life than discrimination on other grounds. However, all prohibited grounds of discrimination are applied to education and training – also general education – although directive 2000/78/EC covers only vocational education. Ethnic origin as a prohibited ground of discrimination is also applicable to compulsory military service, women's voluntary military service and non-military service. The country report concerning the implementation of the non-discrimination directives in Finland is available in English at the website of the European Commission.

Since the beginning of 2008, the Ministry of the Interior has been responsible for guidance and direction of equality planning by authorities at national level. The Ministry has set up a broad-based expert group to develop equality planning in terms of quality and quantity. The expert group has created quality indicators for equality planning, evaluated existing plans and submitted a report with proposals on how to develop the planning. The Ministry is starting to draft new recommendations for equality planning. It also monitors the development of equality plans in terms of quality and quantity.

The Ombudsman for Minorities has requested the National Discrimination Tribunal of Finland to issue an opinion on the question whether also the employer role of municipalities and other authorities should be taken into account in equality plans. The Tribunal's view is that an equality plan referred to in Section 4(2) of the Non-Discrimination Act must also contain the activity of the authority as an employer and concern all its sectors of activity as well as recruitment.

The Finnish non-discrimination legislation was revised in 2008. The Act on the Ombudsman for Minorities and the National Discrimination Tribunal of Finland (660/2001) was supplemented with a provision providing that one of the duties of the Ombudsman is to conduct and commission independent *studies on issues of ethnic discrimination*. The State Civil Servants' Act was supplemented with an express prohibition of discrimination on grounds of sexual orientation.

The new provision was intended to harmonise the legislation with Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin. The legislative amendment took effect on 15 November 2008. Studying and monitoring the realisation of ethnic equality is part of the expert duties of the Ombudsman for Minorities and intended to foster equality between different ethnic groups and to improve the position and rights of ethnic minorities. It is up to the Ombudsman to determine independently the objects and methods of the studies and surveys. In 2008 the Act on the Ombudsman for Minorities and the National Discrimination Tribunal of Finland was also supplemented with provisions on the role of the Ombudsman as the *national human trafficking rapporteur*. This amendment was based on the *Revised National Plan of Action against Trafficking in Human Beings*, adopted by the Government in June 2008, and it took effect on 1 January 2009.

The Act on the Ombudsman for Minorities and the National Discrimination Tribunal of Finland provides that the Ombudsman is assisted by the *Advisory Board for Minority Issues*. The task of the Advisory Board is to make proposals for developing the observation and monitoring of ethnic discrimination and to develop the cooperation between authorities and organisations in questions related to the monitoring and prevention of ethnic discrimination. The first Advisory Board for Minority Issues appointed by the Government was mandated for the period from 1 April 2005 to 31 March 2008. Its members represented communities of ethnic minorities, expert bodies and different authorities.

The current Advisory Board for Minority Issues has been appointed for the period from 1 December 2008 to 30 November 2011. The representation of ethnic minorities in the Advisory Board has been strengthened so that its members now include representatives from the Sámi Parliament, the Jewish Congregation in Helsinki, the Finnish Islamic Council, the Finnish Islamic Congregation (the Finnish Tatar Community), the Finnish Roma Forum, the Somali League in Finland and the League of Russian-Speaking Associations.

The Advisory Board for Minority Issues has played a key role in connecting different actors and providing information about their activities and the status of ethnic discrimination in Finnish society in general. When necessary, the Advisory Board invites specialists in different fields to attend its meetings.

The Finnish Defence Forces, too, have prepared a national equality and gender equality plan for recruited personnel, conscripts, students in the educational institutions of the Defence Forces and persons serving in crisis management service missions. The plan deals with the concepts of equality and gender equality, the relevant legislation and the importance of an atmosphere of respect for equality and gender equality. The leadership is obligated to ensure mainstreaming of the principles of equality and gender equality into all planning, activities and management. The performance units of the Defence Forces, numbering about 70, and the forces serving abroad are obliged to draw up local development plans annually, as part of the planning of their activities. In this context the units and forces identify local needs for development in the field of equality and gender equality, set related targets and monitor the achievement thereof.

The Non-Discrimination Act obligates municipalities to foster equality in all their activities. To foster ethnic equality, authorities have to draw up equality plans. These plans may be included in

municipal programmes on multiculturalism, or they may be integration plans for immigrants or gender equality plans.

As part of the implementation of *the European Community Action Programme to Combat Discrimination*, Finland prepared a national monitoring system for discrimination and introduced it in 2008. The system comprises three levels and contains the following measures: 1) collecting up to date monitoring information, e.g. statistics, reports and research results, information received from such bodies as organisations, ombudsmen and authorities as well as from court judgments, and publishing it at the website of the monitoring mechanism; 2) publishing a monitoring report on discrimination annually and 3) preparing a more comprehensive report on the equality situation once per electoral period or every four years.

Moreover, the Ministry of the Interior has set up a monitoring group on discrimination for a term from 28 August 2008 to 31 December 2009. The group consists of representatives of the key ministries, organisations, the labour market parties, producers of research and statistics, advisory boards and authorities monitoring discrimination issues.

The report *Discrimination in Finland 2008*, published on 2 April 2009, covers gender, ethnic origin, religion or conviction, disability, age and sexual orientation and sexual identity as grounds of discrimination. The report deals with the most relevant legislation and amendments thereof, research and statistics, case law, important projects and events as well as recommendations made by the bodies supervising the implementation of human rights treaties. It also contains information collected from non-governmental organisations.

The Advisory Board for Ethnic Relations of the Ministry of the Interior has started its fourth term, which will expire in 2011. The purpose of the Advisory Board is to promote interaction between authorities, non-governmental organisations and the political parties represented in the Finnish Parliament as well as immigrants and ethnic minorities at national, regional and local level. As an expert body in immigrant policy the Advisory Board assists different authorities with furthering an ethnically equal and diversified society and developing and promoting good ethnic relations.

The decree on the Advisory Board for Ethnic Relations defines its four main duties as follows: (1) to promote good ethnic relations and ethnic equality, as well as mutual interaction and cooperation in the various component areas of immigration policy; (2) to provide expert assistance in the development of immigration policy; (3) to help promote organizational activities among immigrants; and (4) to provide information about immigration policy, the objective of ethnic equality and ethnic diversity as a social resource and make these topics better known.

In order to promote its objectives the Advisory Board may arrange training and other functions, issue statements and prepare initiatives, proposals and recommendations. The Advisory Board convenes at least twice per year and organises the *ETNO Forum* jointly with the regional Advisory Boards for Ethnic Relations at least once a year.

During the reporting period the Advisory Board was strengthened by establishing a new regional *Advisory Board for Ethnic Relations of Southern Finland*. Thus, the national Advisory Board is currently supplemented with four regional Advisory Boards. The reform was intended to expand the coverage of the negotiation system in respect of all minorities falling under the purview of the

Advisory Board for Ethnic Relations. The League of Russian-Speaking Associations has observed that functioning of the Advisory Boards for Ethnic Relations does not abolish the need to establish a new advisory board to enhance the co-operation between the Russian-speaking population group in Finland and the authorities.

In 2005, due to a request, the Ombudsman for Minorities summoned Muslim opinion leaders, Muslim experts and representatives of Muslim communities to a meeting for the purpose of founding a cooperation body for the Muslims residing in Finland. The council founded at the meeting was intended to create a broad-based, pluralist, independent and politically neutral cooperation body for the Muslims in Finland, and to take account of all main movements of Islam, the geographical coverage of the religion and inclusion of women in its activities. The constitutive meeting of the council was held on 11 November 2006. All 22 religious communities, associations and foundations which were present expressed their will to found *the Islamic Council of Finland (SINE)*. Among its other tasks, SINE is intended to promote respect for and awareness of Islam in Finland as well as respect for and awareness of Finnish culture among Muslims. The council aims at preventing extreme phenomena, both those arising from Islam and those directed against Islam, and their escalation. The Government has granted SINE an annual appropriation of EUR 60,000 for the years 2008–2011.

#### Combating manifestations of racism and xenophobia

On 8 May 2008 the Government adopted a decision in principle on the *Internal Security Programme*. The programme defines the most important cross-administrative objectives and measures related to the internal security of the country. The programme addresses, from the standpoint of security, such issues as relations between population groups, the need to improve the security of immigrants and ethnic minorities and the need to prevent risks connected with cyber crime and the use of the Internet. Starting in 2009, in accordance with the Internal Security Programme, the Ministry of Justice and the Ministry of the Interior are jointly studying the status of the legislation on cyber crime and examining whether the means of investigation available to authorities are sufficient and up to date. In the same context the ministries are examining the possibility of supporting crime intelligence and investigation by enhanced use of information collected by different authorities, e.g. the Data Protection Ombudsman and the Defence Forces, in their own activities. At the same time the Ministries are developing means to ensure that criminal investigation authorities may use up to date methods for acquiring information. Any legislative projects to be proposed will be carried out in 2011.

It appears from client contacts received by the Ombudsman for Minorities that website moderators often fail to react to *communications concerning web conversation inciting to racist hatred*. In 2008, the large number of received reports on Internet material susceptible of ethnic agitation caused the Ombudsman for Minorities to decide that future material from client contacts would be collected and sent to the police for investigation from time to time. In 2006–2008 the Ombudsman requested the police to investigate dozens of websites and some messages published in conversation websites. Some cases have been prosecuted, and in 2008 five persons were sentenced to punishment for ethnic agitation.

In 2008 the Ombudsman for Minorities proposed to the Ministry of the Interior that it should intensify intervention in racism on the Internet and take measures to introduce a reporting service as soon as possible. The service would be intended for those web users who want to inform the

police about encountered racist material showing agitation against an ethnic group. Anonymous reporting, too, should be made possible.

In 2008 the police gave a *recommendation to Internet operators* concerning the questions on what information published on the Internet should be reported to the police, how this should be done, how the material should be handled and how a so-called *Red Button* or a corresponding easily used and user-friendly reporting system could be introduced, in what timetable, and what practical measures the system would require. The system became operational in March 2010 and continues to be developed under the leadership of the Ministry of the Interior. Moreover, the police have received more resources for monitoring the Internet, and a cooperation group has been set up between the police and Internet operators for enhancing self-monitoring and the related cooperation.

The Ministry of Transport and Communications, the Ministry of Education and the Ministry of Social Affairs and Health have launched a *project entitled Netari* to carry out and enhance national youth work performed over the Internet. In this project, young people can meet youth workers in the two most popular network environments among the young and discuss for instance with the police on the Internet. The project will be expanded. Since 2002, Save the Children Finland has maintained an Internet tip line (*Nettivihje*), where Internet users may report for example on encountered racist Internet material showing agitation against an ethnic group. The tip line is part of the *Safer Internet Plus* programme of the European Commission, intended to combat undesired and harmful content as well as illegal content on the Internet, to raise public awareness and to create a safer online environment for young people. The corresponding Internet Hotlines of different countries form a Europeanwide network entitled *INHOPE*, which is being enhanced continuously. In spring 2007, Save the Children Finland, Finnish Youth Co-operation Allianssi and the Finnish Red Cross launched a *chat forum ("Different – Equal")* in three network environments popular among young people. In autumn 2007, these organisations and the Ombudsman for Minorities *organised a seminar dealing with the Internet as a problem and form of support for young people in relation to everyday racism*. Among other subjects, the seminar discussed with providers of Internet services, i.e. website moderators, how to support young people encountering racism, how to intervene in racism on the Internet and whether the Internet could enable provision of easily accessible support services.

In May 2008, the Tampere District Court passed two sentences of imprisonment for racist writings on the Internet, among other offences imputed. When investigating these cases the police conducted extensive inquiries, which produced a number of good practices concerning especially investigations of crime on the Internet. These have been disseminated for example at a seminar.

Ratification of the International Convention for the Protection of the Rights of All Migrant Workers and Members of their Families and the ILO Convention No. 169 on Indigenous and Tribal Peoples in Independent Countries

As stated during the review of Finland's human rights situation, Finland is not party to the *International Convention for the Protection of the Rights of All Migrant Workers and Members of their Families*, which only a few States have ratified. The rights of immigrants, including migrant workers, are already covered by national legislation, European Union legislation as well as international human rights conventions and other similar instruments to which Finland is party. The Finnish legislation does not separate migrant workers from other immigrants. They face similar

challenges including in access to employment and services. The basic rights and freedoms included in the Finnish Constitution protect everyone residing in Finland.

In its Government Programme, Prime Minister Matti Vanhanen's Second Cabinet has pledged to ensure the rights of the Sámi to maintain and develop their own language and culture on the basis of the cultural autonomy provided under the Constitution. The aim of the Government is to arrive at a solution that meets all the requirements of the *ILO Convention No. 169 on Indigenous and Tribal Peoples in Independent Countries*. Negotiations within the Government to find a common ground concerning the development of the indigenous rights of the Sámi are still going on. The aim has been to examine whether the proposals made in the course of the years may be used as a basis for administering state-owned land areas in the Sámi Homeland and for supporting traditional sources of Sámi livelihood, or whether a different approach is necessary.

The fact that no overall solution has been reached so far has not prevented improving, through legislation, the possibilities of the Sámi to influence decision-making in matters related to them as an indigenous people. For example, in late 2009 the Government submitted to the Parliament a proposal for a new Mining Act, and in early 2010, a proposal for a new Water Act. Both proposals include provisions aimed at an improved consideration of the Sámi as an indigenous people. In addition, the Government proposes that the Sámi Parliament be given a right to appeal, if the rights of the Sámi as an indigenous people were not adequately considered when making decisions pursuant to these acts. These proposals are now discussed in Parliament.

By virtue of its programme, the Government has made a decision-in-principle in 2007 on the construction of a Sámi Cultural Centre in the Inari village. The Centre will provide facilities for the Sámi Parliament and Sámi education, research and culture. This project supports especially the right of the Sámi as an indigenous people to maintain and develop their own language and culture. The realization of the project has proceeded according to schedule. The construction of the Centre began in April-May 2010 and should be completed in the beginning of 2012.

The Government is about to launch preparations for a programme to revive the Sámi language. The programme of work would involve charting the measures and programmes already being implemented, and its aim would be to intensify efforts to ensure the preservation and development of the Sámi language on a more comprehensive and long-term basis. Particular attention should be paid to the preservation of the small Sámi languages (Inari and Skolt Sami). From the point of view of the safeguarding of language rights, the focus should be on early childhood education, teaching, social welfare, and health care services, culture, the media and economic policy.

Reviewing the procedures regarding requests for asylum in the light of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol

The Finnish Constitution and Aliens Act prohibit deportation of aliens to a country where they could face death penalty, torture or ill-treatment. The Aliens Act also provides asylum applicants the right to appeal to an administrative court against a decision concerning him/her, e.g. deportation or refusal of asylum or residence permit. All applicants have the right to effective procedural safeguards such as legal aid and services of an interpreter.

A project carried out by the Ministry of the Interior between 1 April 2008 and 30 April 2009 looked into the treatment of aliens placed in detention under the Aliens Act, the operations of the

detention unit and the prerequisites for and procedures covering detention. The results indicate that there is a need to initiate a separate legislative project aimed at clarifying the Act on the Treatment of Aliens Placed in Detention and on Detention Units of 2002.

Finland has ratified the 1951 Geneva Convention on the Status of Refugees. The provisions aimed at developing the Common European Asylum System adopted by the EU are binding on the Member States and thus also have an impact on Finland's national legislation relating to international protection. In Finland's view it is important that the existing level of international protection will not be negatively affected by the national implementation of the EU provisions.

Under the asylum procedure laid down in the Aliens Act (301/2004), the granting of the rights of residence is also examined on other grounds than those of the Refugee Convention. If there are no grounds for granting asylum, the applicant may be granted secondary protection or a residence permit on other grounds.

Under the asylum procedure applied in Finland, each application is considered individually. In the asylum procedure, asylum seekers are provided with such fundamental procedural guarantees as the right to use an interpreter and legal aid and the right to a personal interview. The interests of a minor without a guardian are ensured in the asylum procedure by a representative appointed by a district court. Applicants always have the right to appeal against decisions concerning residence permits and expulsion from the country affecting them.

The Aliens Act contains provisions on situations in which an application concerning international protection can be dismissed or handled using an accelerated asylum procedure. The application can be dismissed in Finland if, as laid down in the Council regulation on determining responsibility (EC) No 343/2003, another state is responsible for examining the application or if the asylum seeker has arrived from a safe country of asylum, in which he/she enjoyed or could have enjoyed protection. The accelerated procedure may be used if the asylum seeker has arrived from a safe country of origin, the application can be considered manifestly unfounded or the applicant has submitted a subsequent application. In 2008, slightly less than 40% of applications were dismissed or handled using the accelerated procedure.

Accelerated asylum procedures involve important legal protection issues, which have been highlighted by such bodies as the Ombudsman for Minorities. A person whose application has been rejected in the accelerated procedure may be expelled from the country despite appeal. The expulsion can take place either immediately, or eight days after the applicant has been notified of the decision, unless otherwise ordered by a court. This presents challenges for the use of the appeals procedure. Asylum seekers also often have a great need of legal advice and assistance during the early stages of the accelerated procedure.

The provision under which complainants may ask a court to decide on the prohibition or stay of enforcement of the expulsion decision guarantees them an effective right of appeal in the accelerated procedure. Even though under the Aliens Act, the enforcement authorities have no obligation to wait until the application concerning prohibition of the enforcement of the decision on refusal of entry has been considered, the prevailing practice is that the police do not take any action until a court has issued its decision on the enforcement. Under an order issued by the Ministry of the Interior in spring 2008, the authority enforcing the decision to expel the applicant

from the country must ask a court whether it intends to prohibit the enforcement of the decision. Such procedure is required if it is known that an application concerning stay of enforcement of the decision has been submitted. Issues connected with the enforceability of decisions concerning expulsion from the country have been discussed at the initiative of the Ministry of the Interior since 2008, in cooperation with representatives of the justice administration. This work continues.

Under the EU regulation on determining responsibility, an asylum application can be dismissed in Finland and the applicant sent to another Member State. The regulation and the Dublin system based on it have been criticised for not giving sufficient consideration to the differences between the asylum systems and decision practices of the Member States. The Government is of the view that an asylum application can in most cases be appropriately considered in any Member State and thus the Dublin system should be used as a basis for refusing asylum seekers entry whenever, under the regulation, the responsibility lies with other Member States. However, when decisions on applications are made, consideration is given to the specific reasons given by the applicant for having the application considered in Finland and, if necessary, also the situation prevailing in the receiving Member State.

The issue of providing legal assistance for those seeking international protection has been examined in the final report of a Ministry of Labour working group that completed its work in 2007. The proposals of the working group would have their most important impacts on the organisation of legal advice and individual assistance provided by reception centres for their customers.

On 29 May 2009, the Government submitted a legislative proposal to the Parliament on transferring certain tasks to the Finnish Immigration Service. Under the proposal, the Finnish Immigration Service would become responsible for the guidance and planning of practical aspects of the reception of asylum seekers and those receiving temporary protection, guidance of the practical activities of the detention unit for aliens and guidance of the implementation of assistance to victims of human trafficking.

### Violence against women

Violence against women remains a serious human rights problem in Finland. Every year, a total of 21 women die as a result of domestic violence (average for 2002-2006). International monitoring bodies have on a number of occasions reprimanded Finland for not being able to tackle violence against women to an adequate degree.

The extent of violence against women and domestic violence has been monitored by means of victim surveys. The first survey on female victims was carried out in 1997 and was repeated in 2005. It shows that there have been few changes in the extent of violence targeting women. According to the female victim survey of 2005, 43.5% of Finnish women aged 18-74 had been subjected to some form of physical or sexual violence by men or had been threatened with violence at least once after reaching the age of 15. The victim surveys of 1997 and 2005 indicate that there has been a decrease in serious physical domestic violence in recent years, from 1.8% in 1997 to 0.8% in 2005. The increase in cases of violence against women reported to the police is at least partially a result of more effective policing. The cases are tackled more effectively and more cases are reported. People have also become more aware of these offences and are more willing to report them.

The main aim of the National Programme for Reducing Violence, which covered the period 2006-

2008, was to bring about a rapid reduction in violent deaths among women. This was deemed a realistic objective, as it was considered easier to identify risk situations and to target preventive measures in cases involving women than in violent crime against men. The programme's objective, i.e. to halve the number of violent crimes against women during the two-year period, was not met. According to the follow-up report on the implementation of the programme (2009), two trends in violence against women can be identified. In the long term, there has been a decrease in the number of women experiencing street violence, domestic violence and other forms of violence inflicted by persons known to the victim. At the same time, during the past ten years, the number of women experiencing violence in the street or in a restaurant has decreased, while there has been little change in domestic violence and other forms of violence inflicted by persons known to the victim. There was a continuous increase in workplace violence experienced by women between the 1980s and the early years of the 21st century but the numbers have dropped slightly since then.

Violence experienced by immigrant women has special characteristics, which include forced marriages, honour-related violence, trafficking in human beings or female genital mutilation. There is no comprehensive research information on violence experienced by immigrant women. According to a survey carried out by the National Research Institute of Legal Policy, the risk that immigrant women face of becoming victims of violent crime in 2002-2007 was almost twice as high as among the mainstream population. Honour-related violence may involve threats, isolation or restrictions imposed on the victim (in such issues as dress, movements or schooling), pressure, coercion (such as forced marriages) or physical violence associated with these. Honour killings are an extreme form of honour-related violence. No research has been carried out on the extent of honour-related violence in Finland. The cases are not necessarily reported to the authorities, as reporting depends on such matters as the willingness of the victim to seek assistance, fear expressed by the victim and the nature of the honour-related violence. There have been a number of cases in Finland in which the police have taken measures to investigate or prevent cases of honour-related violence and to protect the victim. To the knowledge of the police, no honour killings have been committed in Finland.

Immigrant women facing violence are in a particularly vulnerable position. This is because they are unfamiliar with Finnish legislation and the country's service system and have insufficient language skills. More must be done to identify the typical features of violence against immigrant women and to help the victims of violence. When services are provided, consideration must be given to the special needs of immigrant women, such as language services. The Internal Security Programme contains measures to improve services for immigrant women so that they take better account of violence and threats of violence. The Ministry of Social Affairs and Health has issued a guide helping professionals to identify violence against women with an immigrant background. The Ministry of the Interior updated the booklet 'Equality in Finland, Information for Immigrant Women and Men' in 2009 and translated it into the most important immigrant languages. The Ministry of the Interior has appointed a working group to examine how authorities could be better equipped to identify honour-related violence. The working group will assess the need to provide the relevant authorities with training, which is a key prerequisite for expanding cooperation across administrative boundaries and for improving preventive work.

Awareness of violence against women, its extent and the need to combat it have prompted action by the authorities and non-governmental organisations. Efforts have been made to improve cooperation across administrative boundaries and to coordinate it more effectively, both at

national and local level. Combating violence against women has been set down as an objective of the Government Programme and in a number of Government-initiated action programmes focusing on the prevention and reduction of violence. However, effective prevention of domestic violence requires a permanent national organisational model that would provide a framework for developing and coordinating the efforts. The National Institute for Health and Welfare, an agency established in 2009 under the Ministry of Social Affairs and Health, will place greater emphasis on research into domestic violence and will also propose new measures to tackle the phenomenon.

An action programme for the prevention of domestic violence launched by the Ministry of Social Affairs and Health was concluded at the end of 2007. The main aim of the programme was to improve the services available to the victims and perpetrators of violence and children and adolescents exposed to violence; these services should form part of the system of basic services. There are plans to incorporate the identification of violence and the tackling and prevention of the phenomenon into the basic services provided by municipalities, thus ensuring that every citizen affected by domestic violence can obtain help. After the conclusion of the programme, more than half of Finnish municipalities have drawn up an action programme for preventing domestic violence, and most municipalities have appointed a liaison for domestic violence. Model procedures and other tools allowing the matter to be discussed with those affected have been prepared for professionals to facilitate their intervention in a situation of violence. At the conclusion of the action programme, the Ministry of Social Affairs and Health and the Association of Finnish Regional and Local Authorities issued joint recommendations for preventing domestic violence, aimed at the guidance and management of health services at local and regional level. The recommendations will be assessed on a nationwide basis during 2011.

The new cross-administrative Internal Security Programme for 2008-2011 lays down the objectives, main development areas and concrete measures for reducing violence. The programme focuses on the reduction of domestic violence (particularly violence targeting women) and violence against children. From the point of view of violence targeting women, the central measures of the programme include extending the network of shelters and the hotline of Victim Support Finland to cover the whole country and providing a free 24-hour hotline for crime victims.

A Ministerial Group supported by a group of public servants representing the most important ministries has been set up to coordinate the national efforts to prevent domestic violence. The aim of the working group is, through measures coordinated across administrative boundaries, to place the efforts against domestic violence on a more effective basis, to improve cooperation between administrative branches and to strengthen expert resources through networking. The task of the Ministerial Group is to provide the Ministerial Group for Internal Security with information and proposals on the situation concerning domestic violence and the measures required to tackle it.

Most of the shelters in Finland are operated by non-governmental organisations and the initiatives for setting up such facilities also came from NGOs. According to the recommendation of the European Union, there should be one shelter place for 10,000 residents. This means that Finland should have about 500 shelter places. At the moment, there are fewer than 100 shelter places in Finland and the few places are unevenly distributed. There is a shortage of shelter places, particularly in eastern and northern parts of the country and in northern Ostrobothnia. In the Helsinki region, immigrants now account for about 30 per cent of shelter clients each year (compared with 9 per cent in the early 1990s). The year 2015 has been set as the deadline for the

target of expanding the nationwide network of shelters.

Under the Government's Gender Equality Programme for 2008-2011, a cross-administrative programme aimed at reducing the incidence of violence against women is to be prepared. The National Institute for Health and Welfare is expected to assume responsibility for coordinating the programme.

Finland conducted the Council of Europe campaign to combat violence against women in 2008. The purpose of the campaign was to increase awareness of violence against women as a violation of human rights and to influence attitudes. Development of measures to combat violence against women will also be continued within the framework of the EU's Daphne III programme (2007-2013).

Women with disabilities are in a particularly vulnerable position. Physical disabilities make concrete protection measures more difficult. At the same, mental disabilities may make it more problematic to combat violent behaviour or to provide protection against it. Furthermore, persons with disabilities are more exposed to threats and exploitation. A woman with disabilities may, on account of her reliance on assistance, be dependent on a person who treats her in a violent manner. Women with disabilities should be encouraged to report crimes to police whenever it is known that they are exposed to violence or other forms of exploitation. Targeted information on how to issue restraining orders should be distributed through organisations of persons with disabilities. A peer support system should be provided to meet the needs of women with disabilities who are targeted by crime. These activities should be developed by organisations of persons with disabilities and the authorities. Women must be provided with an opportunity to communicate with the authorities and other appropriate parties without the presence of the assisting family members.

Elderly women are a special group with their own vulnerabilities. Not much research is available about their situation. The National Institute for Health and Welfare acts as the coordinator of the Daphne III project of the EU, in which the scope of violence against elderly women is examined.

Finland's penal code is characterised by the fact that its penal provisions are of a general nature, which means that the gender of the victim is irrelevant when the punishability of an act is prescribed. The provisions on homicide and bodily harm are contained in Chapter 21 of the Penal Code, which among other things contains penal provisions on assault (section 5) and aggravated assault (section 6). Under the provisions on sentencing laid down in Chapter 6 of the Penal Code, the punishment can be increased if, for example, the assault targets a person who is in a weaker position than the perpetrator or otherwise not in a position to properly defend himself/herself (violence against women or children and/or repeated assaults).

A Ministry of Justice working group has examined ways in which the provisions of the Penal Code could be revised so that the repeated nature of assaults occurring in domestic partnerships (repeated offence) would be given more attention when the sentence is decided. The working group had also been given the task of examining how to make petty assaults occurring in domestic partnerships and in connection with work subject to public prosecution. The Government plans to submit a legislative proposal on the reform to the Parliament in spring 2010. The Restraining Orders Act (898/1998) was amended as of 1 January 2005 by incorporating a provision allowing family-internal restraining orders into the Act.

There has been criticism of the usefulness of the Act on Conciliation in Criminal and Certain Civil Cases (1015/2005) in cases involving domestic violence after the Act entered into force on 1 January 2006. A number of actors dealing with issues of domestic violence have expressed concern that conciliation is attempted in cases of domestic violence that are not suitable for resolution through conciliation. Since the 1990s, there have been efforts to update the legislation in order to ensure that victims of domestic violence receive justice. For example, in 1995 an assault in a private area was made subject to public prosecution, the provision under which a victim of domestic violence could request that the prosecutor drop the charges was abolished in 2004 and an act on restraining orders was introduced in 1998 (amended in 2005). The provision under which a victim could request that the prosecutor drop charges was repealed so that the victim would not have the responsibility for bringing the perpetrator to justice. The use of the conciliation procedure in cases involving domestic violence may lead in an opposite direction to that intended. For example, applying the conciliation procedure may annul the victim's attempts to receive justice in cases where the victim has realised that he/she lacks the resources to end the violence and, as a means of last resort, reports the crime to the police. A second concern is that the conciliation procedure has replaced the system of assistance when services are only inadequately available or those involved are unfamiliar with them. According to figures for 2007, eight per cent of the cases in which conciliation was attempted (800 cases) involved domestic violence. There are regional differences in the propensity to resort to conciliation. The conciliation procedure may influence the prosecutors in their decisions to bring charges and the sentencing by the courts.

As part of an overall review of Finland's legislation on aliens, a section was added to the new Aliens Act in 2004 that allows authorities to grant an alien a new residence permit even though a family tie has ceased to exist. The residence permit may be granted on the grounds that the person in question has other close ties to Finland (such as work or studies). Thus, the fear of losing one's residence permit or expulsion should no longer prevent intervention in cases involving violence. Under the previous Aliens Act, the severance of family ties was considered to mean that there were no longer any grounds for the alien in question to reside in Finland. In most cases, this led to the person in question being expelled from the country. The staff of the Finnish Immigration Service has been instructed to give consideration to the circumstances leading to the severance of family ties (such as domestic violence). Extensions to residence permits are normally granted by the local police department, which means that in most cases involving domestic violence, the granting of a permit will be the responsibility of the police. However, certain cases will be transferred to the Finnish Immigration Service for consideration (Monitoring report on the implementation of the national programme for reducing violence 2009). The police should give this matter particular consideration.

#### Integration of gender perspective into the follow-up process to the UPR

In July 2008, the Government adopted an Action Plan for Gender Equality aimed at promoting and coordinating measures intended to increase gender equality. The programme focuses on gender mainstreaming, narrowing gaps between the genders, promoting women's career prospects, increasing equality awareness in schools and alleviating segregation, taking measures to better reconcile work and family life, reducing violence against women, providing equality work with better resourcing and preparing a Government report on gender equality. The Government will submit the gender equality report to the Parliament in 2010. This Action Plan as well as other policy instruments, relevant legislation and international commitments have been taken into account in

the follow-up to the UPR process.

### Discrimination on the grounds of sexual orientation and disability; use of the Yogyakarta Principles on the Application of International Human Rights Law in relation to sexual orientation and gender identity as a guide to assist in policy development

The rights of gender and sexual minorities are one of the priorities of Finland's international human rights policy. Discrimination against gender and sexual minorities is common throughout the world; homosexuality remains a criminal offence in more than 80 countries. According to the Government White Paper adopted in 2009, the concept of discrimination must, by definition, also cover discrimination based on sexual orientation. Homosexuality must be decriminalized. Finland will support the work of the EU Agency for Fundamental Rights and its cooperation with such bodies as the Council of Europe Commissioner for Human Rights in the safeguarding of the rights of gender and sexual minorities. Efforts will also be made to prevent hate crimes and to combat discrimination based on multiple grounds within the framework of the Human Dimension of the Organization for Security and Co-operation in Europe (OSCE). Consideration will be given to violations of the human rights of gender and sexual minorities in connection with the Universal Periodic Reviews carried out by the UN Human Rights Council (HRC). Finland seeks to ensure that the Yogyakarta Principles approved at expert level in 2006 will be adopted by the UN as the international recommendations for guiding action to safeguard the human rights of gender and sexual minorities.

In Finland, members of gender and sexual minorities face discrimination in the same areas as other groups affected by discrimination: in education/educational institutions, in working life, in services and in leisure activities. Judging from the attitudes prevailing in schools, young people belonging to sexual minorities are at greater risk of being bullied than others. In the past few years, a number of cases have highlighted discrimination based on sexual orientation in working life. According to non-governmental organisations, there have been cases in which an employee has been dismissed after his/her sexual orientation has become known. Sexual orientation may also be a factor in recruiting situations, in attitudes towards granting parental leave to people in registered partnerships, in pay-related matters, in career promotion, in access to education and information and in the attitudes of co-workers and supervisors. Jokes about homosexuals are fairly common at many workplaces and can cause discomfort or may even be interpreted as harassment by those workers who belong to sexual minorities. Members of gender and sexual minorities often conceal their sexual orientation or gender identity at the workplace and keep quiet about their rights if the expression of negative attitudes is tolerated.

Inequality and lack of expertise are also a problem in services. This applies to such services as social welfare and health care and couple therapy. In some service situations that do not directly concern the sexual orientation of the customer/patient, sexual orientation is emphasised in a wrong manner (for example, the client is supposed to be 'cured') and sometimes it is ignored altogether. According to non-governmental organisations, service providers may also talk about the customers' sexual orientation in a negative manner, brand them as guilty, or may even refuse to provide them with any services.

In leisure activities, such bodies as sports associations have been given training and provided material on the equal treatment and participatory opportunities of non-heterosexuals. Among top athletes and those engaged in sports, there are people belonging to gender and sexual minorities

but many of them conceal their sexual orientation to avoid putting themselves, their teams/associations and/or sponsors at risk.

In addition to facing discrimination in different walks of life, members of gender and sexual minorities are also targeted for hate crime. Until now, only hate crimes/suspected hate crimes with racist content have been systematically monitored in Finland. However, a project to develop hate-crime monitoring as part of the national campaign against discrimination was launched in 2008. The aim is to create a statistical and research tool that allows the registration of crimes motivated by prejudice against the ethnic background of the victim and those cases in which prejudices are connected with the victim's religious background, illness, disability, sexual orientation or gender expression. The project will produce as an outcome the first Finnish statistical publication on hate crimes. The aim is to gather corresponding information annually in the future.

Members of gender and sexual minorities may face discrimination on multiple grounds if they also belong to ethnic minorities, certain religious and immigrant groups or are of advanced age. In addition to external discrimination, the members of the above groups also often face 'insider discrimination'. A broad range of measures, including legislative reforms, increased awareness of the right to non-discrimination, research, the empowerment of those belonging to sexual minorities and closer cooperation between the authorities and the above-mentioned organisations are needed in order to promote the fair treatment of sexual minorities and to combat discrimination against them.

Same-sex couples who have registered their partnership do not have the same opportunities to adopt children as do married couples. They may not adopt a child as a couple. On 15 May 2009, the Parliament approved an act amending section 9 of the Act on Registered Partnerships. Under the amendment, a partner in a registered partnership may adopt a child of the other partner. After an adoption within the family, the child is considered to be a joint child of the registered couple. The prerequisites for an adoption within the family, the procedure to be followed in the adoption and the legal impacts of the adoption will be in accordance with the existing provisions of the Adoption Act of 1985. The amendment will improve the legal status of children living in the families of registered couples and places registered couples in a more equal position vis-à-vis married couples.

Provisions on the right to parental allowance of those living in a partnership that is in accordance with the Act on Registered Partnerships (950/2001) are contained in Chapter 9, section 16 of the Sickness Insurance Act. In these cases, too, the right of the child's parent to parental allowance is in accordance with Chapter 9, section 8 of the Sickness Insurance Act. There are restrictions to the rights of the spouse of the child's parent to parental allowance. He/she is only entitled to parental allowance if his/her spouse has given birth to a child or adopted a child under seven years of age after the registration of the partnership and the spouses live in the same household. Following the amendments to section 9 of the Act on Registered Partnerships, the Ministry of Social Affairs and Health will examine whether any amendments are required to the provisions governing parental allowance.

Members of gender minorities (such as transsexuals, intersexuals and transvestites) face a variety of problems in such areas as working life and services. In addition to outright discrimination, there are a number of inadequacies concerning their status. In situations involving discrimination on multiple grounds, an individual may experience discrimination both on grounds of belonging to a

gender minority and sexual orientation. Such situations may of course also involve other grounds for discrimination (such as ethnic background, disability or age).

The equality principle and the ban on discrimination laid down in the Constitution must also apply to situations where a person is discriminated against on grounds of belonging to a gender minority. When the Parliament discussed the reform of the Equality Act in 2005, the Employment and Equality Committee stated that the provisions of the Act must be interpreted so that they also cover discrimination based on gender reassignment. In the Committee's view, it is important to clarify the non-discriminatory provisions governing the protection of transsexuals. When issuing guidelines and as part of her supervisory duties, the Ombudsman for Equality has stated that, in accordance with the equality principle and the general ban on discrimination laid down in the Constitution, the Equality Act must also cover discrimination faced by gender minorities and should not be limited to persons who have undergone a gender reassignment operation.

With regard to discrimination based on disability, persons with disabilities are not yet able to enjoy the same participatory opportunities and access the same services as other Finns, even though progress has been made. The obstacles may be a question of attitudes, information or physical factors. There is a great need for information and training on issues relating to free access, while at the same time practical expertise for ensuring free access is also required. Non-governmental organisations, labour market parties and the public sector must also make joint efforts to ensure that persons with disabilities are more aware of their rights. Physical obstacles are not only a problem in the built environment. They also affect access to information sources and the increasingly widespread electronic services. Non-discriminatory planning involving organisations representing persons with disabilities is one way of removing obstacles to the use of public services.

The main aims of the Government's disability policy report, submitted to the Parliament in 2006, include non-discriminatory treatment of persons with disabilities and support for life control, working and functional capacity, independence and participation. The report also proposed the drafting of a disability policy programme. As set out in the Government Programme, a disability policy programme outlining the main disability policy measures for the next few years will be drafted with a view to ensuring the equal status of persons with disabilities.

It is appropriate to link the preparing of the disability policy programme with the national implementation of the Convention on the Rights of Persons with Disabilities adopted by the UN General Assembly and signed by Finland, to the extent that it concerns different administrative branches and other actors. The Convention lays down obligations aimed at ensuring equality for persons with disabilities. The ratification of the Convention is under preparation.

Preparation of the programme is the responsibility of the Ministry of Social Affairs and Health and has been carried out in cooperation with other administrative branches, the National Institute for Health and Welfare, the National Council on Disability, and the Finnish Disability Forum, which represents the country's organisations of persons with disabilities. A steering group with members from different actors will support and coordinate the preparatory process. The work on the programme is expected to be completed in 2010.

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