

**Universal Periodic Review
(13th session, 21 May - 1 June 2012)**

Contribution of UNESCO

FINLAND

I. Background and framework

1. Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

A. Table

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education 1960	18/10/1971	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education. 1989	Not ratified			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage 1972	27/06/75			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage 2003	Not ratified			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005	18/12/2006			Right to take part in cultural life

II. Promotion and protection of human rights on the ground

1. Right to education¹

A. Normative Framework

i. Constitutional framework

1. The right to education is guaranteed by Article 16 of the new Constitution of 2000.

ii. Legislative framework

2. In relation with the right to education, the following legal tools can be mentioned:

- a. Basic education is governed by the *Basic Education Act (628/1998)*.
- b. Secondary education is governed by *General Upper Secondary Schools Act of 1998*.
- c. Vocational education is governed by *Vocation Education Act 630/1998*.
- d. The new *Universities Act* came into force in August 2005.
- e. There is an *Equality Act (L21/2004)* in Finland. The purpose of this Act is to foster and safeguard equality in society. The Act prohibits discrimination on the basis of age, ethnic or national origin, language, religion, beliefs, opinions, health, disability and sexual orientation. The Act applies to education.

B. Policy measures

3. The course of development for the Finnish education system is defined in the *Development Plan for Education and University Research* confirmed by the Government every four years. The currently effective development plan for 2007-2012 was approved at the end of 2007.

4. On March 2006 the Ministry of Education appointed a steering group to prepare a proposal for a long-term strategy for the development of special needs and inclusion education. The strategy for pre-primary and basic education was published in November 2007. In 2008, the Ministry of Education was preparing the changes in the legislation, and the Finnish National Board of Education was preparing the changes in the Core Curriculum for the pre-primary and basic education.

¹ Sources:

- 2000 Constitution : <http://www.om.fi/21910.htm>
- The Development of Education, National Report of Finland, 2008, http://www.ibe.unesco.org/National_Reports/ICE_2008/finland_NR08.pdf
- Report of Finland submitted for the 4th consultation on the implementation of the UNESCO Recommendation concerning Education for International Understanding, Cooperation and Peace and Education relating to Human Rights and Fundamental Freedom, 2009.

5. Finland has no separate programme on education for human rights. From 2005 to 2007, the Ministry of Education carried out a development project under the title "Participating student - co-active school". Overall, 240 teachers from 90 municipalities and all the teacher training schools participated in the programme. The strong points of this education were its processual character, interactivity, use of action-based methods and robustly group-based action. The core curricula for basic education (2004) and upper secondary school (2003) emphasise human rights, equality and tolerance as aims of education. They are integrated into all thematic entities underpinning education. In addition, tolerance and multiculturalism are discussed in connection with different school subjects.

C. Cooperation

6. Finland did not report to UNESCO for the Seventh Consultation of Member States on the measures taken for the implementation of the Convention against Discrimination in Education (covering the period 2000-2005).

7. Finland reported to UNESCO in 2009 within the framework of the Fourth Consultation of Member States on the measures taken for the implementation of the 1974 *UNESCO's Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms* (covering the period 2005-2008).

2. Right to take part in cultural life

A. Normative Framework

i. Constitutional framework

8. The Constitution of Finland which entered into force on 1 March 2000 includes "Section 17 - Right to one's language and culture" referring to the provision of cultural needs as follows: "The public authorities shall provide for the cultural and societal needs of the Finnish-speaking and Swedish-speaking populations of the country on an equal basis."²

ii. Legislative framework

9. Legislation for the identification and protection of national heritage includes The Ancient Monuments Act (1963), The Planning and Building Act (2000), The Building Protection Act (1985), The Building Protection Decree (1985), The Church Act (1994), The Nature Conservation Act (1996), and The Forest Act (1996). The Building Protection Act is under revision. There is no specific planning legislation to protect World Heritage sites.

B. Institutional framework

10. The following key organisations in protection and conservation were established: the National Board of Antiquities, the Ministry of Environment, Regional

² Source: <http://www.finlex.fi/fi/laki/kaannokset/1999/en19990731.pdf>

Environmental Centres, the Finnish Forest and Park Service and the Finnish Forest Research Institute. Services are provided at national and regional level. The conservation of cultural and natural heritage is institutionally integrated.

11. Concerning the 2005 Convention on the Protection and Promotion of the diversity of Cultural Expressions, Finland has designated a point of contact to be responsible for sharing information on the Convention and promoting it within its territory. In addition to acting as communication channels through which this information can be disseminated to relevant Ministries and public agencies, the point of contact can also respond to queries about the Convention from the general public.

C. Policy measures

12. The main cultural policy document of Finland is the “2020” strategy published by the Ministry of Education and Culture.³

D. Cooperation

13. Cooperation with other States Parties of the World Heritage Convention (1972) for the identification, protection, conservation and preservation of World Heritage has been carried out through bi- and multilateral agreements, hosting and/or attending international courses/seminars, financial support, and through the exchange of experts.

14. Finland contributed regularly to the International Fund for Cultural Diversity (US\$405,632) as per the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, thereby demonstrating its support to the principles enshrined in this instrument and contributing to their enforcement.

E. Work with civil society

15. The participation of local communities in the planning process is encouraged through the Building and Planning Act. NGOs are members in committees and working groups that prepare the revision of legislation on cultural and natural heritage preservation.

F. Achievements, best practices, challenges and constraints

16. The National World Heritage Committee, set up in 2002, has improved cooperation between authorities. National legislation on heritage protection is considered adequate to preserve World Heritage sites in Finland as per the standards of the 1972 World Heritage Convention. Finnish experts in cultural and natural heritage actively participate in international projects and campaigns. The hosting of the 25th session of the World Heritage Committee in Helsinki in 2001, as well as education initiatives promoting heritage protection in primary and secondary levels enabled to increase significantly public awareness in Finland.

G. Capacity-building and technical assistance provided and/or recommended by UNESCO

³ Source : <http://www.culturalpolicies.net/web/finland.php?aid=41>

17. There seems to be training needs for institutions and individuals concerned with the protection of World Heritage. On the other hand, some Finnish experts in the field of World Heritage conservation and management provide technical assistance and expertise during monitoring missions.

3. Freedom of opinion and expression

A. Achievements, best practices, challenges and constraints

i. Legislative framework

18. Finland spends the highest amount of public funding on media support in the world, and has one of the highest global rankings on freedom of expression and press freedom. Its Constitution guarantees freedom of expression and press freedom, and it is also a signatory of major international conventions on the subject.

19. In a new development, events in Norway in summer 2011 have triggered new regulations regarding social media, designed to ensure that hate speech or other controversial material is swiftly deleted.

20. Another point of inconsistency concerns defamation law in Finland which is still part of the criminal code. In Finland, defamation is a crime, according to the Criminal Code, Chapter 24, Section 9, Clause (1), §(1), with a penalty of imprisonment of up to six months or a fine. In instances of complainant offences the public prosecutor has the power to prosecute the offender but only when the complainant makes this request. The fact that defamation is part of the criminal code is not consistent with the international standards.

ii. Media self-regulatory system

21. The responsibility for supervising media content rests with the mass media itself in Finland. Self-regulation works on the voluntary bases via the cooperation of business actors in the sector. Supervision of self-regulation is carried out by the sector itself based on the various contracts and guidelines of those involved. The authorities only intervene in criminal cases.

22. The Council for Mass Media in Finland was established in 1968 by publishers and journalists in the field of mass communication. The council interprets good professional practice but does not exercise legal jurisdiction. Decisions are based on journalistic guidelines, which cover all journalistic work in the press, television and radio and on the internet, giving equal treatment to each of these media.

23. Following events in Norway, the Finnish Press Council published a new Code of Ethics in 2011, which will be valid as of October 2011. This contains provisions regarding online discussion sites and states that media are obliged to delete anything that may promote violence, discrimination or privacy standards or constitute hate speech. The definition of this content is left up to the media.

III. Recommendations

1. Right to education

24. Finland should be encouraged to report to UNESCO within the framework of the eighth consultation of Member States on the measures taken for the implementation of the Convention against Discrimination in Education (covering the period 2006-2011).

2. Freedom of opinion and expression

25. UNESCO recommends:

- a. An open democratic discussion on the use of social media should be encouraged within the country as a way to address this emerging issue
- b. Encourage Finland to share its experience in ensuring freedom, editorial independence and plurality of media as widely as possible, including through existing development assistance programs
- c. Defamation law should be decriminalized and made part of the civil code.