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**UNIVERSAL PERIODIC REVIEW**

**Report of the Working Group on the Universal Periodic Review**

**Finland \***

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## **Introduction**

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its first session from 7 to 18 April 2008. The review of Finland was held at the 6th meeting on 9 April 2008. The delegation of Finland was headed by H.E. Ms. Teija Tiilikainen, Secretary of State. For the composition of the delegation, composed of 15 members, see appendix below. At its 10th meeting held on 11 April 2008, the Working Group adopted the present report on Finland.
2. On 28 February 2008, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Finland: Azerbaijan, Bolivia, and Republic of Korea.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Finland:
  - (a) A national report submitted in accordance with paragraph 15 (a) (A/HRC/WG.6/1/FIN/1);
  - (b) A compilation prepared by the Office of the High Commissioner for Human Rights (OHCHR), in accordance with paragraph 15 (b) (A/HRC/WG.6/1/FIN/2);
  - (c) A summary prepared by OHCHR, in accordance with paragraph 15 (c) (A/HRC/WG.6/1/FIN/3).
4. A list of questions prepared in advance by States members and observers of the Human Rights Council was transmitted to Finland through the troika. These questions are available at the extranet of the UPR.

## **I. SUMMARY OF THE PROCEEDINGS OF THE REVIEW PROCESS**

### **A. Presentation by the State under review**

5. At the 6th meeting, on 9 April 2008, Ms. Teija Tiilikainen, Secretary of State and Head of Delegation, introduced the national report. She stated that Finland was a member of the Human Rights Council during its first year of operation, and in that capacity, Finland's priorities were, among others, the creation of a new universal periodic review that could effectively promote the universality, interdependence, indivisibility and interrelatedness of all human rights. Finland is fully committed to making the UPR process a success and to ensure that it will give added value and complement and not duplicate already existing human rights mechanisms. The reporting has offered Finland an opportunity to assess the national human rights situation in a self-critical manner. This assessment has enabled an inventory of developments and good practices, and a discussion on the existing challenges. The participation of civil society in periodic reporting has already become an established practice. The Finnish report is an outcome of a transparent and inclusive cooperation with the Prime Minister's Office and other relevant ministries as well as an active participation from civil society. The Government arranged a discussion meeting with civil society and the draft report was sent to them for comments. The constant dialogue with civil society in the preparatory phase significantly contributed to the content of the report. She further stressed that a representative of civil society, representing the Advisory Board for International Human Rights Issues, was also a member of the Finnish delegation.

6. The Head of Delegation continued with a short description of Finland's legal framework. In Finland, public authorities are responsible for ensuring the implementation of human rights, and the governmental system is based on the principles of democracy and the rule of law. The democratic system of government essentially includes ensuring the freedom of action of civil society as well as the broadest possible opportunities for people to participate and exercise influence in different sectors of societal life. Promoting economic, social and cultural rights is a special priority of the Government. Finland considers that these rights cannot be separated from civil and political rights. For example, the right to food or an adequate standard of living are in practice often prerequisites for full enjoyment of political rights, such as freedom of association and expression. Challenges brought about by globalization have underlined the interconnection between different rights. Public administration in Finland is characterized by transparency of administration, including open document publicity, respect for the rule of law, well-reasoned decisions, transparency in decision-making and a low degree of corruption. The exercise of public power is based on law, and the law must be carefully complied with in all public activities. In the Government's view it is clear that good governance provides good conditions for the implementation of human rights in Finland. In addition to Finland's involvement in human rights work in the United Nations, Finland is also active in other international forums, especially in the institutions of the European Union, the Council of Europe, including the European Court of Human Rights, and the Organization for Security and Co-operation in Europe, the Chairmanship of which Finland is holding in 2008.

7. The Head of Delegation briefly presented some achievements in the promotion of human rights in Finland. In recent years, the Government has adopted a number of national action plans in order to advance human rights. The Government presented its report on Finland's human rights policy to the Parliament in 2004. The report covers a wide range of issues related to both international and national human rights policy issues. The next report is currently being prepared and will be submitted to Parliament in 2009. She referred to several government programmes and action plans.

8. The Head of Delegation also highlighted the Finnish school system, which guarantees all children and young people an equal opportunity to receive basic education irrespective of social status, gender and ethnic background. Cost-free education and social benefits for students facilitate good results. The quality of the Finnish school system has already been proved in a number of OECD PISA (Programme for International Students Assessment) surveys.

9. Even though the Government has carried out various activities to promote human rights, Finland is still facing challenges. Despite progress, there are certain problems of racism and intolerance in Finland. Although public awareness of cultural diversity is ever increasing and the Government has worked persistently to integrate immigrants into Finnish society, racist, discriminatory and xenophobic attitudes unfortunately continue to be part of everyday life in Finland. The Non-Discrimination Act obligates all public authorities to foster and safeguard equality in a systematic and target-oriented manner. A reform of the non-discrimination legislation is currently under preparation. The purpose is to strengthen the guarantees of non-discrimination by making the legislation cover more clearly all grounds of discrimination, apply more uniformly to all spheres of life, and provide for the most uniform possible legal remedies and sanctions for different instances of discrimination. In recent years, there have been positive developments with regard to the Roma population in Finland. The position of Roma was secured by the Constitution in the basic rights reform. The significance of their own participation and culture has grown. In recent years, issues of discrimination, employment and housing of Roma people have been highlighted alongside

educational issues. It is however clear that the discrimination Roma face will still need further efforts. There are negative attitudes and direct and/or indirect discrimination towards both the traditional Finnish minorities, especially Roma, and some of the new immigrant minorities. The Government is concerned about multiple discrimination, which is often directed, for example, at immigrant and minority women living in Finland. Regarding Roma, the Head of Delegation referred to a good practice used in Finland. The Advisory Board on Romani Affairs set up in 1956 constitutes a cooperation body between the Roma and the authorities. The Advisory Board has influenced the development of Finnish legislation and administration in issues related to Roma. Advisory Boards on Romani Affairs have also been set up at local level in Finland.

10. As for the Sámi people, the Government had committed to safeguarding their rights to maintain and develop their own language and culture on the basis of cultural autonomy. Finland has, for a long time, tried to settle the rights of the Sámi to the regions traditionally used by them in a manner acceptable to all parties. Drafting a Government bill on the issue requires a common view on a model that is also acceptable to the Sámi. The intention is to prepare such a bill during the current term of the Government.

11. The extent of violence against women is a serious problem in Finnish society. Reducing violence against women is also a priority for the Government. To address this objective, the capacity to intervene in such violence, to provide support and to seek help will be improved. Cooperation has been improved, particularly between the social welfare authorities and the police, in order to secure quick help and to ensure the continuity of the help chain. Family violence against children and sexual abuse of children and young persons seriously violate child rights. The purpose of the Child Welfare Act that took effect at the beginning of 2008 is to ensure that the rights and interests of the child are taken into account in child welfare measures, and to guarantee the child and his/her parents the supportive measures and services they need. The purpose is also to promote child-specific and family-specific child welfare measures. The fact that cases of family violence against children are pending in courts reflects a change in the atmosphere in Finnish society.

12. For procedural legal protection to be ensured, competent authorities and courts in Finland must process all matters without delay. Nevertheless, both the European Court of Human Rights and the national supreme guardians of the law have paid attention to the excessive length of proceedings in administrative authorities and courts. Therefore, it has been ruled that in some cases Finland has not managed to comply with the right to fair trial. Structural changes in the Finnish judicial administration, namely reduction of the number of district courts and increases of their personnel, are in preparation in order to deal with the backlog of cases. In administrative courts, procedural provisions are being specified, cases are being dealt with by smaller court compositions, and documentation is more often in electronic format. In line with the interpretation of the European Convention on Human Rights, the merits of a system of just satisfaction are also being studied in Finland.

13. Nonetheless, and although there still remains work to be done in Finland, the Head of Delegation stated that she is confident to say that the overall human rights situation in Finland is of high quality. It is also clear that Finland needs to be constantly ready to respond to new challenges in the protection and promotion of human rights, both nationally and internationally. It is Finland's firm belief that the best results can be reached through joint efforts, i.e. by working closely with and within the United Nations bodies and regional organizations, as well as with civil society.

14. The Head of Delegation responded to written responses put to her Government and received in advance. She stated that concerning the national human rights institution in Finland, she wished to confirm that Finland has a deeply rooted tradition of Ombudsman system. The Chancellor of

Justice of the Government and the Parliamentary Ombudsman are the supreme guardians of the law in Finland. They both work independently and their duties as guardians of the law are laid down in the Constitution and in separate acts. As an important part of their duties they both monitor the implementation of human rights and fundamental freedoms. Supervision of legality is additionally carried out by four other ombudsmen (equality, data protection, minorities, children) with different emphasis on legality.

15. The Finnish Ministry of Justice has set up a committee to reform the Finnish non-discrimination legislation. This committee will, if necessary, also revise the status, duties and powers of the existing non-discrimination ombudsmen. The committee will submit its final proposals in 2009. The question of setting up a national human rights institution is also currently being studied and the very preliminary reactions to this initiative are positive.

16. On the questions related to military and civil services, the overall reform of the Non-Military Service Act shortened the duration of non-military service by one month, to 362 days, which is equal to the longest duration of the service referred to in the Military Services Act. Liability for non-military service now exists in a state of emergency as well. Centres for Non-Military Service are responsible for the placement of persons liable for non-military service during a state of emergency. The assisting tasks assigned to these persons in such situations are performed under the leadership of civil rescue authorities. Refusal to perform non-military service, on one hand, and non-military service offences punishable by disciplinary punishments, on the other hand, are defined by different elements of an offence. The duration of unconditional imprisonment imposed for refusal to perform non-military service is half of the remaining service period. The duration of unconditional imprisonment imposed for a non-military service offence is half of the remaining service period at the maximum, so that the court has discretion when imposing the punishment.

17. Concerning the question on violence against women, increased awareness of domestic violence has led authorities and organizations to take preventive measures. Intersectoral cooperation and the coordination thereof have been enhanced at both national and local levels. Preventing violence against women has been one objective in the Government programme and in a number of administrative action plans intended to prevent and reduce violence. An action plan to prevent violence in close relationships and families was carried out in 2004-2007. Further plans include the setting up of a new coordination unit at the National Research and Development Centre for Welfare and Health (STAKES) by the end of 2009; a study on the situation of immigrant women working in massage centres; preventing violence in close relationships (especially violence against women) as one of the focuses of the new intersectoral Internal Security Programme 2008-2011; the Government Action Plan for Gender Equality, too, contains a number of measures to prevent violence in intimate relationships, violence against women, and prostitution; reducing violence against women is also prioritized in the Government's decision-in-principle of 14 December 2006 for the National Programme for Reducing Violence in Finland. The aim of this decision is to reduce violence by improving the capacity to intervene in such violence, to provide support and to seek help.

18. As to the question on the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance, the Head of Delegation confirmed that Finland has signed the Convention on 6 February 2007. As concerns the time frame for the ratification process, a Government bill for the enforcement of the Convention is currently being drafted.

## **B. Interactive dialogue and responses by the State under review**

19. During the interactive dialogue a number of delegations welcomed the comprehensive, high quality and self-critical report prepared by Finland and for the open and frank presentation by the Secretary of State. Delegations congratulated Finland on the methods used for drafting the report, including consultations with civil society in the process of drafting the report and for the very serious approach taken with regard to the UPR.

20. The Russian Federation stated that Finland is a neighbouring country and that their countries were linked by rapidly developing relations in all areas, political, economic, social and cultural. It was satisfied to note that questions of human rights are constantly in the field of vision of the Finnish Government and of the State's priority for international cooperation. It had no doubts that Finland had sufficient positive experience in dealing with urgent human rights issues and resolving them. Nevertheless, as with any other country, Finland had unresolved issues which require extra efforts and further practical steps. In this connection, the Russian delegation raised three points and made three recommendations. Firstly, despite Finnish efforts to reinforce the legal and institutional basis of the campaign against racial discrimination and racism, experts of five treaty bodies continued to note alarming facts of discrimination and racism vis-à-vis vulnerable groups of the population: migrants and ethnic groups and ethnic minority groups, in particular the Sámi, as well as people of Russian origin living on the territory of Finland. In this connection the delegation recommended that Finland increase its focus and its targeted efforts and the effectiveness of measures aimed at eliminating discrimination, inter alia, when dealing with ethnic minorities. Secondly, information from the Committee on the Elimination of Discrimination against Women indicates that a high percentage of women in Finland were victims of sexual violence. The delegation noted that a great deal has been done in order to counter the phenomenon including the development of an action plan; nevertheless, it recommended that Finland continue to take measures to prevent violence against women. Thirdly, concern was expressed at the considerable amount of information on violence against children, including sexual violence within the family. It was recommended that the compilation of information should continue with regard to violence against children within the family in order to come up with appropriate methods to counter this phenomenon.

21. Canada thanked Finland and the Secretary of State for the very serious approach taken with regard to the UPR, and raised two questions, both related to racial discrimination. Canada referred to the concerns expressed by the Committee on the Elimination of Racial Discrimination (CERD) in 2003 about Finland's treatment of asylum-seekers, particularly in regard of the procedures involved for particular categories of asylum-seekers. CERD was particularly concerned regarding the accelerated procedure provided for in the revised Aliens Act, and had urged Finland to guarantee the respect of the legal safeguards for asylum-seekers to ensure that all procedures related to asylum are in line with international obligations in this field. It requested that Finland indicate the measures it has taken with respect to its recommendations. The Committee had expressed concern about the significant number of allegations reflecting the existence of racism and xenophobic attitudes in some sectors of the population, particularly among young people, and had recommended that Finland continue to monitor all tendencies which may give rise to racist and xenophobic behaviour and to combat their negative consequences. Canada asked for further information on the measures it had taken in respect of these recommendations.

22. Bolivia expressed its gratitude to the delegation of Finland for the presentation of the report and valued Finland's preparedness to achieve greater incorporation of international legislation on human rights into national legislation. As a member of the troika on Finland, Bolivia has been able to gain more knowledge about Finland, which is one of the major benefits arising from the UPR

exercise. Regarding the report, Bolivia recognized the importance of the National Plan for monitoring discrimination adopted by the Finnish Government last year and encouraged Finland to continue with its efforts to ensure that there is no discrimination and to punish violations, particularly those which affect women and migrants. It asked Finland for supplementary information about the situation of the Sámi people and specific measures being implemented to enable them to enjoy fully civil, political, economic, social and cultural rights. It recommended that Finland consider ratifying the International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) and ILO Convention No. 169 on Indigenous and Tribal Peoples in Independent Countries, and that it consider reviewing the procedures regarding asylum requests, with a view to bringing them in line with the commitments undertaken in the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.

23. Belgium noted the importance of the ombudsman mechanisms in Finland. In addition to the parliamentary ombudsman, it noted the establishment of a similar mechanism for minorities and an ombudsman for children, a decision which had been positively welcomed by several treaty bodies. Belgium referred to the importance of organs that offer mediation to solve a great number of human rights problems and stated that the use of mediation did not exclude access to the justice system at a later stage, but in a majority of cases mediation is effective and offers on the side of victims the advantage of rapidness and immediate reparation. Belgium asked to what extent the current system in Finland addresses all needs; if there are issues of coherence arising from the work of the different mechanisms; and if Finland had plans to establish a national human rights institution in order to better guarantee the coherence of the national human rights protection system. Further, Belgium noted the criticism of some NGOs regarding the scope of application of the domestic legislation in the field of non-discrimination and equality and the legal remedies that are said to be much more comprehensive in the case of discrimination on the basis of ethnic origin in comparison to other grounds such as disability and sexual orientation. Belgium asked whether the delegation of Finland could confirm this analysis and what it was planning to do to remedy this situation.

24. Among good practices, Brazil stressed the appointment of ombudsmen for equality, data protection, minorities and children, as well as advisory bodies for ethnic relations, for gender and for Sámi Affairs. Brazil recognized the accomplishments of the Government of Finland in the field of human rights. In relation to discrimination, Brazil noted that the national report stated in paragraph 103 that “victims of discrimination are often reluctant to report discrimination to the competent authorities, because they do not believe it will have an effect”. In that context, Brazil asked what measures were being taken by the Government to change such attitudes by those who suffer from discrimination.

25. Following the dialogue, the representative of Finland indicated that her Government was trying to take measures to combat the problem of racial discrimination, such as through the adoption of the new non-discrimination Act obligating all authorities to foster and safeguard equality in a systematic and targeted manner. Additionally, further reform of legislation is currently under preparation. She agreed that changing attitudes is also required and that changing attitudes in Finland was very difficult. She explained that Finnish society had been a homogeneous one for a long time and now there was the new challenge of dialogue among cultures to be faced, and Finland was trying to learn good practices from other countries. With respect to the problem of violence against children and women, Finland stated that it is an urgent concern and that it has tried to be really self-critical and use holistic approaches to address this issue, including through action programmes. Replying to the issues of asylum-seeker procedures the delegation explained that the Finnish Government and the Parliament are of the view that Finnish asylum procedures do comply with the requirements set by international obligations. In Finland, all applications are examined through either the ordinary or the accelerated procedure and they are all subjected to individual

assessment. The asylum-seeker is provided with fundamental procedural guarantees and always has the right of appeal and to file a petition with the Helsinki Administrative Court for the suspension of the enforcement of a decision on refusal of entry. The principle of non-refoulement is always taken into account in the enforcement of decisions. The Government is aware of the concerns raised about the accelerated procedure. When an asylum application was dealt with in an accelerated procedure, the applicant has eight days to appeal to the administrative court, during which time the administrative court suspended the execution of the decision to deport the person. The Ministry of Interior had started on a project in November 2007, and this issue was addressed as part of that project, which was to be completed by the end of April 2008, and as a result of which there could be some new proposals on those matters.

26. The Head of Delegation stated that Finland was proud of the tradition of the Ombudsman system in Nordic countries and that Finland's preliminary thoughts were positive on the question of the establishment of a national human rights institution. The Finnish Government pursued actively the enhancement of the rights of the Sámi people. The objective of the present Government was to solve the issue of the land use question during the current term of the Government. The preparation of a Government bill was ongoing and there are active negotiations between the Ministry of Justice, the Ministry of Agriculture and Forestry and the Sámi Parliament, which is a necessary partner in such negotiations. The point of departure was to ensure the culture of the Sámi people and the right of Sámi to use the land they traditionally occupy or where they traditionally live. Another question related to the right of Sámi people to participate in decision-making on the use of the land in the Sámi homeland area. The aim of the Government was to find a solution that would include the prerequisites to ratify ILO Convention No. 169. Another ongoing project in Finland concerning the rights of Sámi is the establishment of a new Sámi cultural centre, which was to be built in the Laapland, in the Sámi homeland. This was a major financial project and the Government had reserved nearly 12 million euros for the project. The new premises will be used by the Sámi Parliament and also by various Sámi NGOs, etc.

27. The Head of Delegation agreed about the importance of raising people's awareness of their human rights and that more efforts are required to better incorporate human rights in children's education in Finland and enhance the general awareness of groups in society, women and children, of their own rights.

28. Pakistan stated that Finland was a tolerant society, which has done much for the promotion and protection of human rights. It has developed a number of modern institutions and mechanisms for that purpose, which provide for the necessary checks and balances. It stated that even within the Nordic countries, Finland can be cited as an example for handling diversity, and that Finland had a proactive approach to the promotion and protection of human rights within its territory, but also regionally and internationally. It noted the range of steps taken by the Government of Finland to ensure the implementation of the human rights of its citizens, without discrimination on any grounds. It noted that the existing advisory boards and human rights policy reports were all welcome steps and can be considered as good practices. Pakistan was also encouraged by the honest acknowledgement of problems faced such as racist and xenophobic tendencies in society, discrimination against migrants, minorities and other vulnerable groups including women, children and disabled as well as excessive lengthy judicial proceedings hindering speedy justice. While acknowledging the transparent and democratic approach of Finland in dealing with these issues, it requested information on how Finland intends to deal with these issues in a comprehensive manner in accordance with existing human rights standards.

29. Malaysia had studied with interest Finland's national report and the compilation and summary prepared by OHCHR. Malaysia noted with interest Finland's legal system and institutional

framework on human rights, the various programmes and action plans, the status of implementation of its pledges and commitments in further promoting and protecting human rights of its citizens, as well as the explanation on Finland's reservations to the international human rights instruments it is a party to. Malaysia considered that some of Finland's experiences were good practices and that others could be shared and emulated. It agreed on the importance of good governance in creating conducive conditions for basic rights and liberties. At the same time, Malaysia believed that other enabling factors played an equal important role, such as the high level of socio-economic development and the homogeneity of the population. In that respect, Finland, as a developed country, was in an enviable situation. Malaysia particularly commended Finland on the importance it gave to issues of the environment and the social responsibility attached to its protection. The delegation requested more details on the awareness programmes already implemented in guaranteeing the right of a healthy environment. As regards efforts to address manifestations of racism, Malaysia commended the initiatives currently undertaken by Finland. Malaysia hopes that Finland would work closely with States which already have in place concrete measures or programmes in addressing this issue.

30. Netherlands thanked Finland for answering the written questions submitted concerning the position of ethnic minorities and with regard to the challenges ahead to prevent domestic violence and violence against women. It recommended that further efforts be made and measures be taken to promote the rights of ethnic minorities, such as Roma and Sámi. It welcomed the inclusion of sexual orientation in Finland's human rights legislation and anti-discrimination training activities and recommended that the same coverage be provided for the ground of sexual orientation and disability, as for other grounds of discrimination, for example in areas such as the provision of services and health care.

31. China expressed appreciation for the report and thanked Finland for its presentation, which together had given a comprehensive overview of the laws, regulations, framework and the specific measures taken for the promotion and protection of human rights. The report also contained an analysis of the challenges faced in the protection and promotion of human rights. It appreciated the positive progress achieved in the promotion and protection of human rights. It noted the serious and responsible attitude with which Finland has prepared its report and that the preparation of the report had benefited from an active participation of governmental departments, human rights bodies and the civil society, and the report had also fully absorbed the views of the various sides. It wished to know whether NGOs, apart from their participation in the preparation of the human rights report, were also directly involved in human rights policy-making and specific decision-making. Additionally, as Finland is intensifying its human rights education and makes it reach larger parts of the population, would Finland consider integrating issues such as the resolution of the existing human rights problems, like racism and intolerance, into Finnish human rights education programmes.

32. Mexico requested further information on the status of international treaties in the Finnish legal structure and also about the openness of the country, as Mexico is particularly interested in looking at how it can follow up on visits by the special procedures and on the recommendations of treaty bodies. Mexico made two recommendations to Finland, firstly, to strengthen the efforts to restrict any outbreaks of racism and xenophobia particularly those manifestations of racism and discrimination on the Internet, as recommended by CERD. Secondly, related to violence against women, which is unfortunately an issue and concern in many countries no matter how developed these countries are, and is an issue of concern to the entire international community. The Secretary of State mentioned this issue and Mexico found the information in the report submitted by civil society, in particular in paragraphs 79 to 87 of the summary report. In the context of a national plan mentioned, Mexico recommended that Finland step up as far as possible measures taken to prevent

violence against women. Finally, Mexico asked Finland, as far as possible, to make progress in its institutional practices and public policies in the sphere of migration so that the standards established by the Convention on the Rights of Migrant Workers be respected. Mexico invited Finland to ratify the ICRMW.

33. Following the discussion, the representative of Finland, in her responses, stated that non-ratification by Finland of the ICRMW is linked with Finland's concept of the role of migrant workers and immigrants in society. Finland is of the view that the rights of immigrants were covered by existing human rights instruments, especially by the European Convention on Human Rights, and has not regarded as necessary the ratification of the Migrant Workers Convention. The delegation stated that Finland does not consider immigrants as migrant workers but as people who move with their families and as such it took a more comprehensive attitude towards immigrants. It was further explained that migrants should not be seen as a separate group but rather should in principle enjoy the same rights as the citizens of the country of their destination and should be treated equally. She stated that the promotion of the rights of ethnic minorities was raised many times and that Finland shall focus on it seriously. This hearing has made it clear that it is also regarded as a problem by others. The delegation explained that Finland's human rights philosophy of sexual orientation was essentially based on the aim to ensure an equal implementation of rights regardless of origin, gender, age, religion, opinion, disability, sexual orientation or the like. Finland was of the opinion that the principles of universality and non-discrimination require that due attention should be paid to human rights violations based on sexual orientation and gender identity. The Finnish Constitution stressed that everyone is equal before the law and sexual orientation falls clearly under the Constitutional provisions prohibiting discrimination and also that such discrimination was further prohibited in several Acts, such as the Criminal Code which clearly mentioned sexual orientation and gender. On the question of the role of civil society in human rights policy-making, the delegation noted that mention was made of the example of the role of NGOs in the drafting of the present report for UPR. She emphasized that the report was prepared in close cooperation between the authorities and NGOs and that this was also common to policy-making in other contexts. She explained that Finland closely cooperates with civil society and that the Finnish type of democracy and parliamentary system gives a firm position to the actors of civil society, but of course the final responsibility for decisions taken belonged to the governmental bodies and in turn the Government was responsible to the Parliament. In a Finnish type of open society civil society actors played a key role even in concrete policy-making. She shared the view of the delegation of China on the important role of education in the challenge of addressing racist attitudes. The role of international treaties in the Finnish legal system is through incorporation into national legislation.

34. Japan commended the efforts of the Government of Finland in the field of human rights, through developing and implementing various Government programmes and policies, especially in the areas such as human trafficking, protection of children and youth, assistance to disabled persons, issues of migration, etc. Japan also paid respect to the high quality of basic education in Finland which enjoys international reputation. Japan expressed its interest in the National Plan of Action against Trafficking in Human Beings in Finland and asked what the main challenges were for the Government in extending assistance to victims of human trafficking and protecting potential victims. Japan also indicated that it believed that in order to enhance the quality of education, one of the keys was to guarantee high-quality teaching. It asked Finland what the major policy pillars of the Government were in this regard, especially in recruiting and training high-quality teachers for basic education.

35. The Philippines stated that Finland was the first developed country to be subject to UPR and that it was a pleasure to participate in this historic occasion, hoping that this would lead to truly a

constructive dialogue in the Human Rights Council and between developed and developing countries where both could learn from each other's experiences. While there is a big disparity between the level of development of Finland and the Philippines, it expressed the hope to learn from Finland's experience and apply those best practices which are within the means and capability and suitable to the Philippines. The delegation asked a question concerning violence against women, described in the report as "a serious societal problem". The Philippines took note of the serious measures taken by Finland to address the problem and the positive results so far achieved. It appeared that measures mentioned in the report were heavily geared towards dealing with the consequences of aberrant male attitudes and values and that this approach would be in line with a zero-tolerance policy that relies on the strong arm of the law. Nevertheless, considering that the problem was a social one, it enquired whether there are other measures that would address the root causes of the problem rather than the consequences. The second question raised concerned indigenous people, in particular Finland's efforts towards a settlement agreement on the drafting of a Government bill. Since indigenous issues were also of interest and concern to the Philippines, the delegation asked if Finland could identify the critical issues that needed to be resolved to make a settlement or a legislative bill acceptable to all parties concerned.

36. The representative of the United Kingdom considered that the Government of Finland has played an active role in campaigning to make the Universal Periodic Review as open and rigorous as possible. The United Kingdom highlighted, as an example of best practice, Finland's decision to maximize the value of UPR by integrating this process into its ongoing national report on human rights policy. The United Kingdom commended Finland for the significant role it has accorded in promoting and protecting human rights in Finland and around the world, and the excellent way it has involved civil society in drafting the national report for this review. The United Kingdom welcomed Finland's strong advocacy of human rights in international forums and through its pursuit of a rights-based approach to development. The United Kingdom further welcomed Finland's plans outlined in its national report to combat discrimination against minority and indigenous peoples and the efforts to strengthen and preserve the rights, language and culture of Sámi, as an indigenous people, and the Roma. However, the delegate of the United Kingdom noted the recommendation made by the United Nations mechanisms that Finland should ratify ILO Convention No. 169, and it encouraged it to fulfil its intention to draft and ratify an agreement on the rights of the Sámi to their traditional lands. The United Kingdom also welcomed the attempts to end discrimination against conscientious objectors through the reforms of the Non-Military Service Act. However, it encouraged Finland to go further in reducing the duration of non-military service and to establish parity between the length of non-military service and the average, rather than the longest possible, length of military service.

37. Algeria congratulated the commitment of Finland to enhance the powers and capacity of the United Nations in the field of human rights. Algeria stated that the report indicated that the rights of migrants are considered as rights that are not realized. Algeria noticed that nevertheless the report highlighted the need of the Finnish society for migrant workers. Algeria indicated that the adoption of a programme relating to migrant policies was mentioned. Other measures in view of integrating migrant workers and their families have been also mentioned. Nevertheless, Algeria noted that the report did not refer to the eventual adherence of Finland to the ICRMW. Algeria reiterated the recommendation that already had been made that Finland accede to this universal instrument to translate its belief in the work of the United Nations into reality.

38. Following the dialogue, the representative of Finland, in her responses, referred to the national report which contained information on the National Plan of Action on combating trafficking in human beings, covering legislative and other measures taken. She explained that its education of teachers is one of the key reasons behind the good Finnish performance and wished to

stress the human rights dimension of the Finnish education system. As a response to the question on the right to a healthy environment, the representative of Finland stated that according to the Finnish Constitution it is the task of the public authorities to endeavour to guarantee for everyone the right to a safe and healthy environment. The Constitution also declares that the responsibility for the environment lies with everyone. She explained that Finland is bound by the very strict environmental legislation of the European Union and Finland follows its EU obligations very strictly. On the important question on the length of the Finnish non-military service that has recently been shortened and is now equal to the longest duration of military service, under the Military Services Act, the representative of Finland referred to the Finnish Constitutional Committee of Parliament which compared the burden of non-military and military services and the overall burden irrespective of the length was assessed to be more or less equal between the two forms of services and this is the reasoning behind the length of non-military service.

39. The United States of America indicated that Finland's commitment to democracy and the protection of human rights deserves to be commended and emulated. He noticed that according to a Government figure, 75 per cent of discrimination cases involve Roma, followed by Somalis, Russians, Turks, Iraqis and Iranians, and asked what the Government of Finland is doing to prosecute racially motivated crimes.

40. Ecuador congratulated the Finnish delegation on its design of a large number of programmes and policies to reduce physical and sexual violence against women and enable them to improve their standard of living. On indigenous issues, Ecuador would like to know how Finland currently guarantees the right to consultation on collective property for the Sámi people in regard to their lands, and what the specific measures are that have been taken by the Government to bring in force regulations which would protect the rights of Sámi people. Regarding the migration phenomenon, Ecuador would like to know what measures have been taken to become a party to the ICRMW. Ecuador recommended accession.

41. Egypt expressed its appreciation to Finland on its report and noted that many examples could be emulated as best practice. Egypt asked for additional information on the measures taken by Finland regarding the integration of migrants and the protection of their human rights. Having heard the response of the Secretary of State to the questions and recommendations made by other delegations as well on this subject and bearing in mind the urgency to ensure the universality of this important human rights instrument, Egypt joined other delegations which have made recommendations to Finland to consider adhering to the ICRMW. In addition, the delegate of Egypt requested clarification on the reason why the migrant and asylum population is of less diversified composition in terms of their national origin compared to other countries in Europe.

42. Cuba noted that Finland is recognized as having a successful social policy and also a friend to the developing world. Finland is not a perfect country as it also faces challenges. Perhaps the major one is related to the so-called welfare society and how to preserve it against neo-liberal globalization and privatization. Cuba mentioned that official development aid from Finland over the last two years had been 0.4 per cent of GDP. Cuba believed that this is insufficient and well below the internationally agreed target of 0.7 per cent. Cuba asked Finland what plans it has to increase the ODA budget and explained that this issue was related to the right to solidarity and to development. The second question is about the high rate of alcoholism and drug addiction in Finnish society. Cuba would like to know what legislative and other measures Finland is adopting to tackle this problem.

43. Slovenia asked the following questions: Slovenia commended the efforts of the Government of Finland to promote and protect the rights of persons belonging to minorities, especially the

establishment of the Ombudsman for Minorities and the Advisory Board for Minority Issues. Slovenia requested further information about the practical influence of both institutions on the effective implementation of the rights of persons belonging to minorities. Secondly, resolution 5/1 states that a gender perspective shall be fully integrated in the UPR. Slovenia asked Finland to provide further details as to what it has done to achieve this in its consultations and the national report, and what has it planned for the next stages of review, including the outcome of the review. Slovenia recommended that Finland integrate a gender perspective fully into the follow-up process to the UPR review and would appreciate learning about plans in that respect. Slovenia welcomed the inclusion of sexual orientation in Finland's human rights legislation and anti-discrimination training activities. Slovenia recommended that the same coverage be provided 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. Slovenia also commended Finland on its commitment to strengthen protection and respect for all persons based on sexual orientation or gender identity. Slovenia recommended 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 policy development and would welcome Finland's views on that.

44. Bangladesh noted the good practices in Finland for emulation in a comparable context. Bangladesh stated it agreed with the section on good governance in the national report and that it provides good conditions for the implementation of human rights. Bangladesh noted that there are still instances of human rights violations of various sorts. Bangladesh indicated that there was perhaps a need to do more in this regard. The delegation further noted the concerns expressed by five treaty bodies at discrimination towards certain individual groups, including the Roma communities. Bangladesh indicated it wished to receive more information on the treatment of asylum-seekers and migrants and on measures taken by Finland to ensure respect for due process and legal safeguards for these groups.

45. Chile referred to violence against women as a subject that is very universal and noted that the report appropriately states that awareness of such violence as being a violation of human rights is the first step to overcome it, and this should lead to complaints to relevant bodies. The second phase is to raise awareness of the police and all law enforcement agencies of the nature and gravity and effects of violence against women. In terms of best practices, Chile wanted to know what elements have been employed to present violence against women as a human rights violation and what Finland's delegation thinks would be the proper role of mass media to play in creating a general awareness.

46. Following the discussion, the Secretary of State replied that Finland has been a homogeneous country with a language and climate barrier and a modest immigration policy. Finland needed to learn about such good practices as dialogue between cultures and to solve attitude-related problems including through education and the use of the mass media. Finland has comprehensive measures to take to better integrate the non-Finnish population into the society and to enhance the communitarian sentiments of the Finnish population. Therefore, a comprehensive answer to the question cannot be given immediately. Concerning the composition of the migrant population, this is a result of the decisions Finland has taken and the policies adopted.

47. Regarding the consultation procedure on collective property, the delegate of Finland explained that 90 per cent of the Sámi homeland area in Finland is owned by the State of Finland and this is why the consultation or participation of the Sámi people is a key question when the Government tries to solve or enhance the rights of the Sámi people on land use issues. The right of the Sámi people to participate in the decision-making on the use of land, water and natural resources in the Sámi homeland area is going to be an essential part of the Government bill, which

is under preparation in Finland. As previously stated, the solution Finland is trying to find is going to be drafted on the basis of the use of land, water and natural resources and not as a land title question. The land title question or ownership issue is a private law issue as Finland sees it and is not going to be solved in this connection.

48. The delegation of Finland stated that her Government had studied the Yogyakarta Principles and stated that they are a useful tool to bring clarity and coherence to States' human rights obligations. Regarding the question by Cuba concerning the issue of Finland's development assistance, Finland noted that the Government is committed to certain goals in the future. Regarding the question raised by Cuba about the alcohol problem of the Finnish population, the delegate of Finland stated that Finland is fully aware of the problem and has a full set of measures to address this issue and it strives towards a better result.

49. In summing up, the head of the delegation expressed her gratitude for a very pleasant experience and thanked the Chair, members of the troika and the Working Group for the sincere and constructive dialogue. The Finnish delegation looked forward with a constructive and open attitude to receiving recommendations and follow-up proposals which will enable further promotion of the human rights situation in Finland. The delegation stated that it sees the UPR as a continuing process and that the Government is drafting an extensive report on human rights policy in Finland. Conclusions and recommendations from the UPR process will form an important part of that report, which the Government will present to Parliament in spring 2009. Already the drafting of the UPR was done in parallel with the preparations of the human rights report. In conclusion, the head of the delegation emphasized the importance Finland attaches to the UPR mechanism.

## II. CONCLUSIONS AND/OR RECOMMENDATIONS

**50. Finland considered the recommendations made during the interactive dialogue and listed below, and agrees to follow up on them:**

- 1. To increase the focus, targeted efforts and effective measures regarding eliminating discrimination, and to make further efforts and measures to promote the rights of minorities, inter alia, ethnic minorities (Netherlands, Russian Federation).**
- 2. To strengthen efforts to restrict any outbreaks of racism and xenophobia, particularly manifestations of racism and discrimination on the Internet, as recommended by CERD (Mexico).**
- 3. To continue to take effective measures to prevent violence against women (Mexico, Russian Federation) and to compile information on the violence against children within the family (Russian Federation).**
- 4. To consider ratifying the International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families (Algeria, Bolivia, Ecuador, Egypt, Mexico).**
- 5. To consider ratifying ILO Convention No. 169 on Indigenous and Tribal Peoples in Independent Countries (Bolivia).**
- 6. 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 (Bolivia).**

7. **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 (Netherlands, Slovenia) 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 (Slovenia).**
8. **To fully integrate a gender perspective into the follow-up process to the UPR review (Slovenia).**

**51. All conclusions and/or recommendations contained in this report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.**

### **III. VOLUNTARY COMMITMENTS OF THE STATE UNDER REVIEW**

52. Finland is committed to making the above-mentioned recommendations an integral part of the Government's comprehensive human rights policy report to be submitted to Parliament in Spring 2009. The proactive targets to be set in the report will also address these recommendations.

53. The delegation stated that Finland was committed to reaching the goal of 0.7 per cent ODA by 2015, as set by the United Nations, and 0.51 per cent ODA by 2010, as set by the European Union.

## **Annex**

### **Composition of the delegation**

The delegation of Finland was headed by H.E. Dr. Teija Tiilikainen, Secretary of State, and composed of 15 members:

#### **Ministry for Foreign Affairs:**

Mr. Vesa Himanen, Ambassador, Permanent Mission of Finland

Ms. Sofie From-Emmesberger, Director, Unit for Human Rights Policy

Mr. Pekka Metso, Deputy Permanent Representative, Permanent Mission of Finland

Ms. Krista Oinonen, Legal Officer Unit for Human Rights Courts and Conventions

Ms. Anu-Eerika Viljanen, First Secretary, Unit for Human Rights Policy

Ms. Sirpa Nyberg, Second Secretary, Permanent Mission of Finland

#### **Experts:**

Ms. Tuula Majuri, Counsellor of Legislation, Ministry of Justice

Mr. Joni Hiitola, Senior Adviser, Legal Affairs, Ministry of Education

Ms. Johanna Puiro, Counsellor of Legislation, Ministry of the Interior

Ms. Anne Hujala, Senior Officer, Ministry of Social Affairs and Health

Ms. Päivi Voutilainen, Development Manager, Ministry of Social Affairs and Health

Ms. Susanna Siitonen, Senior Legal Adviser, Ministry of Employment and the Economy

#### **NGOs:**

Ms. Elisabeth Tigerstedt-Tähtelä, Master of Laws, Finnish League for Human Rights

#### **MP:**

Ms. Ulla Karvo, Member of Parliament/Constitutional Law Committee

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