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Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Finland

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

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

1. The Government of Finland welcomes the recommendations made during its universal periodic review on 23 May 2012 and is pleased to provide the following responses, to be included in the outcome report.

2. Under the Finnish Constitution, municipalities have a dual function. Firstly, they function as the basic regional administrative units of the country, and secondly, as the basic units of citizens' self-government. Finnish municipalities have long traditions of self-government and are entitled to levy taxes. Municipalities are mainly independently responsible for producing services in such sectors as social welfare, health care, education and housing, and for arranging the financing thereof. In addition, the State pays state subsidies to municipalities and is responsible for ensuring equal access to and proper quality of services throughout the country.

90.1. Accepted

3. With regard to the International Convention on the Rights of Persons with Disabilities and its Optional Protocol, a cross-sectoral working group, including disability representative organisations, is preparing the supporting documentation for proposing the ratification, with special attention to the need to create a well-functioning and efficient national monitoring system.

90.2. Partially accepted

4. Human rights constitute a key element of the value basis for education in the core curricula that provide a national framework for formulating local curricula. Higher education institutions and providers of vocational education are responsible for educating personnel (including teachers) for institutions related to children. Higher education institutions are autonomous and decide by themselves on the content and nature of their education. The general objectives of vocational education are defined in the national curriculum, which offers a channel for developing the content of education. Employers have primary responsibility for arranging further education for teachers.

5. The Government is committed to preventing discrimination against ethnic minorities and has established structures for planning related measures and monitoring them regionally (e.g. the Advisory Board for Ethnic Relations (ETNO) and its seven regional Advisory Boards). A plan exists for promoting good ethnic relations at local level, and the National Action Plan on Fundamental and Human Rights 2012–2013 includes a related project.

6. The first National Policy on Roma is intended to improve the inclusion and equality of Roma in different spheres of life. The first Integration Programme 2012–2015 promotes the integration of immigrants into Finnish society and underlines the need to facilitate their employment. An immigration policy strategy is under preparation.

7. Regarding mental health services, see response under 90.15.

90.3. Accepted

8. The current Finnish non-discrimination legislation requires that the production and contents of radio, television and other media be non-discriminatory. As to the social media and the Internet, measures are being developed continuously to prevent and combat inappropriate and discriminatory contents.

9. The Action Plan to Reduce Violence against Women 2012–2015 contains numerous measures, e.g. to produce training materials and to conduct research. The results of the research will be used for highlighting the violence phenomenon and influencing attitudes.

One objective of the Government's gender equality programme is to reassess, by the end of 2014, the need for regulation of advertising that violates gender equality.

90.4. Accepted

10. The Government lays great importance on eradicating racism, xenophobia and inequality, while underlining in mass communication contexts freedom of expression, protected by the Constitution, and the importance of active and courageous public debate conducted through mass media. Tolerance and equality are best promoted by multi-faceted and multi-voiced mass communication.

11. Finnish legislation determines only the external framework for freedom of expression. The mass media themselves are responsible for supervising the contents. The Council for Mass Media in Finland, as a self-regulatory body, interprets and promotes good journalistic practice. Criminal liability for an offence arising from the contents of a message provided to the public lies with the perpetrator or accomplice, as defined in the Criminal Code. The punishment for an offence may be increased if the offence was motivated by e.g. race, colour, birth, national or ethnic origin or religion.

12. No systematic acts to distribute racist, xenophobic or islamophobic material have been identified in the Finnish press. Such acts are mainly attributable to individuals expressing their views in the social media or at other Internet sites (blogs).

90.5. Accepted

13. See response under 90.2. Roma representatives participate actively in the working group steering and monitoring the implementation of the National Policy on Roma. Each ministry implements the measures planned for its sector within the limits of its budget.

90.6. Accepted

14. See comments under 90.2. The National Policy on Roma aims at promoting the employment of Roma by different supportive measures providing more individual employment services and increasing adult education. Employers' attitudes will be improved e.g. by means of a media campaign in autumn 2012.

90.7. Accepted

15. See para. 2 and comments under 90.2. The State supports municipalities by steering of and counselling in equality planning, other training and information, and development projects.

90.8. Accepted

16. Non-discrimination legislation protects e.g. members of sexual and gender minorities against discrimination. This legislation is being developed to improve protection against discrimination on different grounds. The National Police College studies annually suspected hate crime directed against sexual and gender minorities and known to the police.

17. Under the Government's new gender equality programme 2012–2015, the Act on Equality between Women and Men is being supplemented with provisions promoting equality and protecting members of gender minorities against discrimination. In developing equality policies, the position of gender minorities is taken into account. A working group will be appointed to examine the need to amend the Act on Legal Recognition of the Gender of Transsexuals. The possible need to amend family legislation will be discussed.

90.9. Accepted

18. As regards the Action Plan to Reduce Violence against Women, a cross-sectoral civil servant working group coordinates and promotes the prevention of violence in close relationships and family comprehensively. Each ministry implements the measures planned for its sector within the limits of its budget. Monitoring data from 2010 and 2011 show that in these years the measures were implemented as planned.

90.10. Accepted

19. See response under 90.9.

90.11. Accepted

20. See responses under 90.9 and 90.10. The tasks of the working group include e.g. highlighting the needs of families, children and youth and different vulnerable groups in work to prevent violence in close relationships and family.

21. A project (MARAK) is being carried out to reduce the risk of revictimisation among victims of partnership violence. The project influences indirectly the position of the family's children, too. Since Finland also has a national action plan to reduce corporal punishment of children, no specific national action plan is needed against domestic violence.

90.12. Accepted

22. See response under 90.9.

90.13. Accepted

23. See response under 90.9. The Criminal Code contains provisions on assault, petty assault and aggravated assault, punishable according to the seriousness of the offence. After an amendment of the Criminal Code made to reveal hidden domestic violence, in effect as from 2011, petty assault against children and in close relationships is always subject to public prosecution. The amendment has increased the number of assaults known to authorities and led to prosecution in cases that would earlier have gone unprosecuted.

90.14. Accepted

24. The Government considers it important to protect and assist appropriately victims of violence against women and human trafficking. The third Internal Security Programme 2011–2015 envisages e.g. increasing the number and regional coverage of services for victims of crime.

25. Legislative projects are going on regarding the criminalisation of human trafficking, an assistance system for victims of human trafficking, and special personal security. The Government's intention is that the Welfare Act under preparation contains a provision on which the need for support because of violence in close relationship and family can be based.

26. Training is provided to authorities for strengthening their capacities to identify victims of human trafficking, to assist them and to refer them to the assistance system, in accordance with the revised National Plan of Action against Trafficking in Human Beings and its recommendations. In practice e.g. the Border Guard refers persons to the assistance system, when necessary.

90.15. Partially accepted

27. The legislation in force constitutes an excellent framework for identifying children's need for special support early and providing support. The Action Programme for Promoting Sexual and Reproductive Health pays particular attention to the prevention and early identification of sexual violence.

28. The National Development Programme for Social Welfare and Health Care includes a sub-programme to reform services for children, youth and families, with particular attention to developing pupil and student welfare and mental health services. The Government is drafting a coherent act of Parliament on pupil welfare services, which takes account of the services provided by educational institutions and their municipalities. The Government's intention is that the availability of and cooperation between the pupil welfare services (including psychologists' services) is improved. The funding for ensuring pupil welfare services is planned in the Government's Basic Public Services Programme. The act is scheduled to take effect in the beginning of 2014.

29. Employers are primarily responsible for arranging further education for educational and health care staff. However, educational staff may attend further education funded by the Government. In this context the staff may be trained to recognise signs of sexual abuse in children, in support of the overall pupil welfare services. See also comments under 90.2.

90.16. Accepted

30. The Government's decision-in-principle on developing corporate social responsibility comprehensively in different sectors sets objectives for 11 subject groups. One group concerns strengthening the implementation of human rights treaties. Businesses are encouraged to observe the issued instructions and to respect human rights and rights in working life. In this context it is important to ensure that Finnish businesses operating abroad or cooperation partners of Finnish businesses do not use child labour in their production.

90.17. Partially accepted

31. Fair trial requires completing the entire criminal proceedings within a reasonable time. Therefore, the resource needs of all procedural actors must be taken into account. The length of proceedings has been reduced e.g. by redirecting resources, amending legislation and preparing a comprehensive legal protection programme. Indicators for measuring the workload of courts are being developed jointly with the courts. However, only scarce additional resources are available in the current economic situation. Compensation is payable to parties to excessively long judicial proceedings.

90.18. Accepted

32. The Government proposal on reforming the Administrative Judicial Procedure Act is under preparation and will be submitted to Parliament during the electoral period. The scope of the Act on Compensation for the Excessive Length of Judicial Proceedings will be expanded to cover the administrative judicial procedure, too.

33. A client strategy for the public sector, as an instrument of dialogue between authorities and clients on the principles of service production and the inclusion of clients in the planning, performance and assessment of services, will be completed in spring 2013.

90.19. Accepted

34. The Act on Equality between Women and Men prohibits pay discrimination on grounds of gender. The Ombudsman for Equality and the Equality Board supervise

compliance with the Act as independent bodies. Violations of labour rights are investigated by impartial occupational safety and health authorities and ultimately courts.

90.20. Accepted

35. The Government, jointly with employee and employer organisations, continues the equal pay programme to narrow the average pay gap between the sexes to at most 15% by 2015. Employers are obligated by law to promote equality and to give their employees equal pay and increments for the same work or work of equal value.

90.21. Accepted

36. See comments under 90.15.

90.22. Not accepted

37. Public authorities must, through different types of support measures, ensure access to human rights education for all sectors of society, including professional groups. However, in Finland the higher education institutions providing teacher education are autonomous, deciding by themselves on the content and nature of the education they offer. Therefore any requirement of a mandatory element, imposed to all higher education institutions, is impossible. See also comments under 90.2 and 90.15.

90.23. Accepted

38. The measures under Finland's Disability Policy Programme 2010–2015 concern, *inter alia*, health care and rehabilitation, built environment and transport services. The Government pays special attention to design for all (universal design) when developing building legislation and other legislative regulation, and in information steering and cooperation with different actors.

39. The Finnish Public Transport Act provides that the needs of different population groups, including persons with disabilities, must be taken into account in transport planning. Traffic contractors must e.g. define the services available to physically challenged passengers and the information provided on it. Future transport projects must support the equal opportunity of physically challenged and elderly persons to live and cope independently.

90.24. Accepted

40. The detention unit for persons detained on the basis of the Aliens Act, located in the Metsälä reception centre in Helsinki, has accommodation capacity for 40 persons, which is insufficient. Detained aliens are increasingly being kept in facilities of the police and the Border Guard, although this arrangement should be exceptional. The need to set up a new detention unit and/or to expand the capacity of the Metsälä unit has been recognized but it has not yet been realized due to a lack of finances.

90.25. Not accepted

41. Development policy is a central part of Finland's foreign and security policy, which aims at strengthening international stability, security, peace, justice and sustainable development, and promoting the rule of law, democracy and respect for human rights. The Finnish approach to development issues is based on human rights in line with the idea of the Universal Declaration of Human Rights that all human beings are born free and equal in dignity and rights. This value-based development policy promotes the universality of human rights, everyone's right to make their choices in life independently, non-discrimination and equality. Finland emphasises the rights of women, children, ethnic,

linguistic and religious minorities and indigenous peoples, persons with disabilities, persons with HIV/AIDS, and sexual and gender minorities.

90.26. Partially accepted

42. Finland does not permit the use of its air space or airports for flights transporting persons in violation of human rights treaties or international humanitarian law. The Government of Finland has wanted to investigate, as thoroughly as possible and with all the available means, the expressed allegations that the Finnish air space or airports might have been used for illegal transports of persons.

43. Finland has investigated the allegations since 2005, and conducted the latest investigation in 2011-2012. Information was requested extensively from relevant authorities and the Embassy of the United States in Finland. All relevant flight data was made public on 3 November 2011 by the Ministry for Foreign Affairs. Since then the Ministry has also responded to new allegations expressed to it by non-governmental organizations.

44. The Ministry for Foreign Affairs has collected and published all available information on the alleged rendition flights. The material available to the Ministry has not in any manner supported the allegations that Finnish authorities would have been in any way party to illegal rendition flights. With the means available to us we have found no evidence either to support claims that any aircraft illegally transporting persons have without the knowledge of Finnish authorities landed at Finnish airports. At the same time, it is to be recognized that the allegations concern flights conducted several years ago and the limited information available does not permit overall definitive conclusions concerning all flights.

45. After exhausting all avenues of investigation available to it, the Ministry for Foreign Affairs has concluded its inquiries in to the matter. Since these investigations have not disclosed anything to indicate illegal activity, Finland has no legal grounds for prosecution in the matter and therefore cannot accept the recommendation “to bring to justice those involved”.

46. The Ministry for Foreign Affairs has also forwarded the material collected during the investigations to the Parliamentary Ombudsman. The Ombudsman is now examining the matter. The Ombudsman is an independent supervisory body, and the Government of Finland cannot anticipate the outcome of the examination. The Government will await the conclusion of the review by the Ombudsman.
