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SUMMARY PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER FOR  
HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15 (C) OF  
THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1\*

**Finland**

The present report is a summary of six stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The periodicity of the review for the first cycle being four years, the information reflected in this report mainly relates to events that occurred after 1 January 2004.

\*The present document was not edited before being sent to the United Nations translation services.

## I. BACKGROUND AND FRAMEWORK

### A. Scope of international obligations

1. Regarding the ratification of universal instruments, Amnesty International (AI) recommended that Finland should ratify the OP-CAT, the CRC-OP-SC, CED and ICRMW.<sup>2</sup> The Center for Human Rights of Persons with Disabilities (VIKE) is of the view that it is urgent that the Government of Finland ratify the CPD and submitted a paper to the Ministry for Foreign Affairs of Finland (dated 25 September 2007) describing shortcomings in the domestic legislation of Finland relating to CPD.<sup>3</sup>

2. The Society for Threatened Peoples (STP) reported, *inter alia*, that in autumn 2006 the Finnish government dropped yet again a bill on the rights of native inhabitants that was prepared by the ministries in June 2006; and that the unsuccessful outcome of the bill bitterly disappointed Sámi hopes that the Finnish government would finally settle the long contested question of land rights, and, in the course of this, also sign the ILO Convention 169.<sup>4</sup>

3. AI urged Finland to ratify the Council of Europe Convention on Action against Trafficking in Human Beings<sup>5</sup> and the CoE Commissioner for Human Rights also encouraged Finland to do so.<sup>6</sup>

### B. Constitutional and legislative framework

4. The strengthening of Finland's legal and institutional framework against racism and racial discrimination were welcomed by the CoE Commissioner for Human Rights<sup>7</sup>, the CoE European Commission against Racism and Intolerance (ECRI)<sup>8</sup> and the CoE Committee of Ministers<sup>9</sup>.

5. Other important legislative developments reported by the CoE Committee of Ministers, include the adoption of the new Language Act and of the Sami Language Act, which contain significant guarantees for the protection and promotion, respectively, of the Swedish and Sami languages<sup>10</sup>. The Committee also reported that there are capacity problems and other shortcomings in the implementation of the new language laws covering Swedish and Sami in certain key sectors such as the judiciary and recommended that the State address the shortcomings encountered.<sup>11</sup>

6. Both VIKE<sup>12</sup> and the National Organisation for Lesbian, Gay, Bisexual and Transgender Rights in Finland (Seta ry)<sup>13</sup> were concerned that the scope and application of domestic legislation concerning equality and legal remedies were much more comprehensive in the case of discrimination based on ethnic origin than on the other grounds of disability and sexual orientation.

### C. Institutional and human rights structure

7. The establishment and work of the Ombudsman for Minorities, which played a particularly important role in improving minority groups' access to remedies against discrimination and violation of other rights, was welcomed by ECRI, the CoE Commissioner for Human Rights and Committee of Ministers.<sup>14</sup> They also noted that the mechanisms for consultation of minority groups have been significantly developed through the establishment

of regional boards which complement the work carried out at the national level by the Advisory Boards for Ethnic Relations and for Roma Affairs.<sup>15</sup>

8. VIKE pointed out that an independent body is needed with a mandate to intervene in cases of discrimination of persons with disabilities in all different spheres of life. It suggested that such an independent body's mandate should include counseling, supporting persons in legal proceedings, awareness-raising, research, implementation of non-discrimination legislation as well as mediation.<sup>16</sup>

#### **D. Policy measures**

9. The CoE Committee of Ministers<sup>17</sup> noted as a positive development that new measures have been taken to promote integration, taking into account the growing diversity of Finnish society and ECRI<sup>18</sup> stated, *inter alia*, that a recently adopted Government Immigration Policy Programme aimed at promoting work-related immigration contains clear commitments in the field of combating racism and racial discrimination.

10. The CoE Commissioner for Human Rights welcomed the efforts of the Government to monitor and respond to violence against women in Finland and asked the authorities to ensure, *inter alia*, that immigrant women, as victims of violence, be able to access information about their rights and victims' support services and have the possibility to stay in Finland after leaving a violent relationship.<sup>19</sup> AI also recommended that Finland should create a National Action Plan on preventing violence against women without further delay.<sup>20</sup>

## **II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND**

### **A. Cooperation with human rights mechanisms**

11. Regarding the State's cooperation with the Council of Europe and its monitoring mechanisms, Finnish authorities requested that the CPT's report on its third periodic visit to Finland, as well as their responses, be made public.<sup>21</sup>

12. ECRI stated that a number of recommendations made in its second report have not been implemented, or have only been partially implemented, and that certain problems related to racism and intolerance persist. It reported, *inter alia*, that more targeted and effective measures are necessary to address the discrimination, prejudice and disadvantage that Roma, non-citizens, including members of Russian-speaking and Somali communities and Finnish citizens of non-Finnish origin continue to experience. It also stated that public, and notably political discourse around asylum issues had not improved since ECRI's second report and certain policies in the field of asylum, notably as concerns the granting of residence permits, raised ECRI's concern.<sup>22</sup>

### **B. Implementation of international human rights obligations**

#### **1. Non-discrimination and equality**

13. ECRI recommended that the Finnish authorities take further action, including to build a strong anti-discrimination focus in all strategies aimed at promoting an integrated society and to broaden the scope of these strategies to include wider sections of Finnish society; improve the implementation of the criminal law provisions in force, notably through better recording and investigation of racially-motivated offences, especially racist violence; and

improve the implementation of existing civil and administrative law provisions, especially as concerns employment and public authorities' compliance with their new duty to promote equality.<sup>23</sup>

14. The CoE Committee of Ministers expressed concern about problems faced by Roma pupils, such as the limited scope of Roma language education and their disproportionate presence in special education. Equally, it commented upon persisting incidents of discrimination of Roma and persons belonging to other minorities in various spheres, including in the provision of services.<sup>24</sup> Similar concerns about the Roma were highlighted by ECRI and the CoE Commissioner for Human Rights, with ECRI recommending that the Finnish authorities adopt a comprehensive strategy to improve the situation of the Roma communities<sup>25</sup> and the Commissioner recommending, as essential, the wide dissemination of objective information about Roma culture and traditions as well as the diversity of Roma identities.<sup>26</sup>

15. Shortcomings in the Equality Act, its application and monitoring regarding the rights and situation of persons with disabilities, were reported by VIKE. It pointed out that while the Equality Act acknowledges the denial of reasonable accommodation as a form of discrimination, the relevance of this provision for persons with disabilities remains unclear at the levels of implementation and monitoring; and that Article 9 of the Equality Act relating to compensation has raised confusing interpretations even among legal scholars.<sup>27</sup>

16. Furthermore, VIKE and Seta ry<sup>28</sup> clarified that the Equality Act covers discrimination on the grounds of disability and sexual orientation in the fields of employment and education but cases concerning, *inter alia*, provision of services and health care, fall outside the scope of its application. A similar concern was raised by the European Committee on Social Rights which reported that there is no anti-discrimination legislation for persons with disabilities covering areas such as communication, housing, transport and cultural and leisure activities.<sup>29</sup>

17. Seta ry stated that there is clear evidence that discrimination based on sexual orientation and gender identity is a substantial problem in Finland. This organization reported that the two key pieces of legislation governing discrimination based on sexual orientation: the Equality Act (2004) and the Act on Equality between Women and Men (1986/2005) are currently under review. Seta ry was of the view that the Act on Equality between Women and Men should be rewritten to specify to what extent it and the work and powers of the gender equality body (Ombudsman for Gender Equality) cover transgender people other than transsexuals.<sup>30</sup>

18. Effective anti-discrimination policy, including sufficient support systems and prevention programmes, can only be based on adequate information on discrimination in society, Seta ry affirmed. It identified fields where there is a shortage of information and research. They included: the risk of Lesbian, Gay, Bisexual and Transgender (LGBT) people committing suicide; access to health care and health care information, (other than HIV and related issues); the prevalence of homo- and transphobic hate crimes in Finland; the prevalence of domestic violence by and against LGBT people (no support phone services or shelters for victims of violence are openly welcoming LGBT clients); the prevalence of harassment in primary and secondary school system; the special needs of elderly LGBT people; the special needs of disabled LGBT people; and the prevalence of multiple discrimination, for example discrimination simultaneously based on ethnic background and homosexuality.<sup>31</sup>

## 2. Right to life, liberty and security of the person

19. Regarding issues raised by the CoE CPT, concern was expressed that police detention facilities did not offer suitable conditions for remand prisoners and reiterated that remand prisoners should not, in principle, be held in police cells.<sup>32</sup> The Finnish Government provided a response.<sup>33</sup>

20. CPT also drew attention, inter alia, to the ongoing problem of inter-prisoner intimidation and violence.<sup>34</sup> In reply, the Finnish authorities referred to steps taken.<sup>35</sup>

21. VIKE reported its concerns about shortcomings in the system of inspecting institutional settings and the misuse of coercive measures in relation to persons with disabilities. Several deaths in institutions had accelerated discussion on inspection systems, it was explained. General bodies that execute judicial monitoring of institutions do not have the resources or expertise to monitor institutions in which persons with disabilities reside, especially persons with intellectual disabilities and Finland does not have a special body to monitor these institutions.<sup>36</sup> Regarding the misuse of coercive measures, VIKE reported that many disability organisations constantly receive information on such cases; that the legislation on the use of coercive measures is very old, especially in the case of persons with intellectual disabilities (1977) and, instead of restricting the use of coercive measures it, mandates use of them; and that there are different pieces of legislation concerning different types of disability groups.<sup>37</sup>

22. Despite the efforts undertaken by the State, violence against women is still a widespread problem in Finland, reported the Evangelical Lutheran Church of Finland (ELCF). It noted that according to a survey published in 2006, 43.5 percent of the women had at least once experienced a man's physical or sexual violence or the threat of it after having reached 15 years of age. Nearly 20 percent of the women reported to have experienced violence or the threat of it in their current partnership. About two thirds of the women who had become victims of violence stated that they had not sought help from any official body, but rather rely on informal social support and that when official help is sought, it is most frequently sought from the police and health service providers. (Heiskanen, Kääriäinen, Piispa, 2006) Annually some 30 women die as a victim of violence, of which 9-15 as a victim of partner violence.<sup>38</sup> While welcoming the efforts of the Government to monitor and respond to violence against women in Finland, the CoE Commissioner for Human Rights asked that the authorities should also ensure that the specific needs of immigrant women as victims of violence are addressed. In particular, that they should be able to access information about their rights and victims' support services and have the possibility to stay in Finland after leaving a violent relationship.<sup>39</sup>

23. Violence against children is one of the most serious obstacles to the full implementation of the rights of the child, stated ELCF. ELCF reported that although information on violence against children is gathered from various sources, there is no reliable and comprehensive monitoring system for violence against children. The research unit of the Police College of Finland and the Criminological Unit of the National Research Institute of Legal Policy is planning a special child victim study and it is hoped that this study will provide a framework for a permanent monitoring system of violence against children in Finland. ELCF also referred to the results of the inquiry collected by the Ministry of Justice in 2007, according to which various measures have been taken and projects have been carried out both by the state and NGOs to combat violence against children and youth, but the actions

have not been coordinated and information about them is not easily available. It was also noted that: the general principle of the best interests of the child is often not taken into account; knowledge about the CRC is not yet sufficient in Finland; and there are also gaps in the services provided for the victims of violence, especially in rural areas.<sup>40</sup>

24. The CoE Commissioner for Human Rights, in addition, to welcoming specific legislative and policy measures taken by the State to respond to trafficking in human beings, invited the Finnish authorities to verify that victims of trafficking can be granted adequate protection and assistance based on an individual assessment of their needs.<sup>41</sup>

### **3. Administration of justice and the rule of law**

25. With respect to cases against Finland under the European Convention on Human Rights (ECHR), it may be noted that a majority of the pending cases concern the excessive length of civil and criminal proceedings (violations of Article 6§1) and that several cases also concern the absence of an effective remedy enabling the applicant to complain of the length of the proceedings (violation of Article 13). The Ministry of Justice of Finland set up a working group to study measures to reduce the length of judicial proceedings and another to study how an effective remedy in cases of excessive length of proceedings can be introduced into the Finnish legal system.<sup>42</sup>

### **4. Freedom of religion and belief, freedom of expression and opinion and participation in public life**

26. The length of the civilian alternative to military service in Finland remains punitive and discriminatory, according to AI.<sup>43</sup> Similar observations were made by the European Committee of Social Rights<sup>44</sup> and the CoE Commissioner for Human Rights<sup>45</sup>. Conscientious objectors are, at present, obliged to perform 395 days of civilian service, 215 days longer than the shortest and most common period of military service.<sup>46</sup> AI also reported that, in October 2007, the government proposed changes to legislation which would shorten alternative civilian service to 362 days, and would recognize the right to conscientious objection in times of war or other public emergency. The proposed length of alternative service, although a step in the right direction, would remain punitive. AI also provided information that, as of the end of 2006, it considered 11 imprisoned conscientious objectors to military service to be prisoners of conscience and that most were serving 197 days for refusing to perform alternative civilian service. AI called on the government of Finland to further reduce the length of alternative civilian service, in line with internationally recognized standards and recommendations.<sup>47</sup> The CoE Commissioner for Human Rights urged the Finnish Government to draw inspiration from its Anti-Discrimination Act and Protocol 12 of the ECHR in speedily addressing the situation of conscientious objectors while actively persuading the Parliament to back a long-awaited reform in this field.<sup>48</sup>

27. The authorities' efforts to support minority language print media, including in the Sami languages, have limited scope and do not sufficiently meet the needs expressed, reported the CoE Committee of Ministers. Additionally, there remained a need to develop further the minority language public service broadcasting in order to accommodate the existing demand, inter alia, for children's programmes in the Sami languages. The Committee recommended that Finland encourage the further development of minority language media and review the current subsidy system with a view to ensuring that it takes into account the specific situation of minority language print media.<sup>49</sup>

## **5. Right to privacy, marriage and family life**

28. A migrant worker's minor children who have settled on Finnish territory as a result of family reunion may be expelled when the migrant worker is expelled, reported the European Committee on Social Rights.<sup>50</sup>

29. In 2006 a new law on assisted insemination was passed in the Parliament, noted Setälä, which, allows on the one hand, treatments of single women and lesbian couples, and on the other hand makes surrogacy illegal. Setälä commented on the legal framework regulating adoption, noting that the social parent of a child cannot become a legal parent through adoption if s/he is of the same sex as her/his partner, (see, Act on Registered Partnerships, Section 9). In the view of Setälä, children in these types of families are discriminated against on the basis of their parents' sexual orientation or gender identity, as these children are not entitled to the law binding parental protection such as welfare, support and heritage from both of their parents, unlike the children of different sex parents. Moreover, these families are not entitled to same public services and benefits as their family is not recognized in the law.<sup>51</sup> According to Setälä, the current government has announced plans to make so called internal adoption available in registered partnership. This legislative move would enable the registered partner to adopt her/his partner's child and would solve some of the most acute problems but there is no guarantee though that the government's plan will become a law.<sup>52</sup>

## **6. Right to work and to just and favourable conditions of work**

30. Reporting on cases of non-compliance with the provisions of the Revised Social Charter, the European Committee on Social Rights, stated, *inter alia*, that in Finland the law does not provide for reinstatement in cases of illegal dismissals based on gender discrimination; that the legislation makes no provision for the reinstatement of women unlawfully dismissed on grounds related to pregnancy or maternity leave, and compensation payable in cases of unlawful dismissal is subject to a ceiling; and that the legislation makes no provision for workers unlawfully dismissed on grounds of their family responsibilities.<sup>53</sup>

## **7. Right to social security and to an adequate standard of living**

31. Regarding the right to social security, the European Committee of Social Rights reported that sickness and maternity allowances and the minimum national pension for single persons were manifestly inadequate.<sup>54</sup>

32. Relative poverty has risen since the mid-1990s in Finland and become more severe, reported ELCF. Unemployed households are the most vulnerable group and families with small children are another vulnerable group. There appeared to be polarization in the financial situation of families with children. While the income development of families with two parents and one or two children has been relatively positive, the situation of single parent families, families with more than three children and families with children under age three has deteriorated.<sup>55</sup>

33. The CoE Commissioner for Human Rights urged the authorities to persist in their efforts to improve mental health care for children and to monitor that the service guarantees are fully met in this field.<sup>56</sup>

34. The fundamental rights situation of a child born with “unclear” sex is problematic in Finland, noted Setälä. A common medical practice is to commit surgeries and other treatments in order to reconstruct the children’s sex as female or male. Setälä suggested that not all treatments are necessarily based on medical reasons and that Finland should take all necessary legislative, administrative and other measures to ensure that no child’s body is irreversibly altered by medical procedures in an attempt to impose a gender identity without the full, free and informed consent of the child in accordance with the age and maturity of the child and guided by the principle that in all actions concerning children, the best interests of the child shall be a primary consideration. Additionally, it reported that considerable local variation is found in the level and quality of treatment and support for transgender and intersex people, especially gender variant children and transgender teenagers. They are often treated by professionals who have insufficient knowledge on gender variance and no state authority has currently taken adequate responsibility for ensuring that the services should be equally efficient and of high quality throughout the country.<sup>57</sup>

35. Regarding issues related to disabled persons, VIKE reported that the Municipality of Residence Act (201/1994) does not give persons with disabilities the right to choose their place of residence and the act has to be changed in order to ensure the equal rights of persons with disabilities. According to VIKE persons with disabilities are obliged, in reality, to live in places, in which the local government is willing to provide the necessary services. For example, “a person with a disability may be pressured to live in an institution even though she would have a possibility to live in a place she wants to with personal assistance”.<sup>58</sup> The personal assistant system is often the only way by which persons with the most severe disabilities can have an independent life. The Services and Assistance for the Disabled Act (380/1987) regulating the personal assistant–system is highly sensitive to the discretion of the local municipality in terms of conditions for support and the allocation of money. VIKE added that persons are in an unequal position as the assistance received depends on their place of residence. It was also reported that people can not live in a normal environment on account of the limited supply of accessible apartments.<sup>59</sup>

## **8. Right to education**

36. The CoE Committee of Ministers noted the disconcerting reports about manifestations of intolerance in Finnish schools as well as on Internet and recommended reinforced action against incidents of discrimination and manifestations of intolerance, including in schools.<sup>60</sup>

## **9. Minorities and indigenous peoples**

37. STP affirmed that the 7,000 Sámi living within Finnish borders see their traditional economy of reindeer breeding in danger. Approximately 40 percent of the Sámi are reindeer-breeders. Reindeer breeding is not only deeply rooted in Sámi culture, but also holds great social and economic importance to the Sámi. Sámi reindeer breeding is dependent on an intact, functioning, native habitat and this is affected by the consequences of climate change and the deforestation of the boreal forests in Lapland. The Sámi have no legal basis or resources to protect the old forests of Lapland in the face of massive deforestation, reported STP and it is extremely important the Sámi’s water and land rights be legally recognised. The Sámi Parliament is calling for a legal title to the Sámi native environment.<sup>61</sup>

38. Since the 1990s the Finnish state forestry enterprise has been conducting radical deforestation in the traditional region of the native Sámi inhabitants, reported STP. It also reported that today, 90 percent of Finnish Lapland belongs to the state, and that, while Finland

possesses more forest-land than any other EU country, barely five percent of the native forests remain intact. The Finnish government maintains that it has placed extensive forest areas under state protection, however, according to STP, a large part of the primeval forests of importance to the Sámi lie outside the state protected zones. STP stated that the disappearance of the forest has massively damaged Sámi reindeer-breeders' ways of life and consequently their herd earnings have dropped significantly. With massive deforestation of the old forests in Northern Finland, STP affirmed that the State and forestry department in conjunction have completely disregarded the Sámi culture and land use. Deforestation has reached such a point that the native reindeer herds will soon disappear, according to STP, and as long as a legal title is postponed Sámi native land will be left open to national economic interests.<sup>62</sup>

39. STP expressed concern that despite achieving temporary suspension of Finland's deforestation process in autumn 2005, new plans to continue deforestation are always underway. In addition to the damage to the trees caused by direct tree-felling, the ever-increasing consequences of climate change have begun to noticeably affect reindeer-breeders, according to STP. For example, reindeer-breeders have to wait for the first snowfall, in order to drive their herds, which has often been delayed due to climate change. Furthermore, the weather's unpredictability has affected the reindeers' ability to access their food. In effect, reindeer-breeders have had to cope with heavy losses in the past few years.<sup>63</sup>

40. The Sámi Parliament has repeatedly criticised the Finnish government for failing to give native inhabitants ownership rights over their land and resources, stated STP. In the governmental studies on the rights of use and administration in the traditional Sámi areas, the question of land ownership was excluded. STP reported that the Finnish government made a voluntary promise to clarify the Sami rights over their land, resources and way of life and that this agreement was also to create the conditions necessary for signing ILO C 169. The Finnish government has continuously avoided a fundamental agreement, reported STP, by arguing that the case must first be carefully examined, and all legal enquiries carried out, while the Sámi (like all other Finnish citizens) are bound to accept all court decisions on questions of land. Only with the government's official acknowledgement and recognition of the Sámi's rights will their culture, way of life, and reindeer breeding activities be protected and in spite of many attempts their native land rights have still yet to be recognized by the Finnish government.<sup>64</sup>

41. The CoE Commissioner for Human Rights also expressed regret that the issue of Sámi land rights had not been resolved and that Finland has not yet ratified the ILO Convention No. 169.<sup>65</sup> This concern was echoed by the CoE Committee of Ministers, which stated that disputes over land rights in the Sami Homeland have become increasingly acute as the delays in finding solutions to the open issues have continued in spite of recent efforts to introduce pertinent legislation. It also noted that the Sami Parliament, while frequently consulted, is not satisfied with the way the authorities implement the negotiation obligation.<sup>66</sup> The CoE Commissioner for Human Rights urged the different parties to the question, including among others the Ministry of Agriculture and Forestry, the Forest and Park Service and the Sámi Parliament, to join efforts to actively seek a solution to this long-standing problem.<sup>67</sup> The CoE Committee of Ministers recommended that Finland: take rapid measures to address disputes over the ownership and use of land in the Sami Homeland, through negotiation with the Sami Parliament and others concerned; and ensure that the authorities' legal obligation to negotiate with the Sami Parliament is strictly honoured in the relevant questions.<sup>68</sup> The CoE Commissioner for Human Rights further recommended that the Finnish authorities draw inspiration from the expert recommendations regarding land rights which have been recently issued in the framework of the on-going negotiations for a Nordic Convention on the Sámi.<sup>69</sup>

42. Taking into account the significant number of Russian-speaking people living in Finland, the CoE Commissioner for Human Rights urged the Finnish authorities to thoroughly consider the recommendations of the ad hoc working group assigned by the Advisory Board for Ethnic Relations. The Commissioner stated that he was not persuaded that the special needs of the Russian-speaking population could be catered for in an efficient manner solely by general policy initiatives regarding or consultative bodies representing minorities and immigrants in general. He also reported that further measures are required to address the problems encountered by Russian-speaking school pupils and called for improved awareness of media professionals of any prejudice on reporting about the Russian-speaking population.<sup>70</sup> Similar concerns were echoed by the CoE Committee of Ministers and ECRI.<sup>71</sup>

### **10. Migrants, refugees and asylum seekers**

43. AI stated that accelerated asylum-determination procedures under the Aliens Act allow too short a time for claims to be considered thoroughly, do not allow asylum-seekers to exhaust all avenues of appeal and allow expulsion whilst appeals were still pending.<sup>72</sup> It drew attention to concerns expressed about these non-suspensive appeals procedures by the European Commission against Racism and Intolerance (ECRI).<sup>73</sup> Similar concerns were echoed by the Commissioner for Human Rights.<sup>74</sup> AI called on the Government of Finland to reform asylum determination procedures to ensure that no asylum-seeker can be expelled from the country until a final determination is made of their application for asylum, including of any appeals against initial refusals.<sup>75</sup>

44. The CoE CPT emphasized that the administration of medication to persons subject to a deportation order must always be carried out on the basis of a medical decision taken in respect of each particular case; this implies that the persons concerned must be physically seen and examined by a medical doctor. More generally, the CPT recommended that detailed instructions be issued on the manner in which deportation orders concerning foreign nationals are to be enforced. These instructions should, in particular, address the use of force and/or means of restraint authorised in the context of deportation operations.<sup>76</sup> The Finnish authorities provided a response to these issues.<sup>77</sup>

45. Concerning the granting of temporary resident permits in accordance with the Aliens Act, the CoE Commissioner for Human Rights underlined: that it should always be verified that Section 51 of the Act is not applied in contradiction with other provisions of the Act, namely Section 88, which would grant a continuous residence permit on the grounds of a need for protection; that a restrictive rather than wide interpretation of the application of Section 51 is to be preferred, in the light of the practical consequences of the temporary residence status on opportunities to accessing employment, health and social services as well as right to family reunification; and that Section 52 of the Act stipulates that a continuous residence permit can be granted to aliens on compassionate grounds with reference to their health, vulnerable position or the circumstances they would face in their home country.<sup>78</sup>

### **11. Situation in or in relation to specific regions or territories**

46. The CoE Commissioner for Human Rights underlined that a solution should be found for extending the scope of the Non-Discrimination Act to cover the Aland Islands.<sup>79</sup>

### III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

47. Regarding achievements and best practices, it may be noted that CPT's delegation heard no allegations of recent ill-treatment of persons held in police establishments, and found no other evidence of such treatment.<sup>80</sup>

48. Seta ry explained that the human rights situation of the LGBT people in Finland has been improving, particularly during the last 35 years, since homosexuality was decriminalized in 1971.<sup>81</sup>

### IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

49. [n/a]

### V. CAPACITY BUILDING AND TECHNICAL ASSISTANCE

50. [n/a]

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#### Notes

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<sup>1</sup> The following stakeholders have made a submission (all original submissions are available in full text on: [www.ohchr.org](http://www.ohchr.org)):

#### Civil Society

Seta ry	National Organisation for Lesbian, Gay, Bisexual and Transgender Rights in Finland, Discrimination on grounds of sexual exploitation and gender identity in Finland, November 2007, Helsinki;
VIKE	The Center for Human Rights of Persons with Disabilities, UPR submission, November 2007, Helsinki;
ECLF	Evangelical Lutheran Church of Finland, UPR submission, November 2007, Helsinki*;
AI	Amnesty International, UPR submission, November 2007, London (UK)*;
STP	Society for Threatened Peoples, UPR submission, November 2007, Göttingen (Germany)*.

#### Regional intergovernmental organization

CoE	Council of Europe, Strasbourg, France
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NB: \* NGOs with ECOSOC status

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<sup>2</sup> Amnesty International, UPR submission, November 2007, London (UK), page 1.

<sup>3</sup> VIKE – The Center for Human Rights of Persons with Disabilities, UPR submission, November 2007, Helsinki, page 2.

<sup>4</sup> Society for Threatened Peoples, UPR submission, November 2007, Göttingen (Germany), page. 1.

<sup>5</sup> Amnesty International, UPR submission, November 2007, London (UK), page 1.

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<sup>6</sup> Council of Europe, Office of the Commissioner for Human Rights, Follow-up report on Finland (2001-2005): Assessment of the progress made in implementing the recommendations of the Council of Europe Commissioner for Human Rights, for the attention of the Committee of Ministers and the Parliamentary Assembly, document CommDH(2006)9, para. 66.

<sup>7</sup> Commissioner for Human Rights, Follow-up report on Finland (2001-2005), para. 12.

<sup>8</sup> Council of Europe, European Commission against Racism and Intolerance (ECRI), Third report on Finland adopted on 15 December 2006, document CRI(2007)23, Executive summary.

<sup>9</sup> Council of Europe, Resolution CM/ResCMN(2007)1 on the implementation of the Framework Convention for the Protection of Minorities by Finland, adopted by the Committee of Ministers on 31 January 2007 at the 985<sup>th</sup> meeting of the Ministers' Deputies, para. 1 (a).

<sup>10</sup> Committee of Ministers, Resolution CM/ResCMN(2007)1, para. 1 (a).

<sup>11</sup> Committee of Ministers, Resolution CM/ResCMN(2007)1, paras. 1 (b) and 2.

<sup>12</sup> VIKE – The Center for Human Rights of Persons with Disabilities, UPR submission, November 2007, Helsinki, page 3.

<sup>13</sup> Seta ry – National Organisation for Lesbian, Gay, Bisexual and Transgender Rights in Finland, Discrimination on grounds of sexual exploitation and gender identity in Finland, November 2007, Helsinki, page 2.

<sup>14</sup> ECRI, Third report on Finland, Executive summary; Commissioner for Human Rights, Follow-up report on Finland (2001-2005), para. 12; and Committee of Ministers, Resolution CM/ResCMN(2007), para. 1 (a).

<sup>15</sup> ECRI, Third report on Finland, Executive summary; Commissioner for Human Rights, Follow-up report on Finland (2001-2005), para. 23; and Committee of Ministers, Resolution CM/ResCMN(2007)1, para. 1 (a).

<sup>16</sup> VIKE – The Center for Human Rights of Persons with Disabilities, UPR submission, November 2007, Helsinki, page 3.

<sup>17</sup> Committee of Ministers, Resolution CM/ResCMN(2007)1, para. 1 (a).

<sup>18</sup> ECRI, Third report on Finland, Executive summary.

<sup>19</sup> Commissioner for Human Rights, Follow-up report on Finland (2001-2005), para. 61.

<sup>20</sup> Amnesty International, UPR submission, November 2007, London (UK), page 2.

<sup>21</sup> See letter submitted to OHCHR on 30 November 2007, by the Director General of the Council of Europe's Directorate General of Human Rights and Legal Affairs; and documents CPT/Inf (2004) 20 and CPT/Inf (2004) 31

<sup>22</sup> ECRI, Third report on Finland, Executive summary.

<sup>23</sup> ECRI, Third report on Finland, Executive summary

<sup>24</sup> Committee of Ministers, Resolution CM/ResCMN(2007)1, para. 1 (b).

<sup>25</sup> ECRI, Third report on Finland, Executive summary.

<sup>26</sup> Commissioner for Human Rights, Follow-up report on Finland (2001-2005), para. 23.

<sup>27</sup> VIKE – The Center for Human Rights of Persons with Disabilities, UPR submission, November 2007, Helsinki, page 3.

<sup>28</sup> VIKE – The Center for Human Rights of Persons with Disabilities, UPR submission, November 2007, Helsinki, page 3; and Seta ry – National Organisation for Lesbian, Gay, Bisexual and Transgender Rights in Finland, Discrimination on grounds of sexual exploitation and gender identity in Finland, November 2007, Helsinki, page 2

<sup>29</sup> ESC, Fact Sheet 2007, page 3.

<sup>30</sup> Seta ry – National Organisation for Lesbian, Gay, Bisexual and Transgender Rights in Finland, Discrimination on grounds of sexual exploitation and gender identity in Finland, November 2007, Helsinki, page 2.

<sup>31</sup> Seta ry – National Organisation for Lesbian, Gay, Bisexual and Transgender Rights in Finland, Discrimination on grounds of sexual exploitation and gender identity in Finland, November 2007, Helsinki, pp. 3-4.

<sup>32</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Press Release of 14 June 2004, available at: <http://www.cpt.coe.int/documents/fin/2004-06-14-eng.htm> .

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- <sup>33</sup> Response of the Finnish Government to CPT's report on its visit to Finland, Press Release of 8 November 2004, available at: <http://www.cpt.coe.int/documents/fin/2004-11-15-eng.htm>
- <sup>34</sup> CPT, Press Release of 14 June 2004, available at: <http://www.cpt.coe.int/documents/fin/2004-06-14-eng.htm> .
- <sup>35</sup> Response of the Finnish Government to CPT's report on its visit to Finland, Press Release of 8 November 2004, available at: <http://www.cpt.coe.int/documents/fin/2004-11-15-eng.htm>
- <sup>36</sup> VIKE – The Center for Human Rights of Persons with Disabilities, UPR submission, November 2007, Helsinki, pp. 3-4.
- <sup>37</sup> VIKE – The Center for Human Rights of Persons with Disabilities, UPR submission, November 2007, Helsinki, page 4.
- <sup>38</sup> Evangelical Lutheran Church of Finland, UPR submission, November 2007, Helsinki, page 1.
- <sup>39</sup> Commissioner for Human Rights, Follow-up report on Finland (2001-2005), para. 61.
- <sup>40</sup> Evangelical Lutheran Church of Finland, UPR submission, November 2007, Helsinki, page 2.
- <sup>41</sup> Commissioner for Human Rights, Follow-up report on Finland (2001-2005), para. 66.
- <sup>42</sup> See information submitted in relation to Finland by the Council of Europe Department for the Execution of ECHR Judgements before the Committee of Ministers, pp. 1-2.
- <sup>43</sup> Amnesty International, UPR submission, November 2007, London (UK), page 1.
- <sup>44</sup> ESC, Fact Sheet 2007, page 3.
- <sup>45</sup> Commissioner for Human Rights, Follow-up report on Finland (2001-2005), paras. 41-46.
- <sup>46</sup> Amnesty International, UPR submission, November 2007, London (UK), page 1.
- <sup>47</sup> Amnesty International, UPR submission, November 2007, London (UK), pp. 1-2
- <sup>48</sup> Commissioner for Human Rights, Follow-up report on Finland (2001-2005), para. 46.
- <sup>49</sup> Committee of Ministers, Resolution CM/ResCMN(2007), paras. 1 (b) and 2.
- <sup>50</sup> ESC, Fact sheet 2007, page 3.
- <sup>51</sup> Setary – National Organisation for Lesbian, Gay, Bisexual and Transgender Rights in Finland, Discrimination on grounds of sexual exploitation and gender identity in Finland, November 2007, Helsinki, pages 1 and 4
- <sup>52</sup> Setary – National Organisation for Lesbian, Gay, Bisexual and Transgender Rights in Finland, Discrimination on grounds of sexual exploitation and gender identity in Finland, November 2007, Helsinki, page 5.
- <sup>53</sup> ESC, Fact sheet 2007, pp. 3-4.
- <sup>54</sup> ESC, Fact sheet 2007, page 4.
- <sup>55</sup> Evangelical Lutheran Church of Finland, UPR submission, November 2007, Helsinki, p. 2.
- <sup>56</sup> Commissioner for Human Rights, Follow-up report on Finland (2001-2005), para. 54.
- <sup>57</sup> Setary – National Organisation for Lesbian, Gay, Bisexual and Transgender Rights in Finland, Discrimination on grounds of sexual exploitation and gender identity in Finland, November 2007, Helsinki, page 5.
- <sup>58</sup> VIKE – The Center for Human Rights of Persons with Disabilities, UPR submission, November 2007, Helsinki, page 4.
- <sup>59</sup> VIKE – The Center for Human Rights of Persons with Disabilities, UPR submission, November 2007, Helsinki, page 5.
- <sup>60</sup> Committee of Ministers, Resolution CM/ResCMN(2007), paras. 1 (b) and 2.
- <sup>61</sup> Society for Threatened Peoples, UPR submission, November 2007, Göttingen (Germany), pp. 1-2.
- <sup>62</sup> Society for Threatened Peoples, UPR submission, November 2007, Göttingen (Germany), pp.1-2.
- <sup>63</sup> Society for Threatened Peoples, UPR submission, November 2007, Göttingen (Germany), page 3.
- <sup>64</sup> Society for Threatened Peoples, UPR submission, November 2007, Göttingen (Germany), page 1.

- <sup>65</sup> Commissioner for Human Rights, Follow-up report on Finland (2001-2005), para. 17.
- <sup>66</sup> Committee of Ministers, Resolution CM/ResCMN(2007)1, para. 1 (a).
- <sup>67</sup> Commissioner for Human Rights, Follow-up report on Finland (2001-2005), para. 17.
- <sup>68</sup> Committee of Ministers, Resolution CM/ResCMN(2007)1, para. 2.
- <sup>69</sup> Commissioner for Human Rights, Follow-up report on Finland (2001-2005), para. 17.
- <sup>70</sup> Commissioner for Human Rights, Follow-up report on Finland (2001-2005), para. 29.
- <sup>71</sup> Committee of Ministers, Resolution CM/ResCMN(2007)1, paras. 1 (b) and 2; and ECRI, Third report on Finland, Executive summary.
- <sup>72</sup> Amnesty International, UPR submission, November 2007, London (UK), page 2.
- <sup>73</sup> ECRI, Third report on Finland, Executive summary and paras. 41-52.
- <sup>74</sup> Commissioner for Human Rights, Follow-up report on Finland (2001-2005), para. 38.
- <sup>75</sup> Amnesty International, UPR submission, November 2007, London (UK), page 2.
- <sup>76</sup> CPT, Press Release of 14 June 2004, available at: <http://www.cpt.coe.int/documents/fin/2004-06-14-eng.htm> .
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- <sup>78</sup> Commissioner for Human Rights, Follow-up report on Finland (2001-2005), para. 39.
- <sup>79</sup> Commissioner for Human Rights, Follow-up report on Finland (2001-2005), para. 12.
- <sup>80</sup> CPT, Press Release of 14 June 2004, available at: <http://www.cpt.coe.int/documents/fin/2004-06-14-eng.htm> .
- <sup>81</sup> Setä ry – National Organisation for Lesbian, Gay, Bisexual and Transgender Rights in Finland, Discrimination on grounds of sexual exploitation and gender identity in Finland, November 2007, Helsinki, pp. 1-2.

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