

FINLAND: TIME TO ADDRESS REMAINING GAPS IN HUMAN RIGHTS PROTECTION

AMNESTY INTERNATIONAL: SUBMISSION FOR THE 41ST SESSION OF THE UPR WORKING GROUP, 7 – 18 NOVEMBER 2022

SUMMARY

This submission was prepared for the Universal Periodic Review (UPR) of Finland in March 2022. In it, Amnesty International evaluates the implementation of recommendations made to Finland in its previous UPR, including in relation to ratification of international treaties, violence against women, rights of transgender and intersex people, refugees' and migrants' rights, human rights education and conscientious objectors' rights. Amnesty International also provides information, in addition, about climate change, the right to social security and the right to freedom of peaceful assembly.

It also assesses the national human rights framework with regard to human rights structures and their resources, human rights impact assessments of government policies and implementation of international recommendations.

It ends with a set of recommendations to Finland which, if implemented, would contribute to improving the human rights situation.

FOLLOW UP TO THE PREVIOUS REVIEW

1. Of the 153 recommendations made by other Member States during its third UPR in 2017, Finland accepted 120, partially accepted 6 and rejected 27 recommendations.¹
2. Finland has partially implemented many recommendations, including drafting a proposal to ratify the international Convention for the Protection of All Persons from Enforced Disappearances in 2022.² Finland has yet to ratify ILO Convention 169 on Indigenous and Tribal Peoples, despite committing to do so during the 2012 and 2017 reviews.³

THE NATIONAL HUMAN RIGHTS FRAMEWORK

3. Since the previous review, the parliament has allocated more resources to the National Human Rights Institution, but the national human rights architecture, consisting of many relatively small bodies, remains under-resourced and fragmented.⁴
4. The government's second National Action Plan on Fundamental and Human Rights (2017-2019) lacked resources and left out many crucial human rights issues.⁵ The third Action Plan (2020-2023) focuses on monitoring Finland's human rights situation and includes a newly created human rights indicator framework.⁶
5. In 2020, the Ministry of Justice established an inter-ministerial network to ensure that the impact of legislation on, among other things, human rights can be thoroughly assessed.⁷ Despite progress regarding the legislative process, a systematic approach to assessing human rights impact of government bills, policies and budget proposals is still lacking.⁸
6. Despite establishment of the Government Network of Contact Persons for Fundamental and Human Rights,⁹ implementation of recommendations from international human rights bodies has been slow and unsystematic.¹⁰

THE HUMAN RIGHTS SITUATION ON THE GROUND

Climate change

7. Between 1990 and 2020, Finland's emissions fell by 32%¹¹. The government is reforming the Climate Change Act¹² and developing several sectoral policies¹³ to ensure that Finland adheres to its national, EU and international commitments¹⁴. According to the Climate Change Act proposal given to the parliament in March 2022, Finland plans to become climate neutral by 2035 and reduce its CO2 emissions by 90-95% by 2050 compared to levels in 1990¹⁵. However, serious concerns have been raised about the adequacy of planned measures compared to targets and resources for their implementation in a socially just manner¹⁶.
8. Access to information about climate legislation and policies and their impacts, as well as inclusive public participation in policy planning are key elements of a just transition to climate resilient societies. The right to appeal decisions is an integral part of procedural climate justice.¹⁷ Currently, the practices of Finnish ministries in organizing public hearings and ensuring equal opportunities for public participation in climate policy development vary. Also, the government decided not to include the right to appeal decisions based on the Climate Change Act in the first phase of the Act's reform but is planning to integrate it in the Act at a later stage.¹⁸

Right to social security

9. Cuts to social security benefits during the 2015-2019 parliamentary term rendered several benefits inadequate and disproportionately affected groups that were already disadvantaged.¹⁹ According to state-commissioned research, social security benefit cuts during 2016-2018 disproportionately affected women.²⁰
10. The government made some modest incremental improvements to social security benefits in 2020-2021.²¹ In 2021, Amnesty International's research found however, that the level of benefit provision is still not sufficient to ensure an adequate standard of living and the realization of economic and social rights for all.²² Special attention needs to be paid to ensuring that the right to social security is realized for those who are disadvantaged, for example young people, people with disabilities and other groups affected by intersecting forms of discrimination who are not well served by the existing system.²³

Right to freedom of peaceful assembly

11. While the right to freedom of peaceful assembly is protected in the constitution, the police have increasingly targeted non-violent actions and civil disobedience²⁴ by climate activists with measures²⁵ that may create a chilling effect and affect the right to freedom of peaceful assembly.
12. For example, on 3 October 2020, the police used OC spray²⁶ against Elokapiina (Extinction Rebellion Finland) activists who refused to move a peaceful sit-in action from a street to a location designated by police.²⁷ Six police officers face consideration of charges²⁸ of crimes for the incident.²⁹
13. On 8 October 2021, the police dispersed a peaceful sit-in action organized by Elokapiina on the main stairs and near other entrances of the Government Palace, after the protesters refused to move to another location. Some protestors had shackled themselves to door handles or to each other. The police apprehended 52 protestors and 42 of them were later arrested on suspicion of criminal offences of *aggravated invasion of public premises* and *prevention of a public meeting*, which Amnesty International considers disproportionate.³⁰ Some activists reported to Amnesty that the police failed to inform them in a timely manner of the reason for their detention or that they were under arrest.³¹
14. As of February 2022, 48 suspects face consideration of charges of *invasion of public premises* – downgraded from *aggravated invasion of public premises* during preliminary investigation – and *prevention of a public meeting*.³² Police statements concerning the protest were misleading, accusing protestors of creating a threat to security, and equalling disruption of movement with threats of violence³³ against those inside the building.³⁴

Violence against women

15. Prevalence of violence against women in Finland is among the highest in the EU.³⁵ The Covid-19 pandemic contributed to an increase in cases of violence against women³⁶ and caused delays in victims' ability to contact support services.³⁷ This exacerbated the pre-existing problem that response to violence against women lacks both long-term support for survivors and robust structures and mechanisms.
16. Studies show that less than a half of all municipalities in Finland have gender-based violence prevention programmes. This is a consequence of current legislation which does not oblige municipalities or regions to actively prevent gender-based violence.³⁸ Further, the needs of women and girls who are marginalized and/or belong to minorities are not identified and factored in the provision of social and health care services.³⁹
17. Most sexual crimes fall under official prosecution in the Finnish Criminal Code. Cases of intimate partner violence or intimate partner sexual violence are not always properly investigated by the police.⁴⁰ One third of offences reported to the police are directed to mediation without proper investigation.⁴¹
18. The government's proposal to introduce consent-based rape legislation was submitted to the parliament in February 2022. In the proposal, the central aspect of legal definitions of rape and other sexual crimes is lack

of consent assessed in the context of surrounding circumstances.⁴² However, in certain cases when there is abuse of a position of authority, the crime continues to be defined as sexual abuse, not rape. This places the victim in a vulnerable position in terms of access to justice, and risks sending a dangerous message that committing the crime in a close relationship may still not be seen as an aggravating circumstance in sexual crimes.⁴³

Rights of transgender and intersex people

19. Discrimination against transgender and intersex people remains widespread in different areas of life.⁴⁴ People belonging to several minorities, particularly transgender people of colour, experience multiple and intersecting discrimination.⁴⁵
20. The procedure to obtain legal gender recognition continues to violate transgender people's right to privacy, and rights of the child.⁴⁶ As of March 2022, legal gender recognition requirements included proof of sterilization or infertility, a psychiatric diagnosis, and a blanket minimum age of 18.⁴⁷ Despite the ongoing process to amend the legislation, the government has not introduced a plan to enact a gender recognition system for minors.⁴⁸
21. In 2019, ECRI noted that people experience severe delays in accessing gender-affirming care.⁴⁹ In 2020, the Council of Choices in Health Care introduced recommendations for the treatment of 'gender dysphoria caused by transgender and non-binary identities' for healthcare operators. These recommendations introduce discriminatory barriers to gender-affirming care and continue to pathologize transgender people.⁵⁰
22. Children with variations in sex characteristics are routinely subjected to 'normalizing' surgical and other medical procedures.⁵¹ Despite a provision in the government programme to strengthen intersex children's right to self-determination, measures to ensure their bodily integrity remained unclear as of March 2022.⁵²

Refugees' and migrants' rights

23. Amendments to the Aliens Act in 2016 restricted the right to fair and effective asylum procedures. In 2021, the government abolished many restrictions through a law reform⁵³ but did not address the stringent criteria to appeal to Supreme Administrative Court, did not introduce the right to choose a legal adviser in the first instance⁵⁴ nor did it repeal the high threshold for assessing subsequent asylum applications or reintroduce the suspensive effect as regards deportation while the first subsequent application is pending. These restrictions violate asylum seekers' right to a fair process and the risk of forcible returns in violation of the principle of non-refoulement remains.
24. Finland continues to detain unaccompanied children and families with children based on their migration status.⁵⁵ Families with children have been detained for up to 50 days.⁵⁶
25. The right to family reunification for people who have received international protection is significantly restricted since the secure income requirement came into force in 2016.⁵⁷ The rigid interpretation by the Immigration Service of the income requirement makes enjoyment of the right to family life difficult for recipients of international protection, including unaccompanied children.⁵⁸
26. In 2021, a government-commissioned study on reforms of the Aliens Act in 2015-2019, and the Non-Discrimination Ombudsman, raised concerns that the best interest of the child is not always a primary consideration in matters related to asylum and migration.⁵⁹
27. Undocumented migrants do not have the same access to health care as people with residence permits or asylum-seekers. Legislation only provides for self-funded emergency care in public health care facilities.⁶⁰

Human rights education

28. The Finnish education system lacks a systemic approach to human rights education for trainee teachers, and civil servants. In the last few years, the government has taken steps to strengthen human rights education by establishing a Steering Group on Democracy and Human Rights Education.⁶¹ In 2018-2019 a project run by the Human Rights Centre, the Ministry of Education and Culture, the Ministry of Justice and the University of Helsinki developed tools and an online course on democracy and human rights education for the use of universities.⁶² However, provision of human rights education still relies greatly on non-governmental organizations and individual education providers.⁶³

Conscientious objectors' rights

29. The length of the civilian alternative to military service remains punitive and discriminatory.⁶⁴ Conscientious objectors who refuse both military and non-military service continue to be convicted and given custodial sentences of up to nearly six months which, in most cases, means electronic monitoring. Amnesty International is concerned that the number of such convictions may rise as a legal provision exempting Jehovah's witnesses from military and non-military service was repealed by the parliament in 2019.⁶⁵ Recommendations on future development of military service and national defence by a parliamentary committee in 2021 did not resolve these problems.⁶⁶ Contrary to international recommendations, they included steps that would tie the civilian service closer to national defence.⁶⁷

RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

Amnesty International calls on the government of Finland to:

National human rights framework

30. Systematically assess the human rights impact of all bills, budget and policy proposals, and other government activities prior to their adoption and during implementation. Further develop criteria and indicators for such assessments, build capacity of civil servants at all levels of government and conduct independent progress reviews, in addition regular governmental monitoring and reporting.
31. Ensure effective monitoring and implementation of recommendations from international human rights bodies including regularly addressing such recommendations in government meetings and the parliament.

Climate change

32. Fully implement and go beyond the emission reduction targets set under the new Climate Change Act, EU climate legislation and each sectoral policy efficiently and cost-effectively, in a human rights consistent manner and according to the principles of just transition.
33. Ensure inclusive, multi-channel public participation and access to information in all climate-related legislative and policy planning processes, paying particular attention to the most impacted and marginalized groups, including children and youth, indigenous Sámi people and people with disabilities.
34. Include a right to appeal decisions related to, the adequacy of climate measures under the new Climate Change Act.

Right to social security

35. Ensure an adequate level of social security provision within the social security reform (2020-2027). The provision level should be increased sufficiently to: 1) Meet the level of provision required by the Revised European Social Charter and the International Covenant on Economic, Social and Cultural Rights; and 2) Support a reasonable level of minimum income that ensures the rights to an adequate standard of living, health, food, and housing for all as equal members of the society.

36. Conduct and publish research on marginalized groups' access to social security, including people with disabilities, LGBTI people, foreign nationals, persons experiencing homelessness, Sámi people, Roma people, and people belonging to other minority groups.

Right to freedom of peaceful assembly

37. Protect the right to freedom of peaceful assembly and ensure, including through training and guidance, that law enforcement authorities recognize non-violent civil disobedience as a legitimate form of peaceful assembly covered by article 21 of the ICCPR, and cease any measures against peaceful protesters that may breach their right to freedom of peaceful assembly or expression.
38. Drop all disproportionate charges against peaceful protestors, including climate groups and activists practicing non-violent civil disobedience or against those supporting them.

Violence against women

39. Create a nationwide network of long-term services alongside other low threshold services. The services must identify and serve the needs of women and girl survivors who are marginalized or/and belong to minorities.
40. Adopt legislation obliging regions and municipalities to establish effective preventive measures to reduce and eliminate violence against women, including structures and mechanisms that are coordinated in cooperation with non-governmental organizations.
41. Ensure that crimes of violence against women are effectively investigated and prosecuted without undue delay.
42. Reform legislation on mediation so that it does not result in the discontinuation of criminal investigation and prosecution in violence against women cases and ensure that all law-enforcement and prosecution staff are aware that mediation is prohibited in cases of repeated violence.
43. Ensure that sexual offences committed through the abuse of one's position of authority are classified and punished as sexual violence and rape (as opposed to treated as sexual abuse which is considered a lesser crime) in the reform of the Criminal Code, as per international law and standards.
44. Reform legislation in a way that identifies aggravating factors as required under Article 46 of the Istanbul Convention.

Rights of transgender and intersex people

45. Establish a comprehensive action plan for protection of the rights of LGBTI people.
46. Enact a new law on gender recognition that is based on self-determination and protects the rights of the child.
47. Ensure timely access to quality gender-affirming healthcare.
48. Adopt legislation, policies and practices that ensure bodily integrity of intersex people.

Refugees' and migrants' rights

49. Ensure the right of asylum-seekers to a fair asylum determination process, including the right to choose one's lawyer at all stages of the process, the right to appeal to the Supreme Administrative Court without overly stringent requirements and the right to submit subsequent applications without the high threshold set for them in 2019, and reinstate the automatic suspensive effect as regards deportation while the first subsequent application is pending.
50. Prohibit detention of children and families with children.

51. Ensure that refugees and other beneficiaries of international protection can enjoy their right to family life by repealing the 2016 amendments to the Aliens Act on family reunification, and by facilitating the family reunification application process.
52. Revise Section 6 of the Aliens Act to ensure that the best interests of the child shall be a primary consideration in all matters relating to children, in compliance with Article 3 of the Convention on the Rights of the Child.
53. Amend legislation, including the Act on Organizing Social and Health Care, to ensure that everyone can access health services free from discrimination and regardless of their legal status or documentation.

Human rights education

54. Make human rights education mandatory for all trainee teachers and include participation and practical skills for trainee teachers to enable them to respect human rights and inclusion in teaching.
55. Provide in-service training for all teachers to acquire the necessary skills in human rights education in order to implement the requirements of the national core curricula for basic and upper-secondary education.

Conscientious objectors' rights

56. Immediately and unconditionally release all prisoners held due to conscientious objection to military service.
57. Ensure that civilian alternatives to military service are non-punitive and non-discriminatory in character and remain under civilian control.

ANNEX 1

KEY AMNESTY INTERNATIONAL DOCUMENTS FOR FURTHER REFERENCE

"I Live under constant duress and in a state of emergency": Inadequate social security in Finland, 31 August 2021, www.amnesty.org/en/documents/eur20/4804/2021/en/

Finland: Submission to the UN Committee on the Elimination of Discrimination against Women: 81st pre-sessional working group, 5-9 July 2021, List of Issues, 28 May 2021, www.amnesty.org/en/documents/eur20/4205/2021/en/

Finland: Submission to the United Nations Human Rights Committee, 130th Session, 12 October – 6 November 2020, 23 September 2020, www.amnesty.org/en/documents/eur20/2940/2020/en/

Finland: Submission to the UN Committee on Economic, Social and Cultural Rights: 68th Session, 8 – 9 October 2020, 22 September 2020, www.amnesty.org/en/documents/eur20/2939/2020/en/

Finland: Criminalization and Prosecution of Rape in Finland – Submission to the UN Special Rapporteur on Violence against Women, its Causes and Consequences, 1 June 2020, www.amnesty.org/en/documents/eur20/2427/2020/en/

Finland: Ending immigration detention of children in Finland and seeking adequate reception and care for them- Amnesty International submission to the UN Special Rapporteur on the human rights of migrants, 18 May 2020, www.amnesty.org/en/documents/eur20/2335/2020/en/

Finland: Submission to the United Nations Committee against Torture 68th session, 11 November-6 December 2019, 25 June 2019, www.amnesty.org/en/documents/eur20/0560/2019/en/

Europe: Time for Change: Justice for rape survivors in the Nordic countries, 3 April 2019, www.amnesty.org/en/documents/eur01/0089/2019/en/

Finland: Insufficient implementation of the Istanbul Convention, Amnesty International submission to the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) on the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence in Finland, April 2018, www.amnesty.org/en/documents/eur20/8494/2018/en/

Finland: Submission to the United Nations Committee on the Elimination of Racial Discrimination, 3 April 2017, www.amnesty.org/en/documents/eur20/6007/2017/en/

ANNEX 2

MATRIX OF RECOMMENDATIONS FROM THE PREVIOUS CYCLE, WITH COMMENTS ON PROGRESS

| Recommendation | Position | Full list of themes | Amnesty International's Assessment/comments on level of implementation |
|---|-----------|---|---|
| Theme: A12 Acceptance of international norms | | | |
| 100.13 Ratify the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity (Armenia); Source of position: A/HRC/36/8/Add.1 - Para. 10 | Supported | A12 Acceptance of international norms Affected persons: - general | Not implemented |
| 100.7 Ratify the International Convention for the Protection of All Persons from Enforced Disappearance, recognizing in full the competence of the associated Committee (Portugal); Source of position: A/HRC/36/8/Add.1 - Para. 8 | Supported | A12 Acceptance of international norms D32 Enforced disappearances Affected persons: - disappeared persons | Partly implemented. The Ministry for Foreign Affairs has prepared a draft Government Bill on ratification of the Convention, but the Bill is yet to be given to the Parliament. |
| 100.8 Speed up the process of accession to the International Convention for the Protection of All Persons from Enforced Disappearance (Mozambique); Source of position: A/HRC/36/8/Add.1 - Para. 8 | Supported | A12 Acceptance of international norms D32 Enforced disappearances Affected persons: - disappeared persons | Partly implemented. See comment to recommendation 100.7. |
| 100.9 Continue with its efforts to ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Argentina); Source of position: A/HRC/36/8/Add.1 - Para. 8 | Supported | A12 Acceptance of international norms D32 Enforced disappearances Affected persons: - disappeared persons | Partly implemented. See comment to recommendation 100.7. |

| Recommendation | Position | Full list of themes | Amnesty International's Assessment/comments on level of implementation |
|--|-----------|---|--|
| 100.10 Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Bosnia and Herzegovina) (France) (Montenegro) (Italy); Source of position: A/HRC/36/8/Add.1 - Para. 8 | Supported | A12 Acceptance of international norms D32 Enforced disappearances Affected persons: - disappeared persons | Partly implemented. See comment to recommendation 100.7. |
| 100.11 Finalize efforts aimed at acceding to the International Convention for the Protection of All Persons from Enforced Disappearance and thus the full recognition of the competence of the Committee on Enforced Disappearances (Ukraine); Source of position: A/HRC/36/8/Add.1 - Para. 8 | Supported | A12 Acceptance of international norms D32 Enforced disappearances D33 Arbitrary arrest and detention Affected persons: - disappeared persons | Partly implemented. See comment to recommendation 100.7. |
| 100.15 Engage the Sami people in the ratification process of the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) (Norway); Source of position: A/HRC/36/8/Add.1 - Para. 12 | Supported | A12 Acceptance of international norms E32 Right to just and favourable conditions of work G3 Indigenous peoples Affected persons: - Indigenous peoples | Partly implemented In June 2017, The Committee on the Elimination of Racial Discrimination (CERD) monitoring the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination recommended Finland to find an adequate, negotiated solution to the dispute regarding the rights of the Sami people in their traditional lands, including by revising its legislation on this issue and taking into account the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) In April 2021, The UN Human Rights Committee monitoring the International Covenant on Civil and Political Rights stated in its recommendations that Finland should consider ratifying the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169). According to Prime Minister Sanna Marin's Government Programme , the work to assess the preconditions for ratification of the Convention will continue. The Ministry for Foreign Affairs of Finland has stated that The Sámi Parliament will be engaged in this process. |

Theme: A22 Cooperation with treaty bodies

| Recommendation | Position | Full list of themes | Amnesty International's Assessment/comments on level of implementation |
|---|-----------|--|--|
| 100.17 Adopt an open, merit-based selection process when selecting national candidates for United Nations treaty body elections (United Kingdom of Great Britain and Northern Ireland); Source of position: A/HRC/36/8/Add.1 - Para. 13 | Supported | A22 Cooperation with treaty bodies D7 Right to participation in public affairs and right to vote Affected persons: - general | |
| Theme: A27 Follow-up to Universal Periodic Review (UPR) | | | |
| 100.18 Continue its efforts in the implementation of accepted recommendations from the second cycle and consider sharing good practices in that regard (Ireland); Source of position: A/HRC/36/8/Add.1 - Para. 14 | Supported | A27 Follow up to UPR Affected persons: - general | Partly implemented Despite establishment of the Government Network of Contact Persons for Fundamental and Human Rights, implementation of recommendations from international human rights bodies has been slow and unsystematic. There is a need to ensure effective monitoring and implementation including addressing such recommendations in government meetings and the parliament on regular basis. |
| 100.75 Consider including in its next universal periodic review report information on measures it has taken to analyse potential risk factors of atrocity crimes, including through utilization of the Framework of Analysis for Atrocity Crimes (Rwanda); Source of position: A/HRC/36/8/Add.1 - Para. 57 | Supported | A27 Follow up to UPR Affected persons: - general | |
| Theme: A41 Constitutional and legislative framework | | | |
| 100.44 Ensure implementation of comprehensive legislative reform that guarantees the same level of protection for all grounds of discrimination, in particular discrimination on the grounds of sexual orientation and gender identity (Montenegro); Source of position: A/HRC/36/8/Add.1 - Para. 40 | Supported | A41 Constitutional and legislative framework Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI) | Partly implemented See comments to recommendations 100.37 and 100.45. |

| Recommendation | Position | Full list of themes | Amnesty International's Assessment/comments on level of implementation |
|---|-----------|--|--|
| <p>100.45 Continue its efforts in the field of combating and eliminating discrimination on the grounds of sexual orientation and gender identity, inter alia, by implementing comprehensive legislative reform that guarantees equal protection from discrimination on all grounds (Albania);</p> <p>Source of position: A/HRC/36/8/Add.1 - Para. 40</p> | Supported | <p>A41 Constitutional and legislative framework</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - lesbian, gay, bisexual, transgender and intersex persons (LGBTI) | <p>Partly implemented</p> <p>In 2019, an informal governmental network was established to enhance coordination on LGBTI issues between different organizations. However, the resources to ensure LGBTI rights are insufficient, there is a need to strengthen expertise on the diversity of gender and sexual orientation, and including SOGIESC issues in the authorities' gender equality and non-discrimination plans is not consistent. No national comprehensive action plan or strategy to promote the rights of LGBTI people exists.</p> <p>In April 2020, a working group appointed by the Ministry of Justice published a final report introducing proposals for further work to reform personal identity codes, including a proposal to introduce a gender-neutral personal identity code. In November 2020, the Ministry of Justice appointed a new working group to prepare the necessary legislative changes for the reform of personal identity codes. The draft proposal, introduced in January 2022, would deploy gender-neutral personal identity code in 2027 as part of the reform. However, existing personal identity codes would not be altered, which would in practice expose information of a person's legal gender in many situations.</p> <p>In September 2021, the Government introduced a bill of the new Parental Law which would combine the current Maternity Act and Paternity Act in a technical manner. Amnesty and other NGOs have criticized the bill for not recognizing more than two legal parents and for binary naming of parents as mothers and/or fathers instead of gender-neutral recognition of legal parenthood. In March 2022, the Legal Affairs Committee of the Parliament was handling the bill.</p> <p>In October 2021, a situational assessment report of the fundamental and human rights of LGBTIQ people in Finland was published by the Ministry of Justice. The report noticed positive development, especially concerning sexual minorities, in protection of human rights in some policy areas.</p> <p>In November 2021, the Parliament started to consider a citizens' initiative to ban conversion therapies. The initiative was referred to the Social Affairs and Health Committee.</p> <p>Despite some improvement, discrimination against LGBTI people, particularly transgender and intersex people and those belonging to groups facing multiple and intersectional discrimination, remains widespread. ILGA-Europe's Annual Reviews have highlighted that bias-motivated speech and violence against LGBTI persons took place in several years. In addition, severe barriers and delays exist in access to gender-affirming care.</p> <p>See also comments to recommendation 100.37 and 100.50.</p> |

| Recommendation | Position | Full list of themes | Amnesty International's Assessment/comments on level of implementation |
|--|-----------|---|--|
| <p>100.129 Expedite the necessary legislative reforms to facilitate the reunification of children with their families (Colombia);</p> <p>Source of position: A/HRC/36/8/Add.1 - Para. 93</p> | Supported | <p>A41 Constitutional and legislative framework</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - children | <p>Partly implemented</p> <p>The right to family reunification for people who have received international protection is significantly restricted since the secure income requirement came into force in 2016. The rigid interpretation by the Immigration Service of the income requirement makes enjoyment of the right to family life difficult for recipients of international protection, including unaccompanied children. In its 2019 programme, the government said it would examine problems relating to family reunification and discontinue application of a requirement for sufficient financial resources to child family reunification sponsors who have been granted international protection. A legal proposal on the subject is yet to be presented to the parliament. Furthermore, there are concerns that such a change would not be enough to facilitate family reunification for children as the income requirement is not the only obstacle as established by several studies (see e.g. a study by the Non-Discrimination Ombudsman on the family reunification practices for child sponsors, 2 March 2020: https://syrjinta.fi/documents/25249352/54194583/Lapset+ilman+perhett%C3%A4+%E2%80%93+Kansainv%C3%A4list%C3%A4+suojelua+saaneiden+alaik%C3%A4isten+perheenjohd%C3%A4minen+(PDF).pdf/9a5d54b9-82c9-4961-a865-f6037110b2a7/Lapset+ilman+perhett%C3%A4+%E2%80%93+Kansainv%C3%A4list%C3%A4+suojelua+saaneiden+alaik%C3%A4isten+perheenjohd%C3%A4minen+(PDF).pdf?t=1609832005737). In 2021, a government-commissioned study on reforms of Aliens Act in 2015-2019, and the Non-Discrimination Ombudsman raised concerns that the best interest of the child is not always a primary consideration in matters related to asylum and migration.</p> |
| <p>100.136 Strengthen anti-discrimination legislation to ensure equal access for persons with disabilities to public accommodations, commercial facilities and transportation (United States of America);</p> <p>Source of position: A/HRC/36/8/Add.1 - Para. 100-101</p> | Supported | <p>A41 Constitutional and legislative framework</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - persons with disabilities | <p>Partly implemented</p> <p>According to the Government Programme, the Non-Discrimination Act will be partially reformed. In June 2021, the Ministry of Justice appointed a working group missioned to assess and prepare possible amendments to update the legislation. The government has estimated to introduce the bill in autumn 2022.</p> |

| Recommendation | Position | Full list of themes | Amnesty International's Assessment/comments on level of implementation |
|--|-----------|--|---|
| 100.61 Adopt appropriate legislative and policy measures to adjust its legal system and combat and eradicate all forms of discrimination, racism and xenophobia (Honduras); Source of position: A/HRC/36/8/Add.1 - Para. 50-53 | Supported | A41 Constitutional and legislative framework A42 Institutions & policies - General B32 Racial discrimination Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups | Partly implemented See comments to recommendations 100.36, 100.37, 100.45, 100.50 and 100.141. |
| 100.147 Adopt legislation and policy measures to effectively promote and protect human rights for refugees, migrants and ethnic minorities (China); Source of position: A/HRC/36/8/Add.1 - Para. 106-109 | Supported | A41 Constitutional and legislative framework A42 Institutions & policies - General G1 Members of minorities G4 Migrants G5 Refugees & asylum seekers Affected persons: - migrants - minorities/ racial, ethnic, linguistic, religious or descent-based groups - refugees & asylum seekers | Partly implemented See comments to recommendation 100.36 and 100.37. |
| 100.131 Ensure full implementation of laws prohibiting corporal punishment in all settings, including through campaigns to raise awareness among adults and children, as well as the promotion of positive and non-violent forms of discipline that do not affect the upbringing of children (Uruguay); Source of position: A/HRC/36/8/Add.1 - Para. 96 | Supported | A41 Constitutional and legislative framework A54 Awareness raising and dissemination F32 Children: family environment and alternative care Affected persons: - children | |
| 100.138 Continue consultations on the rights of persons with disabilities with a view to implementing non-discriminatory policies and legislation (Maldives); Source of position: A/HRC/36/8/Add.1 - Para. 100-101 | Supported | A41 Constitutional and legislative framework B31 Equality & non-discrimination Affected persons: - persons with disabilities | Partly implemented. For example: NGOs representing people with disabilities have raised concerns that they were not adequately heard in the process of reforming the Sexual Offences Act. |

| Recommendation | Position | Full list of themes | Amnesty International's Assessment/comments on level of implementation |
|--|-----------|--|---|
| 100.92 Adopt suitable legislation to combat and punish discrimination on the basis of pregnancy and family leave in the labour market, which provides for reparation for victims (Bolivarian Republic of Venezuela); Source of position: A/HRC/36/8/Add.1 - Para. 72 | Supported | A41 Constitutional and legislative framework B52 Impunity D8 Rights related to marriage & family E31 Right to work Affected persons: - women - children | Partly implemented The Gender Equality Act states that discrimination based on pregnancy and family leaves is forbidden. |
| 100.77 Develop a comprehensive and coordinated programme to fight human trafficking, adopt effective measures to prevent and eradicate human trafficking and organize specialized training for law enforcement and immigration officials and other State officials who enter into contact with victims of human trafficking on issues relating to the identification of victims, the conduct of investigations, criminal prosecutions and punishment of perpetrators (Russian Federation); Source of position: A/HRC/36/8/Add.1 - Para. 60-63 | Supported | A41 Constitutional and legislative framework D27 Prohibition of slavery, trafficking Affected persons: - law enforcement / police officials | Partly implemented In May 2021, Finland published the Action Plan against Trafficking in Human Beings . It was prepared by an intersectional working group that was appointed by the Ministry of Justice in April 2020. However, the Action Plan will be implemented only in 2021–2023, which is not an adequate timeframe for reaching the goals of the NAP. The Non-discrimination ombudsman acts as the National Rapporteur on Trafficking in Human Beings. In the latest report to the Parliament (30.3.2022) The Rapporteur emphasizes that the victims of trafficking are entitled to support even if they are not willing to co-operate with the criminal investigation. In addition, the current legislation is still unclear: the rights of the victims are not recognized in full. Only few of the victims of trafficking are granted the residence permit for victims of trafficking (Ihmiskaupan uhrien oleskelulupakäytäntö, Publication by the Non-Discrimination Ombudsman, https://syriinta.fi/julkaisut . See the complete list of research in comment 100.81). |
| 100.20 Consider defining rape as a sexual violation in the Criminal Code, irrespective of the degree of violence used or threatened by the perpetrator (Namibia); Source of position: A/HRC/36/8/Add.1 - Para. 18 | Supported | A41 Constitutional and legislative framework F13 Violence against women Affected persons: - women | Partly implemented. The government's proposal to introduce a consent-based rape legislation was given to the parliament in February 2022. In the proposal the central aspect of the legal definitions of rape and other sexual crimes is the lack of consent assessed in the context of the surrounding circumstances. However, in certain cases when there is abuse of a position of authority, the crime continues to be defined as sexual abuse, not rape. This places the victim in a vulnerable position in terms of access to justice, and risks sending the dangerous message that committing the crime in a close relationship may still not be seen as aggravating circumstance in sexual crimes. |

| Recommendation | Position | Full list of themes | Amnesty International's Assessment/comments on level of implementation |
|---|-----------|--|---|
| 100.21 Amend the Criminal Code to no longer define rape according to the degree of violence used by the perpetrator but rather the lack of consent of the victim (Portugal); Source of position: A/HRC/36/8/Add.1 - Para. 18 | Supported | A41 Constitutional and legislative framework F13 Violence against women Affected persons: - women | Partly implemented. Please see comment to recommendations 100.20. |
| 100.22 Reform the Criminal Code to define rape as a sexual violation, irrespective of the degree of violence used or threatened by the perpetrator (Australia); Source of position: A/HRC/36/8/Add.1 - Para. 18 | Supported | A41 Constitutional and legislative framework F13 Violence against women Affected persons: - women | Partly implemented. Please see comment to recommendations 100.20. |
| 100.24 Amend the appropriate legislation in order to ensure that the definition of rape covers all cases of non-consensual sexual acts (Brazil); Source of position: A/HRC/36/8/Add.1 - Para. 18 | Supported | A41 Constitutional and legislative framework F13 Violence against women Affected persons: - women | Partly implemented. Please see comment to recommendations 100.20. |
| 100.126 Bring its legislation on the rights of children during the asylum procedure in line with the Convention on the Rights of the Child (France); Source of position: A/HRC/36/8/Add.1 - Para. 91 | Supported | A41 Constitutional and legislative framework F31 Children: definition; general principles; protection G5 Refugees & asylum seekers Affected persons: - children | |

| Recommendation | Position | Full list of themes | Amnesty International's Assessment/comments on level of implementation |
|---|-----------|---|--|
| 100.152 Evaluate the impact of recent changes made to policies and legislation, which seem to restrict the international protection regime for asylum seekers and refugees, and ensure that all persons in need of international protection receive fair treatment and that refugees' rights to reunification are respected (Kazakhstan); Source of position: A/HRC/36/8/Add.1 - Para. 106-109 | Supported | A41 Constitutional and legislative framework G5 Refugees & asylum seekers Affected persons: - refugees & asylum seekers | Partly Implemented An evaluation of the impact of changes in policies and legislation has been completed, but its recommendations are yet to be implemented. |
| 100.153 Thoroughly and comprehensively review its legislation regarding the granting of asylum and migration in order to align it with its international obligations and standards (Honduras). Source of position: A/HRC/36/8/Add.1 - Para. 106-109 | Supported | A41 Constitutional and legislative framework G5 Refugees & asylum seekers Affected persons: - refugees & asylum seekers | Partly implemented The Ministry of the Interior has started a process to review the Asylum Act. |
| Theme: A43 Human rights policies | | | |
| 100.19 Continue its efforts to further improve its relevant legal and administrative frameworks and policies, in conformity with its international commitments (Hungary); Source of position: A/HRC/36/8/Add.1 - Para. 16 | Supported | A43 Human rights policies Affected persons: - general | Partly implemented See comments to recommendation 100.18. |

| | | | |
|--|------------------|--|--|
| <p>100.37 Continue its efforts to combat all forms of discrimination and promote equality (Azerbaijan);</p> <p>Source of position: A/HRC/36/8/Add.1 - Para. 34-36</p> | <p>Supported</p> | <p>A43 Human rights policies</p> <p>Affected persons: - general</p> | <p>Partly implemented</p> <p>The Non-Discrimination Act and the Act on Equality between Women and Men were reformed in 2015.</p> <p>In November 2020, a final report of the assessment of the effectiveness of the current Non-Discrimination Act was published. According to the report, the reform has improved the harmonization of protection for different grounds of discrimination. The results show that many of the objectives of the reform have been successful, and that the new law has broadened the scope of legal protection against discrimination.</p> <p>Despite improvements, the treatment of different discrimination grounds is still not completely harmonised. In certain issues, the provisions in the Non-Discrimination Act and in the Act on Equality between Women and Men continue to be different. According to the study, the biggest challenge in achieving the law's objectives relates to the implementation of the law.</p> <p>According to the Government Programme, the Non-Discrimination Act will be partially reformed. In June 2021, the Ministry of Justice appointed a working group missioned to assess and prepare possible amendments to update the legislation. The Government has estimated to introduce the bill in autumn 2022.</p> <p>Several studies suggest that the Non-Discrimination Act and in the Act on Equality between Women and Men are not known well enough, and that discrimination continues to be underreported and partially unidentified. In addition, there is an urgent need to ensure sufficient resources for the officials implementing the acts.</p> <p>According to the Criminal Code, a crime is considered aggravated if is committed because of certain factors pertaining to the victim's identity, such as national or ethnic origin or disability. In February 2021, the government introduced a bill to include 'gender' in this list of aggravating factors. Amnesty and other NGOs have criticized the bill for defining 'gender' in a binary way. In addition, the bill would consider gender identity, gender expression and sex characteristics implicitly as 'other circumstances', instead of including them explicitly in the provision. In March 2022, the Legal Affairs Committee was handling the bill.</p> <p>According to a 2020 study commissioned by the Ministry of Justice, discrimination continues to be a significant problem in Finland. Discrimination based on ethnic background and skin colour appears to be common in Finland, with those of African descent facing most discrimination of all immigrant minority groups. In addition, the study suggests that attitudes to the Roma population are still negative, and the Sámi people are experiencing structural discrimination. People with disabilities and elderly persons are facing problems related to inaccessibility of the environment, the availability of services and obtaining related information. Moreover, discrimination against LGBTI people is still common.</p> |
|--|------------------|--|--|

| Recommendation | Position | Full list of themes | Amnesty International's Assessment/comments on level of implementation |
|---|-----------|--|--|
| | | | See comments to recommendations 100.36, 100.45, 100.50 and 100.141. |
| 100.38 Continue its efforts and improve its legal and institutional frameworks for protection against discrimination by ensuring the same level of protection for all grounds of discrimination (State of Palestine); Source of position: A/HRC/36/8/Add.1 - Para. 37-39 | Supported | A43 Human rights policies Affected persons: - general | Partly implemented See comments to recommendations 100.36, 100.37, 100.45, 100.50 and 100.141. |
| 100.39 Consider improving its legal and institutional frameworks for protection against discrimination by ensuring the same level of protection for all grounds of discrimination (Albania); Source of position: A/HRC/36/8/Add.1 - Para. 37-39 | Supported | A43 Human rights policies Affected persons: - general | Partly implemented See comments to recommendations 100.36, 100.37, 100.45, 100.50 and 100.141. |
| 100.40 Step up efforts to improve its legal and institutional frameworks for protection against discrimination (Bulgaria); Source of position: A/HRC/36/8/Add.1 - Para. 37-39 | Supported | A43 Human rights policies Affected persons: - general | Partly implemented See comments to recommendations 100.36, 100.37, 100.45, 100.50 and 100.141. |
| 100.41 Make further efforts to ensure equal protection from discrimination (Hungary); Source of position: A/HRC/36/8/Add.1 - Para. 37-39 | Supported | A43 Human rights policies Affected persons: - general | Partly implemented See comments to recommendations 100.36, 100.37, 100.45, 100.50 and 100.141. |
| 100.43 Improve access to effective legal remedies for victims of discrimination (Slovenia); Source of position: A/HRC/36/8/Add.1 - Para. 37-39 | Supported | A43 Human rights policies Affected persons: - general | |

| Recommendation | Position | Full list of themes | Amnesty International's Assessment/comments on level of implementation |
|---|-----------|--|---|
| <p>100.62 Continue to introduce effective measures to combat all forms of discrimination, hate speech and hate crime, both online and offline, and ensure that such crimes are effectively investigated (Estonia);</p> <p>Source of position: A/HRC/36/8/Add.1 - Para. 50-53</p> | Supported | <p>A43 Human rights policies</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - minorities/ racial, ethnic, linguistic, religious or descent-based groups | <p>Partly implemented</p> <p>In April 2021, The UN Human Rights Committee monitoring the International Covenant on Civil and Political Rights stated in its recommendations that Finland should redouble its efforts to prevent discrimination and hate speech, as well as incitement to discrimination and violence, improve data collection and reporting concerning hate speech, and train and increase the awareness of different operators regarding hate speech and hate crime.</p> <p>The Ministry of Justice has carried out numerous projects targeting hate crimes and hate speech in recent years, such as The Against Hate project (1 December 2017 – 30 November 2019), The Facts against Hate project (1 December 2019 – 30 November 2021) and The Osaavat project (1 April 2021 – 31 March 2023). Furthermore, the second National Action Plan on Fundamental and Human Rights (2017-2019) included many measures for tackling hate crime, discrimination and hate speech, and equality and hate crimes are monitored as part of the fundamental and human rights indicator framework of the third National Action Plan on Fundamental and Human Rights 2020–2023. In addition, the police launched a compulsory online training for all personnel on non-discrimination and recognizing punishable hate crime in the beginning of 2021.</p> <p>However, The OECD Civic Space Scan of Finland (2021) has described the approach to tackle hate speech and hate crimes as project-based and fragmented in Finland. It has called for more encompassing, coordinated, whole-of-government, long-term approach to ensure that Finnish women, journalists, public officials, minorities, and any other groups or individuals have the same opportunity to participate in public life as others, without fear of recrimination and self-censorship. Furthermore, in the fifth country report on Finland (2019), ECRI noted that the positive and innovative steps taken by the Finnish authorities were ad-hoc measures, mostly sustained by limited projects, lack overall coordination, which would render an effective evaluation of progress rather difficult. It also recommended the authorities to take a more systematic and coordinated approach to preventing and combating hate speech while ensuring the long-term sustainability and impact of this initiative.</p> <p>See also comments to recommendations 100.36, 100.37, 100.45, 100.50, 100.141 and 100.71.</p> |

| Recommendation | Position | Full list of themes | Amnesty International's Assessment/comments on level of implementation |
|--|-----------|--|--|
| 100.71 Take more effective measures in order to fight, and even to eradicate, crimes and hate speech against minorities, focusing on prevention and following-up these acts (Côte d'Ivoire); Source of position: A/HRC/36/8/Add.1 - Para. 50-53 | Supported | A43 Human rights policies Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups | The Government's Action Programme to Combat Racism and to Promote Good Relations between Population Groups was adopted in October 2021 and will be implemented in different administrative sectors during 2021-2023. Amnesty International has not analyzed the Action Programme for compliance with Finland's human rights obligations. See comments to recommendation 100.62. |
| 100.76 Increase State funding for shelter services for victims of violence and especially minorities and vulnerable groups (Islamic Republic of Iran); Source of position: A/HRC/36/8/Add.1 - Para. 58-59 | Supported | A43 Human rights policies Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups | State funding for the nationwide shelter network has increased steadily. However, the overall number of shelter places for families is still below the requirements of the Istanbul Convention and recommendations of the Council of Europe group of experts. There are in total 221 family places in shelters in Finland while the recommended number is approximately 550. A significant increase in funding is necessary to reach this number. Accessibility of shelters has improved in the past few years, but work remains to be done. (See for example: Frequency of domestic violence experienced by persons with disabilities and availability of services: A quantitative and qualitative examination. Publications of the Government's analysis, assessment and research activities 2022:24. In Finnish, deescription in English. https://julkaisut.valtioneuvosto.fi/handle/10024/163918) The new Action Plan for the Istanbul Convention (2022-2025) pays attention to enhancing the accessibility of shelters, but specific measures of how to achieve this are lacking. |
| Theme: A45 National Human Rights Institution (NHRI) | | | |

| Recommendation | Position | Full list of themes | Amnesty International's Assessment/comments on level of implementation |
|--|-----------|---|--|
| 100.29 Ensure that the Non-Discrimination Ombudsman has the necessary information and resources to make decisions related to mandatory deportations, and can ensure that these are carried out respecting the rights of those concerned (Mexico); Source of position: A/HRC/36/8/Add.1 - Para. 24 | Supported | A45 National Human Rights Institution (NHRI) B31 Equality & non-discrimination Affected persons: - migrants | Partly implemented. Since the previous review, the parliament has allocated more resources to the National Human Rights Institution, but the national human rights architecture consisting of many relatively small bodies remains under-resourced and fragmented. The Non-Discrimination Ombudsman has received more resources for monitoring deportations, but its overall resources are relatively small (information based on a conversation with the Non-Discrimination Ombudsman's office in March 2022 and on the Non-Discrimination Ombudsman report to the Parliament on the realisation of equality in Finland between 2018 and 2021, 31 March 2022: https://syrjinta.fi/documents/25249352/42720545/Yhdenvertaisuusvaltuutetun+kertomus+eduskunnalle+2022+(pdf).pdf/c83caf57-a7c4-a907-9a19-c37c61eec75e/Yhdenvertaisuusvaltuutetun+kertomus+eduskunnalle+2022+(pdf).pdf?t=1648705129557). |
| 100.30 Further assist the efforts carried out by the new Non-Discrimination Ombudsman in providing legal protection and remedies against all forms of discrimination (Indonesia); Source of position: A/HRC/36/8/Add.1 - Para. 25 | Supported | A45 National Human Rights Institution (NHRI) B31 Equality & non-discrimination Affected persons: - general | Partly implemented See comments to recommendation 100.37. |
| Theme: A46 National Plans of Action on Human Rights (or specific areas) | | | |
| 100.31 Continue allocating adequate financial and human resources to effectively implement its national action plan on human rights (Philippines); Source of position: A/HRC/36/8/Add.1 - Para. 26 | Supported | A46 National Plans of Action on Human Rights (or specific areas) Affected persons: - general | Partly implemented. The government's second National Action Plan on Fundamental and Human Rights (2017-2019) lacked resources and left out many crucial human rights issues, including rights of refugees and asylum-seekers and transgender and intersex people. The third Action Plan (2020-2023) focuses on monitoring Finland's human rights situation and includes a newly created human rights indicator framework. It has also been granted a small annual budget for the first time. |
| 100.32 Mobilize adequate resources to complete its second National Action Plan on Fundamental and Human Rights (Canada); Source of position: A/HRC/36/8/Add.1 - Para. 26 | Supported | A46 National Plans of Action on Human Rights (or specific areas) Affected persons: - general | Partly implemented. See comments to recommendation 100.31. |

| Recommendation | Position | Full list of themes | Amnesty International's Assessment/comments on level of implementation |
|---|-----------|--|--|
| <p>100.80 Effectively monitor and evaluate the 2016-2017 National Action Plan against Human Trafficking and provide an update in a subsequent universal periodic review report (United Kingdom of Great Britain and Northern Ireland);</p> <p>Source of position: A/HRC/36/8/Add.1 - Para. 60-63</p> | Supported | <p>A46 National Plans of Action on Human Rights (or specific areas)</p> <p>D27 Prohibition of slavery, trafficking</p> <p>Affected persons: - persons deprived of their liberty</p> | |

| | | | |
|---|------------------|---|---|
| <p>100.81 Ensure the full implementation of the National Action Plan against Human Trafficking as a means of ensuring the promotion and protection of victims of trafficking (Botswana);</p> <p>Source of position: A/HRC/36/8/Add.1 - Para. 60-63</p> | <p>Supported</p> | <p>A46 National Plans of Action on Human Rights (or specific areas) D27 Prohibition of slavery, trafficking</p> <p>Affected persons: - persons deprived of their liberty</p> | <p>Partly implemented.</p> <p>Several research projects have been conducted as part of the NAP against Human Trafficking. A study that was part of the implementation of the Government Plan for Analysis, Assessment and Research focused on how criminal provisions on human trafficking and its associated crimes are applied in practice and found that the nature of the act of human trafficking is not fully understood in Finland. This also applied to the understanding of the purpose and content of criminal legislation on human trafficking. Based on the research, challenges in applying legislation on human trafficking result from the sparsity of legal practice concerning human trafficking. There is no proper education on the matter for legal practitioners, nor police. The research also emphasized that the status of the victim should be improved. In addition, attention should be paid to obtaining evidence during criminal investigation and using appropriate and possible coercive measures in investigating human trafficking and associated crimes (Ihmiskauppa ja sen lähirikokset: Säännösten soveltamiskäytäntö, https://urn.fi/URN:ISBN:978-952-383-330. Research report published in March 2022).</p> <p>Another research from 2021 examined residence permit practices related to issuing residence permits to victims of trafficking in human beings. It studied types of cases in which victims of trafficking in human beings were identified, and how the Aliens Act was applied in processing their residence permit applications. The study revealed that assessment of vulnerability of victims of trafficking in human beings was diverse but varied significantly. Assessment of vulnerability was not consistent and in some very similar cases one applicant received a positive decision while another received a negative decision.</p> <p>The main finding of the research was that the application of the provision on the issue of residence permits for victims of trafficking in human beings (section 52a) was relatively rare. The study showed that it is very difficult for victims of trafficking in human beings to receive a continuous residence permit based on their vulnerable position. The threshold for deeming that a victim of trafficking in human beings is in a particularly vulnerable position was remarkably high. (Ihmiskaupan uhrien oleskelulupakäytäntö, Publication by the Non-Discrimination Ombudsman, https://syrjinta.fi/julkaisut).</p> <p>Another research reports show that the victims of trafficking were not provided with the housing services or/and social and healthcare services they are entitled to (Selvitys ihmiskaupan uhrien turvallisesta ja tuetusta asumisesta, Report on the supported and safe housing of victims of human trafficking. Finnish institute for health and welfare, https://www.julkari.fi/bitstream/handle/10024/143486/URN_ISBN_978-952-343-755-5.pdf)</p> <p>Government has started a legislative reform. The goal of the reform is to clarify the legislation on trafficking</p> |
|---|------------------|---|---|

| Recommendation | Position | Full list of themes | Amnesty International's Assessment/comments on level of implementation |
|---|-----------|---|--|
| | | | in human beings. The ultimate goal is to enhance the rights of the victims. According to the Ministry of the Interior the Government Proposal is to be presented to the Parliament in the fall 2022. |
| 100.72 Prevent hate speech on the Internet and intensify the fight against hate crime through the implementation of the National Action Plan on Fundamental and Human Rights and other measures (Cuba); Source of position: A/HRC/36/8/Add.1 - Para. 50-53 | Supported | A46 National Plans of Action on Human Rights (or specific areas) D43 Freedom of opinion and expression Affected persons: - media | Partly implemented See comments to recommendations 100.62. and 100.71. |
| 100.120 Establish a national action plan to address domestic and family violence (Australia); Source of position: A/HRC/36/8/Add.1 - Para. 80-85 | Supported | A46 National Plans of Action on Human Rights (or specific areas) D8 Rights related to marriage & family Affected persons: - women | Partly implemented See comments to recommendation 100.121. |
| 100.64 Strengthen measures to prevent hate speech and harassment against minority groups and persons with disabilities, in line with the National Action Plan for the Prevention of Violent Radicalization and Extremism (Indonesia); Source of position: A/HRC/36/8/Add.1 - Para. 50-53 | Supported | A46 National Plans of Action on Human Rights (or specific areas) G1 Members of minorities Affected persons: - persons with disabilities | Partly implemented See comments to recommendations 100.71 and 100.62. |
| Theme: A51 Human rights education - general | | | |
| 100.33 Sustain and create new platforms for human rights education (Bosnia and Herzegovina); Source of position: A/HRC/36/8/Add.1 - Para. 27-31 | Supported | A51 Human rights education - general E51 Right to education - General Affected persons: - general | Partly implemented In 2018-2019 a project run by the Human Rights Centre, the Ministry of Education and Culture, the Ministry of Justice and the University of Helsinki developed tools and an online course on democracy and human rights education for the use of universities. However, there are no sustained resources for human rights education and training of teachers, only project funding, which does not guarantee long-term or systemic solutions that would reach all teaching staff. |

| Recommendation | Position | Full list of themes | Amnesty International's Assessment/comments on level of implementation |
|---|-----------|--|---|
| 100.34 Provide sufficient resources to continue with systematic human rights education and training of teachers at all levels of national education (Slovenia); Source of position: A/HRC/36/8/Add.1 - Para. 27-31 | Supported | A51 Human rights education - general E51 Right to education - General Affected persons: - educational staff | Partly implemented See comments to recommendation 100.33. |
| 100.94 Take efforts to strengthen the education system through the provision of mandatory training on human rights education (Maldives); Source of position: A/HRC/36/8/Add.1 - Para. 74 | Supported | A51 Human rights education - general E51 Right to education - General Affected persons: - general | Not implemented |
| Theme: B32 Racial discrimination | | | |
| 100.35 Strengthen and enhance existing laws countering different forms of discrimination, racism and xenophobia (Lebanon); Source of position: A/HRC/36/8/Add.1 - Para. 32-33 | Supported | B32 Racial discrimination Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups | Partly implemented See comments to recommendations 100.36, 100.37, 100.45 and 100.50. |

| Recommendation | Position | Full list of themes | Amnesty International's Assessment/comments on level of implementation |
|--|-----------|--|--|
| <p>100.36 Enhance efforts aimed at the elimination of racism, racial discrimination, xenophobia and related intolerance by adopting a long-term systematic response to these scourges (South Africa);</p> <p>Source of position: A/HRC/36/8/Add.1 - Para. 34-36</p> | Supported | <p>B32 Racial discrimination</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - minorities/ racial, ethnic, linguistic, religious or descent-based groups | <p>Partly implemented</p> <p>In the fifth country report on Finland, ECRI noted that racist and intolerant hate speech in public discourse is escalating and targeted mainly against asylum-seekers and Muslims. According to ECRI, accounts of alleged practices of ethnic profiling by the police continue to be reported, while there is no independent body entrusted with the investigation of such cases. ECRI also recommended Finland to bring the criminal, civil and administrative laws in line with its General Policy Recommendation No. 7.</p> <p>In September 2020, the Ministry of Justice published an assessment report of the need to address the most serious forms of organized racism through legislation. According to the report, there is no need to amend the Criminal Code. The report highlights the need to raise awareness of certain existing provisions in the Criminal Code, and to organize training for public officials about applying the provisions. No practical measures to implement the conclusions of the report have been announced.</p> <p>In October 2021, the government adopted an action plan for combating racism and promoting good relations between population groups. The action plan aims to dismantle structural inequalities in society, promote non-discrimination in the Finnish working life, strengthen the authorities' equality competence, raise awareness of racism and its various forms, and develop research and data collection related to racism. Amnesty International has not analyzed the Action Programme for compliance with Finland's human rights obligations.</p> <p>According to a 2021 Together Against Hate shadow report published by Anti-Racist Forum, an NGO working to fight for social justice, racially motivated discrimination and hate incidents remain common. Respondents to their questionnaire reported of discrimination in the labour market or at the workplace, and of hate incidents including physical assaults, verbal insults, shouting and spitting. According to the findings of the report, hatred was often directed at persons of African and Asian descent.</p> <p>See also comments to recommendation 100.37.</p> |
| <p>100.42 Adopt a long-term and comprehensive framework to tackle discrimination, racism and xenophobia, focusing both on prevention and on combating human rights violations (Brazil);</p> <p>Source of position: A/HRC/36/8/Add.1 - Para. 37-39</p> | Supported | <p>B32 Racial discrimination</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - minorities/ racial, ethnic, linguistic, religious or descent-based groups | <p>Partly implemented</p> <p>See comments to recommendations 100.36, 100.37, 100.45, 100.50 and 100.141.</p> |

| Recommendation | Position | Full list of themes | Amnesty International's Assessment/comments on level of implementation |
|---|-----------|--|--|
| 100.54 Strengthen prevention and awareness-raising programmes to address xenophobia and violent extremism at the national and subregional levels (Philippines); Source of position: A/HRC/36/8/Add.1 - Para. 44-48 | Supported | B32 Racial discrimination Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI) | Partly implemented See comments to recommendations 100.36, 100.37 and 100.141. |
| 100.55 Take measures against xenophobia and Islamophobia. Improve the implementation of the existing legal framework for combating racism (Turkey); Source of position: A/HRC/36/8/Add.1 - Para. 44-48 | Supported | B32 Racial discrimination Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups | Partly implemented See comments to recommendations 100.36 and 100.37. |
| 100.56 Take further steps to eliminate discrimination, racism and xenophobia in the country (Uzbekistan); Source of position: A/HRC/36/8/Add.1 - Para. 44-48 | Supported | B32 Racial discrimination Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups | Partly implemented See comments to recommendations 100.36, 100.37, 100.45, 100.50 and 100.141. |
| 100.58 Further combat racial discrimination and xenophobia, and effectively reduce the number of cases of hate crime (China); Source of position: A/HRC/36/8/Add.1 - Para. 44-48 | Supported | B32 Racial discrimination Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups - lesbian, gay, bisexual, transgender and intersex persons (LGBTI) | Partly implemented See comments to recommendations 100.36 and 100.37. |
| 100.60 Consider improving the implementation of the legal framework for combating racism (Namibia); Source of position: A/HRC/36/8/Add.1 - Para. 50-53 | Supported | B32 Racial discrimination Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups | Partly implemented See comments to recommendation 100.36. |

| Recommendation | Position | Full list of themes | Amnesty International's Assessment/comments on level of implementation |
|---|-----------|--|--|
| 100.69 Strengthen efforts to restrict outbreaks of racism and xenophobia, especially manifestations of racism on the Internet (Italy); Source of position: A/HRC/36/8/Add.1 - Para. 50-53 | Supported | B32 Racial discrimination D43 Freedom of opinion and expression Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups - media | Partly implemented See comments to recommendation 100.36. |
| 100.70 Strengthen the fight against xenophobia on social networks and the Internet (Algeria); Source of position: A/HRC/36/8/Add.1 - Para. 50-53 | Supported | B32 Racial discrimination D43 Freedom of opinion and expression Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI) - media | |
| 100.57 Continue strengthening measures against racism, xenophobia and Islamophobia, as well as discrimination against migrants (Chile); Source of position: A/HRC/36/8/Add.1 - Para. 44-48 | Supported | B32 Racial discrimination G4 Migrants Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups | Partly implemented See comments to recommendation 100.36 and 100.37. |
| 100.67 Continue to reinforce the measures of fight against xenophobia, racism and intolerance with regard to migrants and asylum seekers (Angola); Source of position: A/HRC/36/8/Add.1 - Para. 50-53 | Supported | B32 Racial discrimination G4 Migrants G5 Refugees & asylum seekers Affected persons: - migrants - minorities/ racial, ethnic, linguistic, religious or descent-based groups - refugees & asylum seekers | Partly implemented See comments to recommendations 100.36 and 100.37. |
| 100.68 Strengthen measures aimed at fighting against discrimination, racism and xenophobia in the country, especially concerning migrants and asylum seekers (Côte d'Ivoire); Source of position: A/HRC/36/8/Add.1 - Para. 50-53 | Supported | B32 Racial discrimination G4 Migrants G5 Refugees & asylum seekers Affected persons: - migrants - refugees & asylum seekers | Partly implemented See comments to recommendations 100.36, 100.37, 100.45, 100.50 and 100.141. |
| Theme: D26 Conditions of detention | | | |

| Recommendation | Position | Full list of themes | Amnesty International's Assessment/comments on level of implementation |
|---|-----------|--|---|
| 100.132 Review national laws to prohibit the detention of minors (Portugal); Source of position: A/HRC/36/8/Add.1 - Para. 97-98 | Supported | D26 Conditions of detention Affected persons: - children | |
| Theme: D27 Prohibition of slavery, trafficking | | | |
| 100.78 Continue efforts to combat trafficking in human beings and take effective measures to prevent and eradicate human trafficking and adopt procedures for the determination of the best interests of child victims of trafficking (Turkey); Source of position: A/HRC/36/8/Add.1 - Para. 60-63 | Supported | D27 Prohibition of slavery, trafficking Affected persons: - children - persons deprived of their liberty | Partly implemented See comments to recommendation 100.77. and 100.81. |
| 100.79 Develop clear guidelines on how to identify and protect victims of trafficking in persons (United States of America); Source of position: A/HRC/36/8/Add.1 - Para. 60-63 | Supported | D27 Prohibition of slavery, trafficking Affected persons: - persons deprived of their liberty | Partly implemented See comments to recommendation 100.77 and 100.81. |
| 100.83 Seek to adopt procedures for the determination of the best interests of child victims of trafficking and children of victims, including with a view to strengthening the identification of victims of trafficking, especially women and children (Bulgaria); Source of position: A/HRC/36/8/Add.1 - Para. 60-63 | Supported | D27 Prohibition of slavery, trafficking Affected persons: - women - children | Partly implemented See comments to recommendation 100.77 and 100.81. |

| Recommendation | Position | Full list of themes | Amnesty International's Assessment/comments on level of implementation |
|---|-----------|---|---|
| 100.82 Continue strengthening measures of fighting against domestic violence and human trafficking, including by increasing the number and geographic coverage of reception centres for families and victims (Chile); Source of position: A/HRC/36/8/Add.1 - Para. 60-63 | Supported | D27 Prohibition of slavery, trafficking D29 Domestic violence Affected persons: - women - children | Partly implemented See comments to recommendation 100.77, 100.81 and 100.120. An Action Plan for Combating Violence against Women exists for 2020–2023. |
| Theme: D28 Gender-based violence | | | |
| 100.112 Consolidate support services for women victims of violence (Republic of Moldova); Source of position: A/HRC/36/8/Add.1 - Para. 80-85 | Supported | D28 Gender based violence Affected persons: - women | Partly implemented. The Social Welfare Act entered into force in March 2015. It recognizes for the first time in law the need for support and social services for domestic violence survivors. However, there is no nation-wide network offering long-term services for survivors of violence. (See for example resent research: The background of the clients in Seri Support Centers (for victims and survivors of sexual violence), their use of support services and the progress of the criminal procedure. An interim report. Publications of the Government's analysis, assessment and research activities 2021:69. The clients wished for better access to further treatment, longer duration of the support and proximal services. In Finnish, description in English). Further, the specific needs of women and girls who are undocumented, asylum seekers, refugees, non-Finnish speaking, transgender, older person or living with a disability are not adequately identified in social and health care services. (Research on municipalities on policies and support services in 2017 and 2021 by Amnesty International Finnish section. In Finnish only. 2017: https://frantic.s3.amazonaws.com/amnesty-fi/2017/01/Amnestyn-kuntaselvitys-naisiin-kohdistuvasta-v%C3%A4kivallasta.pdf and 2021: https://www.amnesty.fi/uploads/2021/05/amnestyn-seurantatutkimus-2021.pdf) |
| Theme: D29 Domestic violence | | | |

| Recommendation | Position | Full list of themes | Amnesty International's Assessment/comments on level of implementation |
|---|-----------|---|---|
| 100.113 Provide adequate support services to protect victims of domestic and sexual violence (Turkey); Source of position: A/HRC/36/8/Add.1 - Para. 80-85 | Supported | D29 Domestic violence Affected persons: - women | Partly implemented. Please see comment to recommendations 100.112. |
| 100.119 Provide further support assistance services to better protect victims of domestic violence (Sierra Leone); Source of position: A/HRC/36/8/Add.1 - Para. 80-85 | Supported | D29 Domestic violence Affected persons: - women | Partly implemented. Please see comment to recommendations 100.112. |
| 100.121 Establish a national coordination unit and provide adequate resources and other support for the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Canada); Source of position: A/HRC/36/8/Add.1 - Para. 80-85 | Supported | D29 Domestic violence E32 Right to just and favourable conditions of work F13 Violence against women Affected persons: - women | Partly implemented. Prevention of violence against women is systematically under-resourced. The systematic lack of funding for support services for victims can be seen in the financing of Government Action Plans on violence and State funded services for victims seeking safety, like shelters. A 2016 study evaluating earlier Action Plans concluded that measures aimed at reducing violence against women were not fully implemented due to lack of funds. (See Törmä, Sinikka ja Pentikäinen, Merja (2016): <i>Tavoitteena nauttia kohdistuvasta väkivallasta ja perheväkivallasta vapaa Suomi</i> . Only available in Finnish. http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/75030/Rap_ ja_muist_2016_15_1.pdf?sequence=1) The new action plan for the Istanbul Convention (2022-2025) is lacking a dedicated budget for its implementation. The government has established a post of an independent rapporteur on violence against women. However, the resources for the new rapporteur are inadequate. According to an unpublished assessment of the previous National Action Plan on the Implementation of the Istanbul Convention, the Coordination Unit, NAPE, also lacks adequate funding. Findings of the assessment were presented to the subcommittee of NAPE on 30 March 2022. |

| Recommendation | Position | Full list of themes | Amnesty International's Assessment/comments on level of implementation |
|--|-----------|--|---|
| 100.115 Implement the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence in order to provide improved protection and assistance to women and children that have become victims of violence (Germany); Source of position: A/HRC/36/8/Add.1 - Para. 80-85 | Supported | D29 Domestic violence E32 Right to just and favourable conditions of work F13 Violence against women F31 Children: definition; general principles; protection Affected persons: - children | Partly implemented. Please see comment to recommendations 100.121. |
| 100.117 Further continue its efforts to combat domestic violence and intensify the implementation of the Government Action Plan for Gender Equality (Mongolia); Source of position: A/HRC/36/8/Add.1 - Para. 80-85 | Supported | D29 Domestic violence F12 Discrimination against women Affected persons: - women | Partly implemented. Please see comment to recommendations 100.121. |
| Theme: D42 Freedom of thought, conscience and religion | | | |
| 100.63 Enhance efforts to curb hate crimes against certain religious communities, ethnic groups and other minorities including indigenous people (India); Source of position: A/HRC/36/8/Add.1 - Para. 50-53 | Supported | D42 Freedom of thought, conscience and religion G3 Indigenous peoples Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups - Indigenous peoples | Partly implemented In the fifth country report on Finland (2019), ECRI noted that the Finnish authorities should make a determined effort to persuade relevant local authorities to actively participate in research and dialogue aimed at improving the social integration of members of the Sámi community. See comments to recommendations 100.71 and 100.62. |
| Theme: D8 Rights related to marriage & family | | | |
| 100.151 Provide the necessary protection for and preserve the dignity of asylum seekers, ensure their access to legal assistance, facilitate family reunification procedures for migrants, and provide them with social security (Egypt); Source of position: A/HRC/36/8/Add.1 - Para. 106-109 | Supported | D8 Rights related to marriage & family E24 Right to social security G4 Migrants G5 Refugees & asylum seekers Affected persons: - migrants - refugees & asylum seekers | Partly implemented Amendments to the Aliens Act in 2016 restricted the right to fair and effective asylum procedures, including access to legal assistance. In August 2021, the government abolished many of the restrictions through a law reform. See comments to recommendation 100.129. |

| Recommendation | Position | Full list of themes | Amnesty International's Assessment/comments on level of implementation |
|--|-----------|---|---|
| 100.128 In cases when the Finnish authorities decide that the separation of children from their natural family is necessary for the best interests of the child, adopt that measure according to a decision taken by a judicial authority, as required by the provisions of article 9 of the Convention on the Rights of the Child (Romania); Source of position: A/HRC/36/8/Add.1 - Para. 94 | Supported | D8 Rights related to marriage & family F31 Children: definition; general principles; protection Affected persons: - children | |
| Theme: E24 Right to social security | | | |
| 100.87 Continue with its structural reforms in social welfare and health care with a focus on protecting the rights of women, children and vulnerable groups (Pakistan); Source of position: A/HRC/36/8/Add.1 - Para. 69 | Supported | E24 Right to social security E41 Right to health - General F12 Discrimination against women F31 Children: definition; general principles; protection Affected persons: - women - children - vulnerable persons/groups | Partly implemented. Social security reform is ongoing, 2020-2027 Healthcare reform is ongoing, 2019-2023 |
| Theme: E31 Right to work | | | |
| 100.137 Continue efforts to promote opportunities for productive and paid employment for persons with disabilities (Colombia); Source of position: A/HRC/36/8/Add.1 - Para. 100-101 | Supported | E31 Right to work Affected persons: - persons with disabilities | |
| 100.98 Exert more efforts aiming at the elimination of all forms of discrimination against women, particularly in the labour market (Libya); Source of position: A/HRC/36/8/Add.1 - Para. 79 | Supported | E31 Right to work F12 Discrimination against women Affected persons: - women | |
| Theme: E32 Right to just and favourable conditions of work | | | |

| Recommendation | Position | Full list of themes | Amnesty International's Assessment/comments on level of implementation |
|--|-----------|--|--|
| 100.90 Continue to narrow wage disparities between men and women in line with the country's Equal Pay Programme for 2016-2019 (Sri Lanka); Source of position: A/HRC/36/8/Add.1 - Para. 72 | Supported | E32 Right to just and favourable conditions of work Affected persons: - women | Partly implemented. Equal Pay Programme is ongoing (2020-2023) |
| Theme: E41 Right to health - General | | | |
| 100.97 Conduct public awareness campaigns in the media to fight against drug consumption, abusive consumption of alcohol and suicide among young women and girls (Algeria); Source of position: A/HRC/36/8/Add.1 - Para. 78 | Supported | E41 Right to health - General Affected persons: - women - girls | Partly implemented. Suicide Prevention Programme is ongoing (2020-2030) Programme for Prevention of Substance Abuse is ongoing (2015-2025) |
| Theme: F12 Discrimination against women | | | |
| 100.25 Provide its existing and new national institutions and bodies for the advancement of women and gender equality with adequate human, technical and budgetary resources (Timor-Leste); Source of position: A/HRC/36/8/Add.1 - Para. 19 | Supported | F12 Discrimination against women, S05 gender equality and women's empowerment Affected persons: - women | Partly implemented. The Equality Ombudsman focuses on supervising the Act on Equality between Women and Men. Following the 2015 amendment to the Act, the Ombudsman's mandate now includes the grounds of gender identity and gender expression in addition to previous gender equality issues. In 2019, ECRI noted that no additional staff was provided to the institution despite the new aspect of its mandate. ECRI recommended that the authorities increase the capacity and staff of the Ombudsman in order to enable the institution to adequately deal with gender identity issues falling within its mandate. https://rm.coe.int/fifth-report-on-finland/1680972fa7 Wider work for the advancement of women in accordance with the provisions of the Beijing Platform for Action is carried out by the Ministry of Social Welfare and Health. Overall, the resources of the institutions to promote gender equality and women's rights remain insufficient. See comments to recommendations 100.121 and 100.37. |

| Recommendation | Position | Full list of themes | Amnesty International's Assessment/comments on level of implementation |
|--|-----------|--|---|
| 100.26 Establish a national institution for the advancement of women in accordance with the provisions of the Beijing Platform for Action (Honduras); Source of position: A/HRC/36/8/Add.1 - Para. 21 | Supported | F12 Discrimination against women, S05 gender equality and women's empowerment Affected persons: - women | Please see comment on recommendation 100.25. |
| 100.95 Continue the action aimed at the promotion of gender equality in all public and private activities (Angola); Source of position: A/HRC/36/8/Add.1 - Para. 75 | Supported | F12 Discrimination against women Affected persons: - women | |
| 100.99 Continue the work accomplished to prevent gender-based discrimination, promote equality between women and men and thus improve women's condition, particularly in working life (Cuba); Source of position: A/HRC/36/8/Add.1 - Para. 79 | Supported | F12 Discrimination against women Affected persons: - women | Partly implemented. Gender-based discrimination has deep roots in the Finnish society: violence against women is widespread; the wages, especially in healthcare and social work, where women are the vast majority of the workforce, are low compared to other sectors. Violence against women at work has tripled in the past three decades, according to Statistic Finland. |
| 100.108 Prepare a national plan with allocated targets to combat violence and discrimination against women and provide access and financial aid to support services, and strengthen cooperation between different government agencies (Islamic Republic of Iran); Source of position: A/HRC/36/8/Add.1 - Para. 80 | Supported | F12 Discrimination against women Affected persons: - women | Partly implemented. Please see comments to recommendation 100.121. |

| Recommendation | Position | Full list of themes | Amnesty International's Assessment/comments on level of implementation |
|--|-----------|--|---|
| 100.101 Ensure proper implementation of policies directed towards combating violence against women, including the recommendations made by the Committee on the Elimination of Discrimination against Women regarding sexual violence (Republic of Moldova); Source of position: A/HRC/36/8/Add.1 - Para. 80 | Supported | F12 Discrimination against women F13 Violence against women Affected persons: - women | Partly implemented. The government's proposal to introduce a consent-based rape legislation was given to the parliament in February 2022. In the proposal the central aspect of the legal definitions of rape and other sexual crimes is the lack of consent assessed in the context of the surrounding circumstances. However, in certain cases abusing a position of authority continues to be defined as sexual abuse, not rape. Causing the victims vulnerability or committing the crime in close relationship are still not seen as aggravating factors in sexual crimes. |
| 100.103 Promote gender equality and further combat violence against women (China); Source of position: A/HRC/36/8/Add.1 - Para. 80 | Supported | F12 Discrimination against women F13 Violence against women Affected persons: - women | Partly implemented. Please see comments to recommendations 100.22, 100.23, 100.24, 100.25 and 100.99, 100.108, 100.101. |
| 100.107 Continue its efforts aimed at eliminating discrimination and preventing violence against women and children, as well as taking further measures, with a longer-term strategy, aimed at protecting women's rights (Iceland); Source of position: A/HRC/36/8/Add.1 - Para. 80 | Supported | F12 Discrimination against women F13 Violence against women Affected persons: - women - children | Partly implemented. Please see comments to recommendations 100.22, 100.23, 100.24, 100.25 and 100.99, 100.108, 100.101. |
| 100.96 Continue to enhance the protection and the rights of women and children (Bosnia and Herzegovina); Source of position: A/HRC/36/8/Add.1 - Para. 76-77 | Supported | F12 Discrimination against women F31 Children: definition; general principles; protection Affected persons: - children | Partly implemented. Please see comments to recommendations 100.22, 100.23, 100.24, 100.25 and 100.99, 100.108, 100.101. |
| 100.150 Ensure the effective protection of migrants, particularly women migrant workers, against discrimination (Philippines); Source of position: A/HRC/36/8/Add.1 - Para. 106-109 | Supported | F12 Discrimination against women G4 Migrants Affected persons: - migrants | |
| Theme: F13 Violence against women | | | |

| Recommendation | Position | Full list of themes | Amnesty International's Assessment/comments on level of implementation |
|--|-----------|--|--|
| <p>100.23 Continue strengthening national laws on offences related to violence against women and girls (Botswana);</p> <p>Source of position: A/HRC/36/8/Add.1 - Para. 18</p> | Supported | <p>F13 Violence against women</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - women - girls | <p>Partly implemented.</p> <p>The government's proposal to introduce a consent-based rape legislation was given to the parliament in February 2022. In the proposal the central aspect of the legal definitions of rape and other sexual crimes is the lack of consent assessed in the context of the surrounding circumstances. However, in certain cases abusing a position of authority continues to be defined as sexual abuse, not rape. Putting the victim in a situation of vulnerability or committing the crime in close relationship are still not seen as aggravating factors in sexual crimes.</p> <p>The Ministry of Justice assessed the need for criminalization of forced marriages and concluded that criminalization was not necessary. The government proposal on annulling forced marriages was submitted to the parliament in October 2021. However, a possibility of repealing a forced marriage was not included in the proposal. Repealing would erase all existing legal consequences of marriage. Women's rights and human rights organizations called for the possibility of repealing in addition to annulment. (See the submission by the Human Rights League in Finland: https://ihmisoikeusliitto.fi/lausunto-avioliittoon-pakottamisen-rangaistavuudesta/ and the submission by the The National Council of Women of Finland: https://naisjarjestot.fi/naisjarjestojen-keskusliiton-lausunto-arviomuistiosta-avioliittoon-pakottamisen-rangaistavuudesta/ and the statement by the Multicultural Women's Association: https://monikanaiset.fi/tiedotteet/naisjarjestot-pakkoavioliittojen-lopettaminen-vaatii-rikoslain-muutoksen/ and the statement by Amnesty Finland: https://www.amnesty.fi/amnestyn-lausunto-avioliittoon-pakottamisen-kriminalisoinnista/)</p> <p>Mediation is still widely used, resulting in dropping of charges or poor police investigation in cases where the victim is a woman or a girl, and the context of the crime is intimate relationship.</p> <p>There is no explicit provision in the Criminal Code that criminalizes psychological violence.</p> <p>In addition, the current legislation does not oblige municipalities or regions to take measures for active prevention of gender-based violence. Further, the specific needs of women and girls who are undocumented, asylum seekers, refugees, non-Finnish speaking, transgender, elderly or living with disability are not identified in social and health care services.</p> <p>See comments to recommendation 100.112.</p> |

| Recommendation | Position | Full list of themes | Amnesty International's Assessment/comments on level of implementation |
|---|-----------|---|---|
| 100.100 Continue its good efforts to address violence against women (Lithuania); Source of position: A/HRC/36/8/Add.1 - Para. 80 | Supported | F13 Violence against women Affected persons: - women | Partly implemented. Please see comments to recommendations 100.22, 100.23, 100.24, 100.25 and 100.99, 100.108, 100.101. |
| 100.102 Establish a specific action plan to combat gender-based violence with a special system of prevention for this type of violence and also broaden the network of assistance for victims of sexual violence or gender-based violence (Spain); Source of position: A/HRC/36/8/Add.1 - Para. 80 | Supported | F13 Violence against women Affected persons: - women | Partly implemented. Please see comments to recommendations 100.22, 100.23, 100.24, 100.25 and 100.99, 100.108, 100.101. |
| 100.104 Take further measures aimed at eradicating violence against women (Georgia); Source of position: A/HRC/36/8/Add.1 - Para. 80 | Supported | F13 Violence against women Affected persons: - women | Partly implemented. Please see comments to recommendations 100.22, 100.23, 100.24, 100.25 and 100.99, 100.108, 100.101. |
| 100.105 Ensure the implementation of measures aimed at combating violence against women (Iceland); Source of position: A/HRC/36/8/Add.1 - Para. 80 | Supported | F13 Violence against women Affected persons: - women | Partly implemented. Please see comments to recommendations 100.22, 100.23, 100.24, 100.25 and 100.99, 100.108, 100.101. |
| 100.106 Strengthen efforts to prevent violence against women (Iraq); Source of position: A/HRC/36/8/Add.1 - Para. 80 | Supported | F13 Violence against women Affected persons: - women | Partly implemented. Please see comments to recommendations 100.22, 100.23, 100.24, 100.25 and 100.99, 100.108, 100.101. |
| 100.116 Strengthen the measures to combat violence against women as well as support victims and survivors of such violence (India); Source of position: A/HRC/36/8/Add.1 - Para. 80-85 | Supported | F13 Violence against women Affected persons: - women | Partly implemented. Please see comments to recommendations 100.22, 100.23, 100.24, 100.25 and 100.99, 100.108, 100.101. |

| Recommendation | Position | Full list of themes | Amnesty International's Assessment/comments on level of implementation |
|---|-----------|---|---|
| 100.122 Take further measures to address violence against women, including domestic and sexual violence, especially in the field of prevention (Estonia); Source of position: A/HRC/36/8/Add.1 - Para. 80-85 | Supported | F13 Violence against women Affected persons: - women | Partly implemented. Please see comments to recommendations 100.22, 100.23, 100.24, 100.25 and 100.99, 100.108, 100.101. |
| 100.123 Take all the necessary measures to put an end to violence committed against women and children (Libya); Source of position: A/HRC/36/8/Add.1 - Para. 80-85 | Supported | F13 Violence against women F31 Children: definition; general principles; protection Affected persons: - women - children | Partly implemented. Please see comments to recommendations 100.22, 100.23, 100.24, 100.25 and 100.99, 100.108, 100.101. |
| Theme: F31 Children: definition; general principles; protection | | | |
| 100.124 Reinforce the measures to protect the rights of the child (Georgia); Source of position: A/HRC/36/8/Add.1 - Para. 90 | Supported | F31 Children: definition; general principles; protection Affected persons: - children | |
| 100.125 Provide training on the rights of the child to public officials and civil servants (Timor-Leste); Source of position: A/HRC/36/8/Add.1 - Para. 90 | Supported | F31 Children: definition; general principles; protection Affected persons: - children | |
| Theme: F34 Children: Juvenile justice | | | |
| 100.127 Establish additional standards to guarantee the swift and appropriate appointment of guardians to unaccompanied minors (Portugal); Source of position: A/HRC/36/8/Add.1 - Para. 92 | Supported | F34 Children: Juvenile justice Affected persons: - children | |
| Theme: F4 Persons with disabilities | | | |

| Recommendation | Position | Full list of themes | Amnesty International's Assessment/comments on level of implementation |
|---|-----------|--|--|
| 100.135 Accompany the implementation of the Convention on the Rights of Persons with Disabilities with sufficient funds and concrete indicators through a new national disability policy (VAMPO) that continues the 2010-2015 policy (Spain); Source of position: A/HRC/36/8/Add.1 - Para. 100-101 | Supported | F4 Persons with disabilities Affected persons: - persons with disabilities | |
| Theme: G1 Members of minorities | | | |
| 100.141 Continue with the policies of inclusion of the Roma population (Peru); Source of position: A/HRC/36/8/Add.1 - Para. 102-104 | Supported | G1 Minorities Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups | Partly implemented In May 2018, Finland adopted its second National Roma Policy for 2018-2022 , aiming to support the progress seen in the societal integration of Roma and positive development in Roma linguistic, cultural and social rights. According to NGO shadow reports, published in May 2018 , January 2019 and May 2020 , Roma still form a marginalized group in Finland. Reports find that Roma still need affirmative actions to ensure their social, cultural and economic equality, especially in the area of employment. Turning the goodwill of National Roma Policy into an action at the local level remains as a challenge, and the Policy does not give enough importance for addressing antigypsyism. Stereotypes and negative attitudes are deeply rooted. In addition, reports suggest that the Policy should be more targeted and that the measures suggested should be more evidence-based. |
| 100.142 Continue its efforts to prevent discrimination against Roma (Timor-Leste); Source of position: A/HRC/36/8/Add.1 - Para. 102-104 | Supported | G1 Minorities Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups | Partly implemented See comments to recommendation 100.141. |
| 100.143 Protect the economic, social and cultural rights of the Sami people from the negative effects that may result from logging and other activities carried out by private agents (Guatemala); Source of position: A/HRC/36/8/Add.1 - Para. 105 | Supported | G1 Minorities Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups | |

| Recommendation | Position | Full list of themes | Amnesty International's Assessment/comments on level of implementation |
|---|-----------|---|--|
| 100.85 Continue efforts to guarantee the representation in political and public life of women belonging to disadvantaged groups like women with disabilities, ethnic minorities, Roma people and migrants (Colombia); Source of position: A/HRC/36/8/Add.1 - Para. 65-67 | Supported | G1 Members of minorities G4 Migrants Affected persons: - women - migrants - minorities/ racial, ethnic, linguistic, religious or descent-based groups | |
| 100.139 Establish and promote culturally sensitive initiatives to provide services for minority groups such as Roma and Sami and for migrants and refugees (Maldives); Source of position: A/HRC/36/8/Add.1 - Para. 102-104 | Supported | G1 Members of minorities G4 Migrants G5 Refugees & asylum seekers Affected persons: - migrants - refugees & asylum seekers | |
| Theme: G4 Migrants | | | |
| 100.140 Consider introducing incentives for better political participation of minorities and immigrants with a view to upholding their integration into society (Serbia); Source of position: A/HRC/36/8/Add.1 - Para. 102-104 | Supported | G4 Migrants Affected persons: - migrants - minorities/ racial, ethnic, linguistic, religious or descent-based groups | |
| 100.145 Strengthen social integration policies, especially for migrants (Lebanon); Source of position: A/HRC/36/8/Add.1 - Para. 106-109 | Supported | G4 Migrants Affected persons: - migrants | |
| 100.148 Continue its efforts to combat discrimination, particularly against migrant workers (Bangladesh); Source of position: A/HRC/36/8/Add.1 - Para. 106-109 | Supported | G4 Migrants Affected persons: - migrants | |

| Recommendation | Position | Full list of themes | Amnesty International's Assessment/comments on level of implementation |
|---|-----------|--|--|
| 100.66 Intensify efforts to prevent and combat discrimination against persons with immigration backgrounds (Turkey); Source of position: A/HRC/36/8/Add.1 - Para. 50-53 | Supported | G4 Migrants, G5 Refugees and asylum seekers Affected persons: - migrants - refugees & asylum seekers | Partly implemented See comments to recommendations 100.36 and 100.37. |
| 100.144 Strengthen national efforts to protect migrants and refugees (Iraq); Source of position: A/HRC/36/8/Add.1 - Para. 106-109 | Supported | G4 Migrants G5 Refugees & asylum seekers Affected persons: - migrants - refugees & asylum seekers | Partly implemented Law reform strengthening legal aid for asylum seekers in August 2021 |
| 100.146 Strengthen the policies related to receiving and the integration of migrants and refugees (Peru); Source of position: A/HRC/36/8/Add.1 - Para. 106-109 | Supported | G4 Migrants G5 Refugees & asylum seekers Affected persons: - migrants - refugees & asylum seekers | Not implemented In 2015 a law reform limited reception services to asylum seekers who have received a negative asylum decision. Previously people received reception services until they were returned to their home country. Since 2015, reception services have not been granted to rejected asylum seekers who have not returned to their home country voluntarily or whom the authorities have been unable to return by force. |
| 100.149 Take urgent measures for the investigation and punishment of acts of hate and discrimination towards migrants, refugees and minorities, and strengthen its awareness-raising programmes for the population in general and for public officials (Argentina); Source of position: A/HRC/36/8/Add.1 - Para. 106-109 | Supported | G4 Migrants G5 Refugees & asylum seekers Affected persons: - migrants - refugees & asylum seekers | Partly implemented See comments to recommendations 100.36 and 100.37. |
| Theme: S08 SDG 8 - economic growth, employment, decent work | | | |
| 100.88 Redouble its efforts to implement the principle of equal pay for work of equal value, including through the further development of the Equal Pay Programme (South Africa); Source of position: A/HRC/36/8/Add.1 - Para. 70 | Supported | S08 Employment and decent work Affected persons: - general | |

| Recommendation | Position | Full list of themes | Amnesty International's Assessment/comments on level of implementation |
|---|---------------------|---|---|
| 100.91 Effectively provide for the application of laws prohibiting wage discrimination for equal work between men and women (Uzbekistan); Source of position: A/HRC/36/8/Add.1 - Para. 72 | Supported | S08 Employment and decent work Affected persons: - women | |
| 100.27 Further strengthen its national human rights institutions, especially in the form of greater resource allocation (Pakistan); Source of position: A/HRC/36/8/Add.1 - Para. 22 | Supported | S16 peace, justice and strong institutions Affected persons: - general | Partly implemented. See comments to recommendation 100.29. |
| 100.28 Provide the national human rights institution with sufficient resources to carry out its mandate effectively and independently, including the promotion and protection of economic, social and cultural rights (Guatemala); Source of position: A/HRC/36/8/Add.1 - Para. 23 | Supported | S16 peace, justice and strong institutions Affected persons: - general | Partly implemented. See comments to recommendation 100.29. |
| Theme: A12 acceptance of international norms | | | |
| 100.12 In accordance with the commitment made after the universal periodic review of 2012, ratify the International Convention for the Protection of All Persons from Enforced Disappearance; the ILO Indigenous and Tribal Peoples Convention 1989, (No. 169); and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Bolivarian Republic of Venezuela); Source of position: A/HRC/36/8/Add.1 - Para. 9 | Supported/ Noted | A12 Acceptance of international norms D32 Enforced disappearances E32 Right to just and favourable conditions of work G3 Indigenous peoples G4 Migrants S08 SDG 8 - economic growth, employment, decent work Affected persons: - migrants | Partly implemented. The Ministry for Foreign Affairs has drafted a proposal to ratify the International Convention for the Protection of All Persons from Enforced Disappearance in 2022. The ILO Indigenous and Tribal Peoples Convention 1989, (No. 169) and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families are yet to be ratified. |

| Recommendation | Position | Full list of themes | Amnesty International's Assessment/comments on level of implementation |
|---|---------------------|--|---|
| Theme: A41 Constitutional and legislative framework | | | |
| 100.65 Ensure that the law enforcement, security and judicial authorities have the necessary knowledge and skills to address hate crimes against immigrants, asylum seekers and refugees by providing mandatory training and guidelines, and amend laws specific to hate crime and hate speech (Islamic Republic of Iran); Source of position: A/HRC/36/8/Add.1 - Para. 54 | Supported/ Noted | A41 Constitutional and legislative framework G4 Migrants G5 Refugees & asylum seekers Affected persons: - migrants - refugees & asylum seekers | Partly implemented See comments to recommendations 100.62 and 100.71. |
| Theme: E41 Right to health – General | | | |

| Recommendation | Position | Full list of themes | Amnesty International's Assessment/comments on level of implementation |
|--|---------------------|---|---|
| 100.50 Revise the Trans Act (on the Legal Recognition of the Gender of Transsexuals) by abolishing the need for sterilization, other medical treatment and a mental health diagnosis as requirements for a person's legal recognition of their gender identity and ensure that medical procedures performed on intersex infants and children take into account the best interest of the child (Sweden); Source of position: A/HRC/36/8/Add.1 - Para. 42 | Supported/ Noted | E41 Right to health - General F13 Violence against women Affected persons: - women | Partly implemented The procedure to obtain legal gender recognition continues to violate transgender people's right to privacy, and the rights of the child. As of March 2022, legal gender recognition requirements included proof of sterilization or infertility, a psychiatric diagnosis, and a blanket minimum age of 18. Despite the ongoing process to amend the legislation, the government has introduced no plan to enact a gender recognition system for minors. The government has estimated to introduce the bill in summer 2022. Children with variations in sex characteristics are routinely subjected to 'normalizing' surgical and other medical procedures. Despite a provision in the government programme to strengthen intersex children's right to self-determination, measures to ensure their bodily integrity remained unclear as of March 2022. In February 2019, Ministry of Justice and Ministry for Foreign Affairs published a study on the rights and experiences of intersex persons. In January 2020, the working group appointed by the Ministry of Social Affairs and Health (MoSAH) published a report concerning alternatives to develop legislation concerning transgender and intersex people. In May 2021, MoSAH appointed a new working group to prepare the legal suggestions to ensure the rights of transgender and intersex people in accordance with the government programme. As a part of the National Child Strategy , the Government has committed to establishing National Best Practice Recommendations for counseling and medical advice provided to families with children with variations of sex characteristics. The recommendations are estimated to be ready in early 2023. In November 2021, the Parliament started to consider a citizens' initiative to reform the law on gender recognition based on self-determination and including minors. |
| Theme: A12 Acceptance of international norms | | | |
| 100.14 Ratify the International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169) (Mexico); Source of position: A/HRC/36/8/Add.1 - Para. 11 | Noted | A12 Acceptance of international norms E32 Right to just and favourable conditions of work G3 Indigenous peoples Affected persons: - Indigenous peoples | Not implemented See comments to recommendation 100.15. |

| Recommendation | Position | Full list of themes | Amnesty International's Assessment/comments on level of implementation |
|---|----------|--|--|
| 100.16 Consider ratifying the International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169) (Peru); Source of position: A/HRC/36/8/Add.1 - Para. 11 | Noted | A12 Acceptance of international norms E32 Right to just and favourable conditions of work G3 Indigenous peoples Affected persons: - Indigenous peoples | Not implemented See comments to recommendation 100.15. |
| 100.3 Promptly ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) (Guatemala); Source of position: A/HRC/36/8/Add.1 - Para. 6-7 | Noted | A12 Acceptance of international norms E32 Right to just and favourable conditions of work G3 Indigenous peoples G4 Migrants S08 SDG 8 - economic growth, employment, decent work Affected persons: - migrants | Not implemented See comments to recommendation 100.15. |
| 100.2 Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Philippines) (Egypt) (Honduras); Source of position: A/HRC/36/8/Add.1 - Para. 6-7 | Noted | A12 Acceptance of international norms G4 Migrants Affected persons: - migrants | Not implemented |
| 100.4 Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Mozambique) (Chile); Source of position: A/HRC/36/8/Add.1 - Para. 6-7 | Noted | A12 Acceptance of international norms G4 Migrants S08 SDG 8 - economic growth, employment, decent work Affected persons: - migrants | Not implemented |

| Recommendation | Position | Full list of themes | Amnesty International's Assessment/comments on level of implementation |
|---|----------|--|--|
| 100.5 Consider ways forward for the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Indonesia); Source of position: A/HRC/36/8/Add.1 - Para. 6-7 | Noted | A12 Acceptance of international norms G4 Migrants S08 SDG 8 - economic growth, employment, decent work Affected persons: - migrants | Not implemented |
| 100.6 Continue to consider acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and recognize the competence of its committee (Uruguay); Source of position: A/HRC/36/8/Add.1 - Para. 6-7 | Noted | A12 Acceptance of international norms G4 Migrants S08 SDG 8 - economic growth, employment, decent work Affected persons: - migrants | Not implemented |
| Theme: A13 Reservations | | | |
| 100.1 Withdraw its reservation to the International Covenant on Civil and Political Rights (South Africa) (Portugal); Source of position: A/HRC/36/8/Add.1 - Para. 2 | Noted | A13 Reservations Affected persons: - general | |
| Theme: A41 Constitutional and legislative framework | | | |
| 100.51 Reform legislation to remove the requirement of infertility or sterilization as a condition for the legal recognition of gender reassignment (Australia); Source of position: A/HRC/36/8/Add.1 - Para. 41 | Noted | A41 Constitutional and legislative framework Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI) | Partly implemented See comments to recommendation 100.50. |

| Recommendation | Position | Full list of themes | Amnesty International's Assessment/comments on level of implementation |
|---|----------|--|--|
| 100.53 Amend its laws to remove the requirement for sterilization or infertility before recognition of the gender of transsexual persons and further, consider moving to a process allowing persons to self-declare their gender identity (Ireland); Source of position: A/HRC/36/8/Add.1 - Para. 41 | Noted | A41 Constitutional and legislative framework Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI) | Partly implemented See comments to recommendation 100.50. |
| 100.74 Ensure that its policies, legislation, regulations and enforcement measures effectively serve to prevent and address the heightened risk of business involvement in abuses in conflict situations, which include situations of foreign occupation (State of Palestine); Source of position: A/HRC/36/8/Add.1 - Para. 56 | Noted | A41 Constitutional and legislative framework Affected persons: - general | |
| 100.59 Take effective and rapid steps through the enactment of legislation to combat hate speech, Islamophobia and aggressive racist acts, which are increasingly prevalent in society, and ensure their effects are addressed in the long term (Egypt); Source of position: A/HRC/36/8/Add.1 - Para. 49 | Noted | A41 Constitutional and legislative framework B32 Racial discrimination Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups | Partly implemented See comments to recommendation 100.36. |

| Recommendation | Position | Full list of themes | Amnesty International's Assessment/comments on level of implementation |
|---|----------|---|--|
| 100.110 Implement new measures to ensure victims of rape seek redress, and modify the law to ensure the penalties for rape are more severe (Sierra Leone); Source of position: A/HRC/36/8/Add.1 - Para. 87 | Noted | A41 Constitutional and legislative framework B51 Right to an effective remedy F13 Violence against women Affected persons: - women | Partly implemented. The government's proposal to introduce a consent-based rape legislation was given to the Parliament in February 2022. In the proposal the central aspect of the legal definitions of rape and other sexual crimes is the lack of consent assessed in the context of the surrounding circumstances. However, in certain cases abusing a position of authority continues to be defined as sexual abuse, not rape. Causing the victims vulnerability or committing the crime in close relationship are still not seen as aggravating factors in sexual crimes. |
| Theme: A43 Human rights policies | | | |
| 100.73 Take an effective stand against hate speech and aggressive attitudes that are becoming increasingly mainstream (Islamic Republic of Iran); Source of position: A/HRC/36/8/Add.1 - Para. 55 | Noted | A43 Human rights policies Affected persons: - general | Partly implemented See comments to recommendations 100.62. and 100.71. |
| Theme: D26 Conditions of detention | | | |
| 100.134 Take measures to separate juvenile detainees from adults in all places of detention (Algeria); Source of position: A/HRC/36/8/Add.1 - Para. 99 | Noted | D26 Conditions of detention Affected persons: - persons deprived of their liberty | |
| 100.84 Release prisoners detained as conscientious objectors to military service and ensure that civilian alternatives to military service are not punitive or discriminatory and remain under civilian control (Uruguay); Source of position: A/HRC/36/8/Add.1 - Para. 64 | Noted | D26 Conditions of detention D42 Freedom of thought, conscience and religion Affected persons: - persons deprived of their liberty | Not implemented. The length of the civilian alternative to military service remains punitive and discriminatory. Conscientious objectors who refuse both military and non-military service continue to be convicted and given custodial sentences of up to nearly six months which, in most cases, means electronic monitoring. Amnesty International is concerned that the number of such convictions may rise as a legal provision exempting Jehovah's witnesses from military and non-military service was repealed by the parliament in 2019. Recommendations on future development of military service and national defence by a parliamentary committee in 2021 did not resolve these problems. Contrary to international recommendations, they included steps that would tie the civilian service closer to national defence. |
| Theme: D28 Gender-based violence | | | |

| Recommendation | Position | Full list of themes | Amnesty International's Assessment/comments on level of implementation |
|---|----------|---|--|
| 100.109 Increase its funding to actors engaged in combating violence and sexual abuse of women (Sweden); Source of position: A/HRC/36/8/Add.1 - Para. 86 | Noted | D28 Gender based violence Affected persons: - women | Partly implemented. See comments to recommendation 100.121 |
| Theme: D29 Domestic violence | | | |
| 100.118 Allocate sufficient resources in order to ensure full implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Netherlands); Source of position: A/HRC/36/8/Add.1 - Para. 89 | Noted | D29 Domestic violence E32 Right to just and favourable conditions of work F13 Violence against women Affected persons: - women | Partly implemented. Please see comments to recommendation 100.121. |
| Theme: D8 Rights related to marriage & family | | | |
| 100.86 Provide protection for the family as a natural and basic unit of society (Egypt); Source of position: A/HRC/36/8/Add.1 - Para. 68 | Noted | D8 Rights related to marriage & family Affected persons: - general | |
| Theme: E31 Right to work | | | |
| 100.89 Eliminate the persistent wage gap for labour between women and men by eliminating the significant segregation between the genders on the labour market (Russian Federation); Source of position: A/HRC/36/8/Add.1 - Para. 71 | Noted | E31 Right to work E32 Right to just and favourable conditions of work Affected persons: - women | |

| Recommendation | Position | Full list of themes | Amnesty International's Assessment/comments on level of implementation |
|--|----------|---|--|
| 100.93 Take further measures to address discrimination against non-native Finnish citizens in the area of employment, particularly by reducing the wage gap between immigrants and native Finns (Serbia); Source of position: A/HRC/36/8/Add.1 - Para. 73 | Noted | E31 Right to work E32 Right to just and favourable conditions of work G4 Migrants Affected persons: - migrants | |
| Theme: E41 Right to health - General | | | |
| 100.46 Eliminate, in the case of transsexuals, the requirement of sterilization, medical treatment and a mental health diagnosis in order to complete the process of legal recognition of gender identity (Mexico); Source of position: A/HRC/36/8/Add.1 - Para. 41 | Noted | E41 Right to health - General Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI) | Partly implemented See comments to recommendation 100.50. |
| 100.47 Amend the current Act on the Legal Recognition of the Gender of Transsexuals by abolishing the need for sterilization or infertility as a requirement for a person's legal recognition of their gender identity (Netherlands); Source of position: A/HRC/36/8/Add.1 - Para. 41 | Noted | E 41 Right to health Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI) | Partly implemented See comments to recommendation 100.50. |
| 100.48 Eliminate sterilization as a necessary criterion for the recognition of the gender of transgender persons (Portugal); Source of position: A/HRC/36/8/Add.1 - Para. 41 | Noted | E41 Right to health - General Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI) | Partly implemented See comments to recommendation 100.50. |

| Recommendation | Position | Full list of themes | Amnesty International's Assessment/comments on level of implementation |
|--|----------|---|--|
| 100.49. Remove the current norm for mandatory sterility to officially register gender reassignment (Spain); Source of position: A/HRC/36/8/Add.1 - Para. 41 | Noted | E41 Right to health - General Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI) | Partly implemented See comments to recommendation 100.50. |
| 100.52 Remove the requirement of infertility or sterilization before an individual may change their gender on legal documents (Canada); Source of position: A/HRC/36/8/Add.1 - Para. 41 | Noted | E41 Right to health Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI) | Partly implemented See comments to recommendation 100.50. |

Theme: F13 Violence against women

| | | | |
|--|-------|---|---|
| 100.111 Carry out a review of criteria for prosecuting cases of rape and sexual assault, to ensure that lack of consent, not only the use of force, is given adequate consideration when bringing cases for prosecution (United Kingdom of Great Britain and Northern Ireland); Source of position: A/HRC/36/8/Add.1 - Para. 87 | Noted | F13 Violence against women Affected persons: - women | Partly implemented. The government's proposal to introduce a consent-based rape legislation was given to the Parliament in February 2022. In the proposal the central aspect of the legal definitions of rape and other sexual crimes is the lack of consent assessed in the context of the surrounding circumstances. However, in certain cases abusing a position of authority continues to be defined as sexual abuse, not rape. Causing the victims vulnerability or committing the crime in close relationship are still not seen as aggravating factors in sexual crimes. |
| 100.114 Continue its efforts to implement the Istanbul Convention by ensuring that it has a sufficient budget, increase the number of shelters for women and children victims of violence, strengthen penalties for rape, improve the training of professionals for better reception of victims and better processing of their complaints (France); Source of position: A/HRC/36/8/Add.1 - Para. 88 | Noted | F13 Violence against women Affected persons: - women | Partly implemented. Please see comments to recommendations 100.111 and 100.22, 100.23, 100.24, 100.25 and 100.99, 100.108, 100.101. |

Theme: F32 Children: family environment and alternative care

| Recommendation | Position | Full list of themes | Amnesty International's Assessment/comments on level of implementation |
|--|----------|---|--|
| 100.130 Provide training in the area of the rights of the child for State officials and civil servants at all levels, in particular to prevent cases of the unjustified removal of children from their families (Russian Federation); Source of position: A/HRC/36/8/Add.1 - Para. 95 | Noted | F32 Family environment and alternative care Affected persons: - children | |
| Theme: F34 Children: Juvenile justice | | | |
| 100.133 Adopt measures to hold juvenile and adult offenders separately (Russian Federation); Source of position: A/HRC/36/8/Add.1 - Para. 99 | Noted | F34 Juvenile justice Affected persons: - children - youth | |

¹ Working Group on the Universal Periodic Review (WG UPR), Report: Finland, 14 July 2017, UN Doc. A/HRC/36/8; the Government of Finland, Universal Periodic Review – third cycle. A mid-term report on the implementation of the recommendations by the Government of Finland, 18 September 2019, upr-info.org/sites/default/files/document/finland/session_27_-_may_2017/finlandthirdcyclemid-termreport.pdf.

² Working Group on the Universal Periodic Review, Report: Finland, 14 July 2017, UN Doc. A/HRC/36/8, recommendations 100.9-100.12 (Argentina, Bosnia and Herzegovina, France, Montenegro, Italy, Ukraine and Venezuela); the Government of Finland, Universal Periodic Review – third cycle. A mid-term report on the implementation of the recommendations by the Government of Finland, 18 September 2019, upr-info.org/sites/default/files/document/finland/session_27_-_may_2017/finlandthirdcyclemid-termreport.pdf.

³ Working Group on the Universal Periodic Review, Report: Finland, 5 July 2012, UN Doc. A/HRC/21/8, recommendation 89.8 (Nicaragua); Working Group on the Universal Periodic Review (WG UPR), Report: Finland, 14 July 2017, UN Doc. A/HRC/36/8, recommendations 100.3. (Guatemala), 100.12 (Venezuela) and 100.15 (Norway); the Government of Finland, Universal Periodic Review – third cycle. A mid-term report on the implementation of the recommendations by the Government of Finland, 18 September 2019, upr-info.org/sites/default/files/document/finland/session_27_-_may_2017/finlandthirdcyclemid-termreport.pdf. In its review in 2017, the government said it “would decide later in 2017 whether it would pursue ratification”. The government had presented a proposal on ratification to the parliament already in 2014, but it was withdrawn in January 2019. In 2021, a working group established by the Ministry of Justice published a proposal on the reform of the Sámi Parliament Act which is considered a prerequisite for ratification of the Convention, but a government proposal on the subject is yet to be given to the parliament.

⁴ In 2019, the Human Rights Delegation of the Human Rights Centre, both of which are parts of the National Human Rights Institution (NHRI) together with the Parliamentary Ombudsman of Finland, concluded that the national human rights architecture is complex from an individual's point of view and the mandates of different bodies are partly overlapping but contain gaps. Furthermore, there is room for improvement in their resources as many bodies are small in relation to their tasks which keep increasing. Human Rights Delegation of the Human Rights Centre, Perus- ja ihmisoikeustilanne Suomessa. Ihmisoikeusvaltuuskunnan suositukset hallituskaudelle 2019–2023, 2019, bin.vhostisavain.fi/1586428/tK46if0u3XSk9Xrv122B0UqnUI/Perus-%20ja%20ihmisoikeustilanne%20Suomessa%20-%20Ihmisoikeusvaltuuskunnan.pdf.

Preliminary information obtained from the Human Rights Centre in an email exchange between them and Amnesty International Finnish section in February 2022 concerning their ongoing research includes similar conclusions. The study is scheduled to be published during spring 2022.

⁵ Ministry of Justice, Kansallinen perus- ja ihmisoikeustoimintaohjelma 2017-2019 (National Action Plan on Fundamental and Human Rights 2017-2019), 16 February 2017, <https://julkaisut.valtioneuvosto.fi/handle/10024/79277>

An independent evaluation of the Action Plan concluded that political guidance impacted the level of ambition in projects included in the Action Plan and even though most projects had been implemented, it was not possible to assess whether they had improved the human rights situation in Finland. Pauli Rautiainen, Kaisa Sinkkilä and Anssi Keinänen, Demokatiapoliittisen toimintaohjelman 2017–2019 sekä kansallisen perus- ja ihmisoikeustoimintaohjelman 2017–2019 arviointi, Oikeusministeriön julkaisu, Selvityksiä ja ohjeita 2020:2, julkaisut.valtioneuvosto.fi/bitstream/handle/10024/162286/OM_2020_02_SO%20%281%29.pdf?sequence=1&isAllowed=y, p. 13 and 28.

Many commentators criticized the government for excluding difficult topics from the Action Plan. See, for example, professor Pauli Rautiainen in the Constitutional Law blog, 6 June 2019, <https://perustuslakiblogi.wordpress.com/2019/06/06/pauli-rautiainen-ihmisoikeuspolitiikan-rakenteet-hallitusohjelmassa-kriittisia-huomioita/>.

⁶ National Action Plan on Fundamental and Human Rights 2020–2023: Developing the Monitoring of Fundamental and Human Rights, June 2021, <https://julkaisut.valtioneuvosto.fi/handle/10024/163742>.

⁷ In December 2020, the Ministry of Justice appointed a government network (Valtioneuvoston vaikutusarvioinnin osaamisverkosto 2020-2023) to support civil servants preparing government bills in identifying and assessing impact of proposed legislation and to strengthen cooperation between ministries in making impact assessments. Ministry of Justice, <https://oikeusministerio.fi/hanke?tunnus=OM018:00/2021>.

⁸ In May 2021, the UN Human Rights Committee (HRC) expressed its concern regarding reports of the lack of a systematic approach to such assessment and their limited effectiveness in upholding the rights of children, women, asylum seekers, migrants and the Sámi people, in particular regarding the collection and analysis of relevant data (art. 2). UN Human Rights Committee, Concluding Observations: Finland, 3 May 2021, UN Doc. CCPR/C/FIN/CO/7.

In March 2021, the UN Committee on Economic, Social and Cultural Rights (CESCR) recommended that Finland conduct impact assessments on the Covenant rights, including on equal rights of men and women, not only for proposed legislation, but also in policymaking processes. UN Committee on Economic, Social and Cultural Rights, Concluding Observations: Finland, 30 March 2021, UN Doc. E/C.12/FIN/CO/7.

⁹ The current Government Network of Contact Persons for Fundamental and Human Rights is the third of its kind and was appointed in February 2020. Ministry of Justice, Valtioneuvoston perus- ja ihmisoikeusverkosto 2020-2023 OM024:00/2020, 2020, oikeusministerio.fi/hanke?tunnus=OM024:00/2020.

¹⁰ See for example, Viljanen, Jukka; Seppä, Tarja; Järvinen, Petra and Keskilampi, Nelli, *Evaluation of the Implementation and Monitoring of the Council of Europe Human Rights Treaties*, Publications of the Government's analysis, assessment and research activities 2022:17, 28 February 2022, https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/163872/VNTEAS_2022_17.pdf?sequence=1&isAllowed=y (description sheet in English).

¹¹ Statistics Finland, Statistics – Greenhouse gases, tilastokeskus.fi/til/khki/2020/khki_2020_2021-12-16_tie_001_en.html (accessed on 10 February 2022).

¹² The Finnish Climate Change Act (609/2015) entered into force in 2015. The Act sets out a framework of plans, i.e. the medium-term plan to 2030, the long-term climate plan and the National Climate Change Adaptation Plan, aimed to reduce greenhouse gas emissions and adapt to climate change in Finland. It also obliges the central government authorities to monitor the trends in emissions and report on them. During the current reform process, a land use sector climate plan will be added to the Act to enable including targets for enhancing carbon sinks under the Act. For more information see for example The Ministry of Environment, The Reform of the Climate Change Act, ym.fi/en/the-reform-of-the-climate-change-act.

¹³ Key policies describing the measures aiming to meet Finland's greenhouse gas emission reduction targets include the medium-term climate policy plan (EU ESR sectors), the climate and energy strategy (EU ETS sectors), the roadmap for fossil-free transport and the climate plan for the land use sector.

¹⁴ Finnish Government, Inclusive and competent Finland – a socially, economically and ecologically sustainable society – Programme of Prime Minister Sanna Marin's Government 2019, 3.1 Carbon neutral Finland that protects biodiversity, valtioneuvosto.fi/en/marin/government-programme/carbon-neutral-finland-that-protects-biodiversity;

European Commission, Proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) 2018/842 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement, 14 July 2021, eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2021:555:FIN.

¹⁵ Ministry of the Environment, Climate Change Act proposal sent for public hearing (in Finnish only), 2 July 2021, ym.fi/documents/1410903/0/HE_ilmastolaki_fi_luonnos.pdf?be397a14-18ee-d22e-658a-34b6239f8182/HE_ilmastolaki_fi_luonnos.pdf?t=1631535706537. In addition to the target for 2050, the Act proposal includes mid-term targets for the years 2030 and 2040, namely reducing CO₂ emissions by at least 60% by 2030 and by at least 80% by 2040.

¹⁶ Ministry of the Environment, Draft of Finland's medium-term climate policy plan (in Finnish only), 8 December 2021, <https://www.lausuntopalvelu.fi/FI/Proposal/DownloadProposalAttachment?attachmentId=16934>; The Finnish Climate Change Panel, Ilmastotoimien riittävyyden arviointi vuosien 2030 ja 2035 tavoitteiden osalta. Suomen ilmastopaneelin julkaisuja 1/2022, 2022, https://www.ilmastopaneeli.fi/wp-content/uploads/2022/02/VN-990-2022_ilmastotoimien-arviointi_ilmastopaneeli.pdf.

¹⁷ Paula Kivimaa, Suvi Huttunen, Anu Lähteenmäki-Uutela, Milja Heikkinen, Sirkku Juhola, Minna Kaljonen, Jukka Käyhkö, Peter Lund and Klemetti Näkkäläjärvi, How to consider justice in climate policy? The Finnish Climate Change Panel, Publication 5/2021, 2021, [ilmastopaneeli.fi/wp-content/uploads/2021/12/Finnish-Climate-Change-Panel_how-to-consider-justice-in-climate-policy_publication-5-2021.pdf](https://www.ilmastopaneeli.fi/wp-content/uploads/2021/12/Finnish-Climate-Change-Panel_how-to-consider-justice-in-climate-policy_publication-5-2021.pdf).

¹⁸ Finnish Ministry of the Environment, "Ilmastolain uudistus etenee – lakiehdotukseen lähes 450 lausuntoa", 17 November 2021, [ilmastolain-uudistus-etenee-lakiehdotukseen-lahes-450-lausuntoa](https://www.ilmastolain-uudistus-etenee-lakiehdotukseen-lahes-450-lausuntoa).

¹⁹ UN Committee on Economic, Social and Cultural Rights, Concluding Observations: Finland, 30 March 2021, UN Doc. E/C.12/FIN/CO/7.

²⁰ It was found that during 2016-18, women's disposable income decreased more often and by larger amounts than that of men. Approximately 500 000 persons' income decreased by more than 50 Euros annually during this period. Of them, an estimated 55% were women and their income decreased by 2.29%, while the percentage for men in the same group was 1.88%. Hanna Elomäki & Hanna Ylöstalo (eds.), Tasa-arvoa talousarvioon – talousarvion sukupuolivaikutusten arviointi ja sukupuolittainen budjetointi. Government's Analysis, Assessment and Research Activities, 4 September 2018, julkaisut.valtioneuvosto.fi/handle/10024/161000.

²¹ Susanna Munkkila and Paula Saikkonen, Vuoden 2020 talousarvion vaikutukset perusturvaan, Working paper 16/2020, Finnish Institute for Welfare and Health, 2020, julkari.fi/bitstream/handle/10024/139548/URN_ISBN_978-952-343-487-5.pdf?sequence=1&isAllowed=y; Susanna Munkkila and Jussi Tervola, Vuoden 2021 talousarvion vaikutukset perusturvaan, Working paper 12/2021, Finnish Institute for Welfare and Health, 2021, julkari.fi/bitstream/handle/10024/141155/URN_ISBN_978-952-343-643-5.pdf?sequence=1&isAllowed=y; Hallituksen esitys vuoden 2022 talousarvioksi, 27 September 2021, eduskunta.fi/FI/vaski/KasittelytiedotValtiopaivaasia/Sivut/HE_146+2021.aspx.

²² Amnesty International, "I Live under constant duress and in a state of emergency": Inadequate social security in Finland, (Index: EUR 20/4804/2021), 31 August 2021, [amnesty.org/en/documents/eur20/4804/2021/en/](https://www.amnesty.org/en/documents/eur20/4804/2021/en/).

²³ Amnesty International, "I Live under constant duress and in a state of emergency": Inadequate social security in Finland, (Index: EUR 20/4804/2021), 31 August 2021, [amnesty.org/en/documents/eur20/4804/2021/en/](https://www.amnesty.org/en/documents/eur20/4804/2021/en/).

²⁴ When policing protests where activists use collective civil disobedience to block roads law enforcement officials usually put more weight on avoiding disturbances to vehicular traffic than protecting the right to freedom of peaceful assembly. UN Human Rights Committee, General Comment 37: the right of peaceful assembly (article 21), 17 September 2020, UN Doc. CCPR/C/GC/37, para. 16: If the conduct of participants in an assembly is peaceful, the fact that certain domestic legal requirements pertaining to an assembly have not been met by its organizers or participants does not, on its own, place the participants outside the scope of the protection of article 21. Collective civil disobedience or direct action campaigns can be covered by article 21, provided that they are non-violent.

UN Human Rights Committee, General Comment 37: the right of peaceful assembly (article 21), 17 September 2020, UN Doc. CCPR/C/GC/37, para. 23: The obligation to respect and ensure peaceful assemblies imposes negative and positive duties on States before, during and after assemblies. The negative duty entails that there be no unwarranted interference with peaceful assemblies. States are obliged, for example, not to prohibit, restrict, block, disperse or disrupt peaceful assemblies without compelling justification, nor to sanction participants or organizers without legitimate cause.

²⁵ Examples of these measures are further elaborated below. At the same time, some activists and supporters of climate action group Elokapina are being prosecuted for fraud and fundraising crimes, with one supporter being prosecuted for incitement. National Prosecution Authority, "Syytteitä nostettu

Elonvaalijat ry:tä ja Elokapina-liikettä koskevassa asiassa”, 20 January 2022, syyttajalaitos.fi/-/syytteita-nostettu-elonvaalijat-ry-ta-ja-elokapina-liiketta-koskevassa-asiassa.

²⁶ Also known as pepper spray.

²⁷ The event was covered widely in the media, see for example MTV News, "Video näyttää, miten poliisi kaasutti istuvia mielenosoittajia Helsingissä – asiantuntija arvioi poliisin voimankäyttöä: "On perusoikeus osoittaa mieltä"", 4 October 2020, mtv uutiset.fi/artikkeli/video-nayttaa-miten-poliisi-kaasutti-istuvia-mielenosoittajia-helsingissa-asiantuntija-arvioi-poliisin-voimankayttoa-on-perusoikeus-osoittaa-mieltä/7943718#gs.rbc5si; Itälehti, "Video: Poliisi sumutti kadulla istuvia mielenosoittajia Helsingissä – sisäministeri Ohisalo saanut alustavan selvityksen voimankäytöstä", 3 October 2020, ita-lehti.fi/kotimaa/a/bf8f6ca8-bddd-44b4-b3f0-37d88d94802d, which includes video material.

²⁸ The prosecutor conducts a consideration of charges based on the evidence obtained during the pre-trial investigation. The prosecutor decides whether they will bring charges for the suspected offence or not.

²⁹ UN Human Rights Committee, General Comment 37: the right of peaceful assembly (article 21), 17 September 2020, UN Doc. CCPR/C/GC/37, para. 86: Force that is likely to cause more than negligible injury should not be used against individuals or groups who are passively resisting.

Yle News, "Six police officers are suspected of assault or breach of duty concerning the use of OC spray", 1 October 2021, yle.fi/news/3-12124597.

³⁰ The crimes the activists were suspected of, combined with the police's presumption that they would either continue illegal action or damage the evidence, would justify arrest under Finnish legislation. According to legal experts commenting on the events, it is questionable whether there were any grounds for suspecting the protesters of "aggravated invasion of public premises": the activists did not attempt to enter the building, nor did they use violence. Yle News, "Oikeusoppinut: "Tärkeä julkisrauhan rikkominen on raflaava rikosnimike" – poliisi vahvistaa pidättäneensä yhden Elokapinan mielenosoittajan", 11 October 2021, yle.fi/uutiset/3-12138077.

Police report concerning the events states that it remains to be clarified how many people were not able to join their meeting during the protest. It is not clear if any meetings were affected, and members of the government including the president of the republic said that they had used their normal routes to get to the building. No violence or threat of violence were used, which is an essential element of a crime of prevention of public meeting in the Criminal Code. MTV News, "Elokapinan mielenosoitus syyteharkintaan yli 50 ihmisen osalta – osassa epäilyistä maksimirangaistus kaksi vuotta vankeutta", 11 October 2021, mtv uutiset.fi/artikkeli/elokapinan-mielenosoitus-valtioneuvoston-linnan-edustalla-menee-syyteharkintaan-yli-50-ihmisen-osalta/8357078#gs.rb26t0.

³¹ Between 2 and 22 October 2021, Amnesty Finland interviewed 17 activists participating in the peaceful sit-in action on 8 October 2021. 15 of the interviewed activists were arrested and kept overnight, two were released sooner as they were minors. The activists interviewed by Amnesty said they accepted the charge of contumacy towards the police (for failing to obey the police orders) but did not recognize other charges they were accused of. Suspicion of contumacy towards the police is legally inadequate to justify arrest.

Only one of the activists interviewed by Amnesty mentioned that he may have been informed of being arrested soon after apprehension, at the time indicated in the official documents. 14 of the 15 activists who were arrested told Amnesty that they had not been informed of the reason of their apprehension, or that they were under arrest, in a timely manner. Most of them received this information while they were interviewed several hours after their apprehension. Six interviewees told that police had informed them of their arrest through the cell door late at night or early next morning, without indicating the reasons for arrest. The interviewed activists reported also other forms of violations during detention, including failure by the police to inform the detainees of their rights and to fulfil these rights. For example, the activists were not properly informed about the right for legal assistance, or the right to talk with their lawyer in private. (Interview with Elokapina activist nro. 5, Helsinki, 21st October 2021; Interview with Elokapina activist nro. 2, Helsinki, 12th October 2021; Interview with Elokapina activist nro. 14, Helsinki, 12th October 2021.)

³² Yle News, "Police pass cases against over 50 climate activists to prosecutor", 17 February 2022, yle.fi/news/3-12321562.

³³ During the protest, police tweeted that "controlling the movement of persons inside the Government Palace can in a way be seen as a threat of violence". Helsinki Police Department, Twitter post, 8 October 2021, twitter.com/HelsinkiPoliisi/status/1446435878986043401.

UN Human Rights Committee, General Comment 37: the right of peaceful assembly (article 21), 17 September 2020, UN Doc. CCPR/C/GC/37, para. 15: "...Violence" in the context of article 21 typically entails the use by participants of physical force against others that is likely to result in injury or death, or serious damage to property. Mere pushing and shoving or disruption of vehicular or pedestrian movement or daily activities do not amount to "violence".

³⁴ The National Police Board (Poliisihallitus) has taken the police operation up as an internal oversight legality safeguards matter. Helsinki Police Department has provided a report requested by the National Police Board, in which it admitted a partial failure in communication concerning the protest and the assessment of the security threat. Finnish Government, "National Police Board to look into police operations in dealing with the demonstration held on 8 October outside of the Government Palace", 11 October 2021, valtioneuvosto.fi/en/-/25235045/national-police-board-to-look-into-police-operations-in-dealing-with-the-demonstration-held-on-8-october-outside-of-the-government-palace; Police, 19 November 2021, Poliisihallituksen selvitys- ja lausuntopyyntö 11.10.2021 POL-2021-130362 – Helsingin poliisilaitoksen selvitys ja lausunto, poliisi.fi/documents/25235045/49245886/Helsingin+poliisilaitoksen+selvitys+ja+lausunto.pdf/5682e1ab-1705-ffca-b135-6b17bc8f432c?t=1637331471903.

³⁵ European Union Agency for Fundamental Rights, Violence against women – an EU wide survey, 5 March 2014, fra.europa.eu/en/publication/2014/violence-against-women-eu-wide-survey-main-results-report.

³⁶ Statistical data from 2020 indicates that intimate partner violence reported to the police increased by 6%, although violence perpetrated by ex-partners dropped by 34%, compared to 2019. In 2021, sexual violence increased significantly: 1,806 rapes were recorded, which is 356 cases (24.6 per cent) more than in 2020. In addition, 1,415 other sexual offences were reported. Of them, 726 were cases of sexual harassment, which is 171 cases (30.8 per cent) more than in 2020. Latest available statistics by Statistics Finland: Statistics Finland – Statistics on offences and coercive measures, tilastokeskus.fi/til/rpk/2021/04/rpk_2021_04_2022-01-19_tie_001_en.html (accessed on 21 March 2022).

³⁷ This information is based on the preliminary findings of research conducted by the Finnish Institute for Health and Welfare. The research is investigating the impacts of the coronavirus epidemic on experiences of domestic violence and the use of services. Preliminary findings were presented 25 November 2021 by researcher Johanna Hietamäki in a seminar organized by the National Observatory of Violence Against Women, no written documents are published. More about the research project: Finnish Institute for Health and Welfare, Impacts of the coronavirus epidemic on experiences of domestic violence and the use of services (KOVÄ) 2020-2023, 16 March 2021, thl.fi/en/web/thlfi-en/research-and-development/research-and-projects/impacts-of-the-coronavirus-epidemic-on-experiences-of-domestic-violence-and-the-use-of-services-kova-.

³⁸ A study published by the Ministry of Social Affairs and Health in 2020 shows the lack of structures and preventive actions in combatting gender-based violence in Finnish municipalities. The municipal survey examined the present structures of intimate partner violence work in municipalities and joint municipal authorities. Suvi Nipuli, Lähisuhdeväkivaltaan puuttumisen ja ehkäisyn prosessit : Lähisuhdeväkivaltatyön hyvät käytännöt rakenteisiin (Description in English), Raportteja ja muistioita 2019:55, 21 January 2020, <https://julkaisut.valtioneuvosto.fi/handle/10024/162012>. Similar findings were found by the research (available in Finnish only) conducted by Amnesty International Finnish Section in 2017: The Finnish Section of Amnesty International and Satu Lidman, Kuka ottaa vastuun? Naisiin kohdistuva väkivalta ja ihmisoikeusvelvoitteiden toteutuminen, 2017, frantic.s3.amazonaws.com/amnesty-fi/2017/01/Amnestyn-kuntaselvitys-naisiin-kohdistuvasta-v%C3%A4kivallasta.pdf. In the follow up research (available in Finnish only) by Amnesty Finland in 2021 local politicians and NGO representatives called for a clear legislation that would require planning of preventive action by local and regional councils. The Finnish Section of Amnesty International and Satu Lidman, 2021, Onko reitti selvä? Naisiin kohdistuva väkivalta ja ihmisoikeusvelvoitteiden toteutuminen kunnissa, amnesty.fi/uploads/2021/05/amnestyn-seurantatutkimus-tiivistelma-2021.pdf. This was one of the recommendations in the study published by Ministry of Social Welfare and Health. Authorities in Finnish Institute for Health and Welfare (THL) have been calling for legislation that would explicitly express the structures needed for effective prevention of gender-based violence. (See for example THL experts, “Kuntien väkivallan vastaisen työn rakenteista tarvitaan laki” (only in Finnish), 12 February 2021, blogi.thl.fi/kuntien-vakivallan-vastaisen-tyon-rakenteista-tarvitaan-laki/).

³⁹ Adjunct Professor Satu Lidman conducted research in 2016 for Amnesty International Finnish Section on the preventive work on political level and services for survivors of gender-based violence in Finnish municipalities. The main findings show that in the municipal social and health services — nor in the services provided by the local NGO's — the special needs of women and girls who are marginalized and/or belong to minorities, including undocumented, asylum-seeker, refugee, non-Finnish speaking, transgender, elderly or disabled women and girls, are not identified. Thus, there are no plans regarding how to meet their needs. Summary of the study, only in Finnish: The Finnish Section of Amnesty International and Satu Lidman, Kuka ottaa vastuun? Naisiin kohdistuva väkivalta ja ihmisoikeusvelvoitteiden toteutuminen, 2017, frantic.s3.amazonaws.com/amnesty-fi/2017/02/Vuoden-2016-kuntaselvityksen-tiivistelm%C3%A4-ja-johtop%C3%A4%C3%A4t%C3%B6kset.pdf.

⁴⁰ The Deputy Chancellor of Justice received a complaint from the Federation of Mother and Child Shelters and Homes in April 2019. The complaint was about an intimate partner violence case which the police decided not to register as a crime because police had been called on the premises frequently and because both the victim and the perpetrator were intoxicated at the scene when police arrived. The victim sought safety from a shelter and told the social workers what had occurred. The Deputy Chancellor of Justice concluded that the police have responsibility to report and investigate intimate partner violence and all domestic violence cases thoroughly, and to inform the victim about support services. In the conclusion the responsibilities of the police were based on international human rights treaties, EU law and national legislation. Deputy Chancellor of Justice, Poliisin menettely parisuhdeväkivaltatilanteissa OKV/1325/1/2018, 12 April 2019, okv.fi/media/filer_public/85/e3/85e3b9d3-7e89-43ef-9d27-f75478da9e9d/okv_1325_1_2018.pdf.

During the same year, the Deputy Chancellor of Justice reviewed police instructions in cases of domestic violence and intimate partner violence. In his review, the Deputy Chancellor of Justice emphasized that mediation must not mean that criminal process is being bypassed and stressed that the Finnish authorities must ensure that all law-enforcement staff are aware that mediation is prohibited in cases of repeated violence. Deputy Chancellor of Justice, “Parisuhdeväkivallan erityispiirteet jäävät vähälle huomiolle Poliisihallituksen ohjeissa - apulaisoikeuskansleri kehottaa parantamaan ohjeistusta”, 28 November 2019, okv.fi/tiedotteet-ja-puheenvuorot/526/parisuhdevakivallan-erityispiirteet-jaavat-vahalle-huomiolle-poliisihallituksen-ohjeissa-apulaisoikeuskansleri-kehottaa-parantamaan-ohjeistusta.

On 16 January 2022, an article in Helsingin Sanomat revealed evidence based on five separate cases that crimes where the victim is typically a woman, or a girl and the nature of the crime is either sexual or intimate partner violence, are not properly investigated — or not investigated at all — by the police. The Deputy Chancellor of Justice has started an investigation in the matter because of the article. Helsingin Sanomat, “Aiheetonta viivytystä”, 16 January 2022, dynamic.hs.fi/a/2022/tutkinta.

On 22 January 2022, Helsingin Sanomat presented a story of a woman who had been a victim of intimate partner violence repeatedly for years. After divorce a restraining order did not stop the ex-husband from sending numerous death threats, which the court did not see as a life-threatening risk. Despite the violence and the knowledge of the perpetrator's substance abuse the former couple's children are allowed to live with him. Helsingin Sanomat, “Uhkaillaisa voitti oikeudessa”, 22 January 2022, hs.fi/kotimaa/art-2000008528596.html.

On 13 February 2022, yet another article was published where an NGO representative explained that a victim of an honour based killing had sought help repeatedly from various authorities, including the police. Reporting violence to the police had not led to prosecution nor a thorough police investigation. Helsingin Sanomat, “Naisrauhan turvaaja”, 13 February 2022, hs.fi/sunnuntai/art-2000008567452.html.

The Council of Europe's Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) urged the Finnish authorities to introduce systematic and mandatory initial and in-service training on all forms of violence covered by the Istanbul Convention for all law-enforcement officers and prosecutors. GREVIO strongly encouraged training for all professionals working with women or children who are victims of violence to ensure

INDEX: EUR 20/5402/2022

MARCH 2022

LANGUAGE: ENGLISH

amnesty.org

AMNESTY
INTERNATIONAL



knowledge of the particular characteristics and needs of different vulnerable groups and to base this training on clear protocols and guidelines that set the standards that staff are expected to follow in their respective fields. In addition, GREVIO encouraged the Finnish authorities to develop and widely disseminate guidelines for the handling of different forms of violence covered by the Istanbul Convention, taking into account the characteristics of each form, their interconnectedness, the risk factors for re-victimisation and how violence can affect the ability and willingness of persons with different backgrounds to disclose the violence to the police or other public authorities. Recommendations were published in evaluation report in 2019: Group of Experts on Action against Violence against Women and Domestic Violence, Baseline Evaluation Report – Finland, 2019, rm.coe.int/grevio-report-on-finland/168097129d.

⁴¹ Finnish Institute of Health and Welfare, Mediation of domestic violence crimes (abstract in English), Working paper 2/2019, 2019, julkari.fi/bitstream/handle/10024/137475/URN_ISBN_978-952-343-269-7.pdf?sequence=1&isAllowed=y.

In the Baseline Evaluation Report GREVIO urged the Finnish authorities to introduce clear protocols and guidelines on mediation in domestic violence cases with a view to ensuring that:

- all law-enforcement and prosecution staff are aware that mediation is prohibited in cases of repeated violence;
- all offers of mediation are accepted entirely voluntarily;
- an offer of mediation does not result in the discontinuation of criminal investigation and prosecution in violence against women cases.

In addition, GREVIO urged the Finnish authorities to reconsider the power vested in the police to propose mediation as a criminal justice measure in domestic violence cases, because having this power might jeopardise the effectiveness of criminal investigation. Group of Experts on Action against Violence against Women and Domestic Violence, Baseline Evaluation Report – Finland, 2019, rm.coe.int/grevio-report-on-finland/168097129d.

⁴² Hallituksen esitys eduskunnalle seksuaalirikoksia koskevaksi lainsäädännöksi HE13/2022 (Government proposal on legislation on sexual offences), 17 February 2022, valtioneuvosto.fi/paatokset/paatos?decisionId=0900908f8078d3e6. See also Yle News, ““Historic” reform: Tougher laws against sexual assault and harassment to take effect in 2023”, 17 February 2022, yle.fi/news/3-12322971.

⁴³ In the Government proposal a situation, where a person uses position of authority “strongly” or in a “serious manner” (in Finnish: vakava valta-aseman hyväksikäyttö) the act is classified as rape. But if the suspect has used position of authority in another, less serious way, it is sexual abuse. In the proposal sexual abuse would apply to cases where the perpetrator abuses his position of authority over a person who is hospitalized, living in an institution, or is unable to form or express consent regarding intercourse or another sexual conduct that violates sexual autonomy (unofficial translation). This formulation of the proposal conflicts with the principle of freely given consent, which is present in other provisions, including rape-provision. In addition, it does not fulfill the obligations of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) Article 36 and ignores the UN Committee on the Elimination of Discrimination against Women (CEDAW) General Comment 35: gender-based violence against women, updating general recommendation No. 19, 14 July 2017, UN Doc. CEDAW/C/GC/35. The proposal also ignores Article 46 of the Istanbul Convention that requires, that national legislation identifies the aggravating circumstances: a person has abused her or his authority, the offence was committed against a former or current spouse or partner by a member of the family, a person cohabiting with the victim, or the offence was committed against a person made vulnerable by particular circumstances.

⁴⁴ 46% of the Finnish trans respondents and 70% of the intersex respondents of the EU-LGBTI II Survey felt that they had been personally discriminated against due to being LGBTI in the past year. European Union Agency for Fundamental Rights, LGBTI Survey Data Explorer, 2022, fra.europa.eu/en/data-and-maps/2020/lgbti-survey-data-explorer?locale=EN&dataSource=LGBTI&media=png&width=740&topic=2.+Discrimination&question=DEXover_discr&subset=AllSubset&country=FI&superSubset=05--Trans-people&plot=inCountry&M2V=inCountry. According to the National School Health Survey 2019, 27% of gender minority youth had experienced physical threats in the past year. For respondents who identified as cisgender, the corresponding number was 14%.

Satu Jokela, Pauliina Luopa, Anni Hyvärinen, Tupu Ruuska, Tuija Martelin and Reija Klemetti, Sukupuoli- ja seksuaalivähemmistöihin kuuluvien nuorten hyvinvointi – Kouluterveyskyselyn tuloksia 2019, Working paper 38/2020, Finnish Institute for Welfare and Health, 2020, julkari.fi/bitstream/handle/10024/140742/URN_ISBN_978-952-343-580-3.pdf?sequence=1&isAllowed=y, p. 24.

In May 2021, the UN Human Rights Committee recommended Finland to intensify its efforts to eradicate all forms of discrimination and violence against and social stigmatization of persons based on their sexual orientation or gender identity. UN Human Rights Committee, Concluding Observations: Finland, 3 May 2021, UN Doc. CCPR/C/FIN/CO/7, para. 21 (a)). In March 2021, the UN Committee on Economic, Social and Cultural Rights noted with concern the findings of the School Health Survey highlighting poorer educational outcomes and bullying at school of lesbian, gay, bisexual, transgender and intersex pupils. Moreover, the committee recommended Finland to enable social support and to ensure that housing and rental agencies do not engage in practices that discriminate against groups such as lesbian, gay, bisexual, transgender and intersex persons. UN Committee on Economic, Social and Cultural Rights, Concluding Observations: Finland, 30 March 2021, UN Doc. E/C.12/FIN/CO/7, paras 39 (b) and 46.

⁴⁵ Outi Lepola, Tensions all the time – Multiple discrimination as experienced by people belonging to sexual and gender minorities (abstract in English), Ministry of Justice, 19 December 2018, julkaisut.valtioneuvosto.fi/handle/10024/161239.

⁴⁶ In September 2019, the European Commission against Racism and Intolerance (ECRI) recommended, as a matter of priority and in conformity with the case law of the European Court of Human Rights, that the Act on Legal Recognition of the Gender of Transsexuals should be amended to remove the requirement that trans persons seeking legal gender recognition should be infertile or undergo sterilisation as a precondition for legal recognition. European Commission against Racism and Intolerance, ECRI report on Finland (fifth monitoring cycle), 18 June 2019, rm.coe.int/fifth-report-on-finland/1680972fa7, para. 101.

In May 2021, the UN Human Rights Committee expressed their concern about the lengthy procedure for legal gender recognition and the requirements to be sterilized and diagnosed with “transsexualism”, which is defined as a mental disorder. It further expressed concern that transgender children who are sufficiently mature to give informed consent may be unable to access the procedure for legal gender recognition. HRC recommended to Finland to

INDEX: EUR 20/5402/2022

MARCH 2022

LANGUAGE: ENGLISH

amnesty.org



take legislative and other means to establish a simple and accessible administrative procedure for change of civil status with respect to gender identity that is in accordance with the Covenant. UN Human Rights Committee, Concluding Observations: Finland, 3 May 2021, UN Doc. CCPR/C/FIN/CO/7, paras 20 and 21 (b).

⁴⁷ Finland, Laki transseksuaalin sukupuolen vahvistamisesta 563/2002 (Act on Legal Recognition of the Gender of Transsexuals), 2002, finlex.fi/laki/ajantasa/2002/20020563.

⁴⁸ The Government has expressed commitment to enacting a law on the legal recognition of gender that respects the right to self-determination. According to the government programme, the requirement of infertility will be removed from the act, and medical treatments will be separated from the change of legal gender. Legal gender could be changed, upon application, by an adult who presents a reasoned account of his or her permanent experience of representing the other gender. A period of reflection for those who wish to change their gender would be introduced. Finnish Government, Inclusive and competent Finland – a socially, economically and ecologically sustainable society – Programme of Prime Minister Sanna Marin's Government 2019, 3.3.1. Strengthening the rule of law, valtioneuvosto.fi/en/marin/government-programme/strengthening-the-rule-of-law. According to the final report of the working group, appointed by the Ministry of Social Affairs and Health (MoSAH) in 1.5.2019-31.1.2020, the provision of the government programme does not fully recognize the challenges related to the rights and situations of minors. Ministry of Social Affairs and Health, Vaihtoehtoiset sääntelymallit sukupuolivähemmistöjen oikeudellisen aseman järjestämiseksi, 2020, api.hankeikkuna.fi/asiakirjat/3e8dd589-9843-4fb7-bef9-bdae9e5746be/d48353e1-bab9-4404-8066-b0c5a6bf82e6/RAPORTTI_20200207144129.pdf, p. 37-40, 49. In May 2021, MoSAH appointed a new working group to prepare the legal proposals to ensure the rights of gender minorities in accordance with the government programme. Ministry of Social Affairs and Health, Translainsäädännön uudistamisen työryhmä STM021:00/2021, 2021, <https://stm.fi/hanke?tunnus=STM021:00/2021>. In November 2021, the Parliament started to consider a citizens' initiative to reform the law on gender recognition based on self-determination and including minors. Parliament of Finland, Oikeus olla - kansalaisaloite oikeudenmukaisemman translain puolesta KAA 6/2021 vp, 2021, eduskunta.fi/Fi/vaski/Kasittelytiedot/Valtiopaivaasia/Sivut/KAA_6+2021.aspx.

⁴⁹ The Parliamentary Ombudsman has given several non-binding decisions about violations of national law and the constitutional right to adequate health services when access to medical evaluation for gender affirming treatment had been delayed by more than three months. The Ombudsman has stated that insufficient resourcing and organizational factors could not justify the delay. The Parliamentary Ombudsman, HYKS:n sukupuoli-identiteetin tutkimuspoliklinikan menettely EOAK/2842/2017, 24 October 2018, oikeusasiamies.fi/r/fi/ratkaisut/-/eoar/2842/2017; The Parliamentary Ombudsman, EOAK/501/2019; The Parliamentary Ombudsman, Sukupuoli-identiteetin tutkimuksen resurssit EOAK/8482/2020, 2 December 2021, oikeusasiamies.fi/r/fi/ratkaisut/-/eoar/8482/2020; The Parliamentary Ombudsman, Hoitoon pääsy sukupuoli-identiteetin tutkimuspoliklinikalle EOAK/2119/2020, 3 May 2021, oikeusasiamies.fi/r/fi/ratkaisut/-/eoar/2119/2020.

In September 2019, ECRI noted that there have been severe delays in accessing the relevant health care services which form part of the gender reassignment procedure in Finland. ECRI recommended that the Finnish authorities, in order to avoid the current lengthy delays, establish a third centre to provide the necessary health services to persons wishing to undergo gender reassignment. The authorities should also consider covering the costs for gender reassignment procedures carried out abroad in the interim period until a third centre is fully operational. European Commission against Racism and Intolerance, ECRI report on Finland (fifth monitoring cycle), 18 June 2019, rm.coe.int/fifth-report-on-finland/1680972fa7, paras 102-103.

⁵⁰ The recommendations are based on the WHO's outdated International Classification of Diseases 10th edition (ICD-10), which classified the identities of transgender and non-binary individuals as 'mental or behavioural disorders'. In addition, the recommendations make access to specialist services more difficult, as they require that the "gender dysphoria" is major and long-lasting, and that psychological support is in place in a local healthcare unit before access to specialist services. Treatment will only be started when the "gender dysphoria" has lasted at least two years. Moreover, NGOs working on the rights of trans people have expressed concern that local healthcare units do not possess sufficient expertise to provide the required psychological support. According to the recommendation on "gender dysphoria related to a non-binary gender identity", certain types of treatment available to transgender individuals would not be available to individuals diagnosed as non-binary under the framework of the ICD-10. Amnesty International, *Finland: Submission to the UN Committee on Economic, Social and Cultural Rights: 68th Session, 8 – 9 October 2020* (Index: EUR 20/2939/2020), 22 September 2020, <https://www.amnesty.org/en/documents/eur20/2939/2020/en/>. The new WHO International Classification of Diseases 11th edition (ICD-11), adopted in May 2019, depathologize transgender identities, replacing old diagnostic categories with new classifications of gender incongruence that are now classified as conditions related to sexual health. According to the WHO, inclusion of gender incongruence in the ICD should ensure transgender people's access to gender-affirming health care. World Health Organization, WHO/Europe brief – transgender health in the context of ICD-11, euro.who.int/en/health-topics/health-determinants/gender/gender-definitions/who-europe-brief-transgender-health-in-the-context-of-icd-11 (accessed on 22 March 2022).

⁵¹ According to a 2016 report by the National Advisory Board on Social Welfare and Health Care Ethics (ETENE), practices concerning cosmetic surgical treatments vary between the university hospitals. Tuula Wahlman-Calderara and Ritva Halila, Intersukupuolisuus. Taustaraportti ETENE:n kannanottoon, 2016, etene.fi/documents/1429646/2056382/IS-raportti20160331.pdf/58bf2412-48a9-4521-b5ae-81a3ee3bc07b/IS-raportti20160331.pdf. ETENE recommended Finland to strengthen a child's right for self-determination in matters that are important to the child's identity. A presupposition for this is that the measures modifying external gender characteristics are taken only when the child can define one's own gender and form an opinion about one's sexuality. National Advisory Board on Social Welfare and Health Care Ethics, Care and treatment of intersex children, 22 March 2016, etene.fi/documents/66861912/66865202/2016+POSITION+STATEMENT+intersex.pdf/77dc4b30-2a6d-4811-aa99-c30032f400b0/2016+POSITION+STATEMENT+intersex.pdf?t=1464333216000. Operations are often done for social reasons rather than out of medical necessity. When performed without informed consent or adequate information, these surgeries violate people's right to physical bodily integrity and may have long-term consequences on their right to health and their sexual and reproductive rights, particularly since they can severely impede people's fertility. Amnesty International, *Finland: Submission to the UN Committee on Economic, Social and Cultural Rights: 68th Session, 8 – 9 October 2020* (Index: EUR 20/2939/2020), 22 September 2020, <https://www.amnesty.org/en/documents/eur20/2939/2020/en/>. A 2019 report published by the Ministry of Justice and Ministry for Foreign Affairs cited intersex people who felt that they did not have enough information or choice in relation to medical interventions. In some cases, medical treatment had been undertaken without their consent. Negative consequences included physical pain, difficulties with mental health including self-harming, stigma and shame. According to the report, some of the 12 respondents were subjected to unwanted surgeries to modify sex characteristics in their childhood described their experience as sexual violence or sexual abuse. Tikli Oikarinen, Ei tietoa eikä vaihtoehtoja: Selvitys intersukupuolisten ihmisten oikeuksista ja kokemuksista, Oikeusministeriön julkaisuja, Selvityksiä ja ohjeita 2019:3, 28 February 2019, julkaisut.valtioneuvosto.fi/handle/10024/161410. In May 2021, the UN Human Rights Committee recommended Finland to effectively prevent the

INDEX: EUR 20/5402/2022

MARCH 2022

LANGUAGE: ENGLISH

amnesty.org

AMNESTY
INTERNATIONAL



performance of irreversible medical interventions on intersex children who are not yet capable of giving their full, free, and informed consent, unless such procedures constitute an absolute medical necessity. UN Human Rights Committee, Concluding Observations: Finland, 3 May 2021, UN Doc. CCPR/C/FIN/CO/7, para. 21 (c).

⁵² The Government Programme states that intersex children's right to self-determination will be strengthened, and cosmetic, non-medical surgeries on young children's genitals will no longer be performed. Finnish Government, Inclusive and competent Finland – a socially, economically and ecologically sustainable society – Programme of Prime Minister Sanna Marin's Government 2019, 3.3.1. Strengthening the rule of law, valtioneuvosto.fi/en/marin/government-programme/strengthening-the-rule-of-law. According to the final report of the working group, appointed by the Ministry of Social Affairs and Health (MoSAH) in 1.5.2019-31.1.2020, improving the situation of intersex children requires specific measures, such as steering by MoSAH, strengthening the supervision of treatments and organizing training to certain professionals. Ministry of Social Affairs and Health, Vaihtoehtoiset sääntelymallit sukupuolivähemmistöjen oikeudellisen aseman järjestämiseksi, 2020, api.hankeikkuna.fi/asiakirjat/3e8dd589-9843-4fb7-bef9-bdae9e5746be/d48353e1-bab9-4404-8066-b0c5a6bf82e6/RAPORTTI_20200207144129.pdf, p. 42-44 & 49. The working group, appointed by MoSAH in May 2021, has been missioned to make suggestions to strengthen intersex children's right to self-determination. Ministry of Social Affairs and Health, Translainsäädännön uudistamisen työryhmä STM021:00/2021, 2021, <https://stm.fi/hanke?tunnus=STM021:00/2021>.

⁵³ In August 2021, a legal reform abolishing restrictions, such as limited access to legal aid and reduced deadlines for lodging appeals, entered into force. Before the reform, individuals were entitled to free legal aid in the first instance proceedings only if they were especially vulnerable, for example, unaccompanied children seeking asylum. The reform made free legal aid again available to all asylum seekers also in the first instance. Also, before the reform the deadlines for appeals in asylum cases were 21 days to the Administrative Court and 14 days to the Supreme Administrative Court compared to 30 days for both courts for all other appeals. The reform changed the deadlines back to the normal period of time which is 30 days in both instances.

⁵⁴ Before 2016 asylum seekers could choose their own lawyer in all instances. Currently, in the first instance, asylum seekers may seek legal aid only from the Public Legal Aid Offices, which then determine whether a Public Legal Aid Attorney will provide counsel or whether the applicant can seek support from another lawyer. Public legal aid offices are not always equipped with lawyers with knowledge on Asylum Law and country of origin information and having to change a lawyer later in the process may affect the asylum seekers trust in the process as well as in the legal aid.

⁵⁵ Detention of unaccompanied 15-17 year-old children is allowed in law for a period of 72 hours, extendable by a further 72 hours. Finland, Aliens Act 301/2004, 2004, finlex.fi/en/laki/kaannokset/2004/en20040301.pdf, section 122.

⁵⁶ Statistics provided on request to Amnesty International as well as information gathered in a visit to Joutseno Detention Center by another NGO in March 2020 inform that the average time spent in the Family Detention Unit of Joutseno Detention Centre is 16,6 days. Longest period spent there was 48 days in 2018. In February 2022, the Joutseno Detention Centre told Amnesty International that the longest period spent there was 50 days in 2021 and 3 days in 2020. However, most families spend maximum of 5 days in detention.

⁵⁷ Amendments to family reunification requirements that entered into force in 2016 available at: Finland, Ulkomaalaislaki 301/2004 (Aliens Act), 2004, finlex.fi/fi/laki/ajantasa/2004/20040301. Before these amendments, the requirement that the family reunification sponsor must have a secure income applied to all aliens except those given international protection.

⁵⁸ The Finnish Refugee Advice Centre and UNHCR, Family Reunification Practices in Finland - A report by the Finnish Refugee Advice Centre, 15 March 2021, pakolaisneuvonta.fi/wp-content/uploads/Family-Reunification-Practices-in-Finland_Report_FRAC.pdf. A report by the Non-Discrimination Ombudsman shows that the rights of a child are not realised in family reunification decisions. The Non-Discrimination Ombudsman, Children without families, family reunification of under-age beneficiaries of international protection, 2 March 2020, [svrjinta.fi/documents/25249352/0/Children+without+families+%E2%80%93family+reunification+of+under-age+beneficiaries+of+international+protection+\(PDF\).pdf/2ecb870c-69e9-378b-9312-4b63d07b21d9/Children+without+families+%E2%80%93family+reunification+of+under-age+beneficiaries+of+international+protection+\(PDF\).pdf?t=1612968552586](https://svrjinta.fi/documents/25249352/0/Children+without+families+%E2%80%93family+reunification+of+under-age+beneficiaries+of+international+protection+(PDF).pdf/2ecb870c-69e9-378b-9312-4b63d07b21d9/Children+without+families+%E2%80%93family+reunification+of+under-age+beneficiaries+of+international+protection+(PDF).pdf?t=1612968552586).

The government committed in its 2019 Programme to repeal the requirement of a secure income as a prerequisite for family reunification for unaccompanied children who had been granted international protection. However, the Discrimination Ombudsman's study revealed that a wide variety of grounds is used to refuse family reunification applications, particularly when the sponsor is a child and therefore the expected removal of income requirement from unaccompanied child sponsors will not be sufficient to guarantee a child's right to their family and it does not take into account adult sponsors' right for family reunification.

⁵⁹ In part, this is due to inadequate legislation: Section 6 of the Aliens Act provides that "special attention shall be paid to the best interest of the child". The wording differs markedly from that of Article 3 of the Convention on the Rights of the Child, which provides that "the best interests of the child shall be a primary consideration". Authorities, legislators and courts frequently invoke Section 6 of the Aliens Act, despite the fact that Article 3 of the Convention on the Rights of the Child should take precedence. Other legislation concerning children mirrors the wording in the Convention, raising concern that children subject to migration proceedings are provided with weaker protections in law. Also the Non-Discrimination Ombudsman has reported that the best interest of the child is not the primary consideration in decisions concerning migrant children. The Non-Discrimination Ombudsman, Children without families, family reunification of under-age beneficiaries of international protection, 2 March 2020, [svrjinta.fi/documents/25249352/0/Children+without+families+%E2%80%93family+reunification+of+under-age+beneficiaries+of+international+protection+\(PDF\).pdf/2ecb870c-69e9-378b-9312-4b63d07b21d9/Children+without+families+%E2%80%93family+reunification+of+under-age+beneficiaries+of+international+protection+\(PDF\).pdf?t=1612968552586](https://svrjinta.fi/documents/25249352/0/Children+without+families+%E2%80%93family+reunification+of+under-age+beneficiaries+of+international+protection+(PDF).pdf/2ecb870c-69e9-378b-9312-4b63d07b21d9/Children+without+families+%E2%80%93family+reunification+of+under-age+beneficiaries+of+international+protection+(PDF).pdf?t=1612968552586).

The Government's analysis, assessment and research activities' study on the effect of the reforms to the Aliens Act made in 2015-2019 found that the best interest of the child was often used in a non-specific way and the principles of the Convention on the Rights of the Child were not systematically evaluated in decisions of both the Immigration Service and courts. Elina Pirjatanniemi, Inka Lilja, Maija Helminen, Kristiina Vainio, Outi Lepola and Anne Alvesalo-Kuusi, Ulkomaalaislain ja sen soveltamiskäytännön muutosten yhteisvaikutukset kansainvälistä suojelua hakneiden ja saaneiden asemaan,

INDEX: EUR 20/5402/2022

MARCH 2022

LANGUAGE: ENGLISH

amnesty.org



⁶⁰ Municipalities can offer better health care coverage. Ministry of Social Affairs and Health, Healthcare and social welfare for illegal residents, stm.fi/laittomasti-maassa-oleskelevien-sosiaali-ja-terveydenhuolto?p_p_id=com_liferay_journal_content_web_portlet_JournalContentPortlet_INSTANCE_7SjjYVdYeJHp&p_p_lifecycle=0&p_p_state=normal&p_p_mode=view&com_liferay_journal_content_web_portlet_JournalContentPortlet_INSTANCE_7SjjYVdYeJHp_languageId=en_US (accessed on 22 March 2022). However, only a few have granted access to “necessary” health care services, such as treatment for chronic diseases, for undocumented migrants. Finnish Institute for Health and Welfare, Health services for undocumented migrants, 2 December 2021, <https://thl.fi/en/web/migration-and-cultural-diversity/immigrants-health-and-wellbeing/health-services-for-undocumented-migrants>.

⁶¹ Ministry of Education and Culture, Demokratia- ja ihmisoikeuskasvatuksen kehittämisen ohjausryhmä OKM035:00/2020 (Steering group for democracy and human rights education), 2020, okm.fi/en/project?tunnus=OKM035:00/2020.

⁶² University of Helsinki, Human rights, democracy, values and dialogue in education – Final report of the project for the development of education for democratic citizenship and human rights education in teacher education (1 August 2018 – 31 July 2019) (abstract in English), 15 April 2020, helsinki.fi/sites/default/files/atoms/files/hy_hankkeen_loppuraportti.pdf.

⁶³ Human Rights Centre, Human rights education in Finland, 2014, bin.yhdistysavain.fi/1586428/5JNn7JIWh5FZrX8fCndaOV3LQL/HR%20education%20in%20FIN_en.pdf.pdf. The findings of the 2014 study are still up-to-date. See for example, Tuija Kasa and Arto Kallioniemi, Ihmisoikeudet, demokratia ja sosiaalinen oikeudenmukaisuus opettajankoulutuksessa. *Kieli, koulutus ja yhteiskunta*, 11(6), 2020, kieliverkosto.fi/fi/journals/kieli-koulutus-ja-yhteiskunta-lokakuu-2020/ihmisoikeudet-demokratia-ja-sosiaalinen-oikeudenmukaisuus-opettajankoulutuksessa.

⁶⁴ The length of the civilian service is 347 days, more than double the shortest period of military service of 165 days.

⁶⁵ Finland, Laki Jehovan todistajien vapauttamisesta asevelvollisuuden suorittamisesta eräissä tapauksissa annetun lain kumoamisesta 330/2019, 2019, finlex.fi/fi/laki/alkup/2019/20190330.

⁶⁶ Finnish Government, Development of conscription and fulfilling national defence obligation Report of the Parliamentary Committee (abstract in English), Publications of the Finnish Government 2021:91, 26 November 2021, julkaisut.valtioneuvosto.fi/handle/10024/163633.

⁶⁷ UN Human Rights Committee, Concluding Observations: Finland, 3 May 2021, UN Doc. CCPR/C/FIN/CO/7 and Working Group on the Universal Periodic Review (WG UPR), Report: Finland, 14 July 2017, UN Doc. A/HRC/36/8; the Government of Finland, Universal Periodic Review – third cycle.