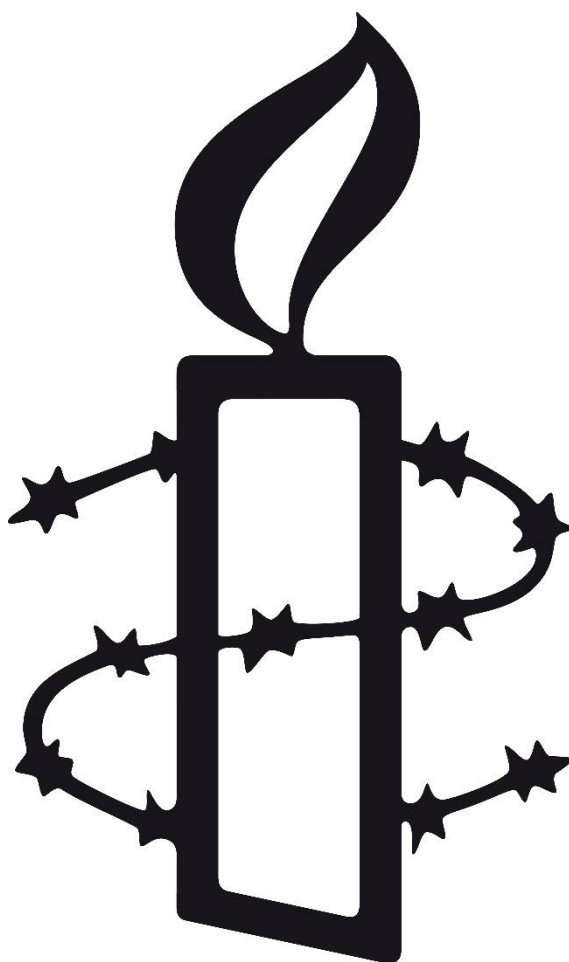


FINLAND

SUBMISSION TO THE UN HUMAN RIGHTS COMMITTEE
140TH SESSION, 4 - 28 MARCH 2024, FOLLOW-UP



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This submission has been prepared by Amnesty International in advance of the consideration by the UN Human Rights Committee (the Committee) at its 140th session of Finland's follow-up report relating to the 2021 concluding observations concerning hate speech and hate crimes, violence against women and rights of Sami Indigenous People as requested.



1. INTRODUCTION

This submission has been prepared by Amnesty International in advance of the consideration by the UN Human Rights Committee (the Committee) at its 140th session of Finland's follow-up report¹ relating to the 2021 concluding observations concerning hate speech and hate crimes, violence against women and rights of Sámi Indigenous People.²

2. HATE SPEECH AND HATE CRIMES (PARAGRAPH 15)

Amnesty International notes that the government's measures to combat hate speech and hate crimes remain insufficient in Finland. Despite the measures listed in Finland's response to the follow-up report, the approach to tackle hate speech and hate crimes is largely fragmented. Amnesty considers that the activities lack overall coordination, and they are mostly sustained by limited projects.³ Most notably, a permanent national coordination structure and a whole-of-government action plan to combat hate speech and hate crimes, as well as a comprehensive data collection system, are lacking.

According to a 2022 follow-up survey commissioned by the Ministry of Justice (MoJ) on hate speech against and harassment of marginalized groups, the results of many governmental actions taken to combat hate speech are not yet reflected in the experiences of marginalized groups.⁴ Another study commissioned by the government acknowledged that hate speech has become an integral part of the online culture.⁵ According to a report by the Police University College, the number of suspected hate crimes has increased in the past two years, with most of the suspected offences seemingly motivated by the victim's ethnic or national background.⁶

The issue of under-reporting hate incidents to the authorities remains a significant problem.⁷ Anti-Racist Forum, an NGO working to fight for social justice, has developed an online tool to monitor hate incidents.⁸ A 2022 report noted that hate incidents reported through the online tool were rarely reported to the authorities. In cases where the respondent had indicated whether they had reported or would report the incident also to the authorities, only 8% responded having done or doing so. Very few

¹ Information received from Finland on follow-up to the concluding observations on its seventh periodic report, UN. Doc. CCPR/C/FIN/FCO/7, 12 April 2023, tbiinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FFIN%2FFCO%2F7&Lang=en

² UN Committee on International Covenant on Civil and Political Rights, Concluding observations on the seventh periodic report of Finland, 3 May 2021, UN Doc. CCPR/C/FIN/CO/7.

³ European Commission against Racism and Intolerance (ECRI), Report on Finland (Fifth monitoring cycle), 18 June 2019, CRI (2019)38, <https://rm.coe.int/fifth-report-on-finland/1680972fa7>, para. 44-45.

⁴ Owal Group, "Että puututtaisiin konkreettisesti": Seurantaselvitys vihapuheesta ja häirinnästä ja niiden vaikutuksista eri vähemmistöryhmiin ["Hoping for a Concrete Intervention": Follow-Up Survey on Hate Speech and Harassment and Their Effects on Different Minority Groups], 2022, <http://urn.fi/URN:ISBN:978-952-400-482-4> (in Finnish).

⁵ Valtioneuvoston kanslia, 2022, *Verkkoviha: Vihapuheen tuottajien ja levittäjien verkostot, toimintamuodot ja motiivit* ["Online hate: networks, patterns and motivations of hate speech producers and disseminators"] https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/164244/VNTEAS_2022_48.pdf?sequence=1&isAllowed=y (in Finnish).

⁶ In 2022, the police recorded 930 reports on these motives. The suspected crimes were associated with the victims' sexual orientation, gender identity or gender expression in 140 cases. 121 hate crime reports were related to religion or belief, and most of these crimes were committed against Muslims. These statistics only describe the number of suspected hate crimes reported to the police.

Police University College, "Growth continues in the number of suspected hate crimes", 26 October 2023, https://polamk.fi/-/viharikosepailyjen-maara-jatkkaa-kasvuun?language=en_US.

⁷ According to a survey, only approximately 20% of hate crime victims reported to the police.

Ministry of Interior, Finland, "Suurin osa viharikoksista on rasistisia rikoksia" motiivit ["The majority of hate crimes are racist crimes"], <https://intermin.fi/poliisiasiat/viharikollisuus> (in Finnish). (accessed on 2 November 2023).

A report from 2018 reveals that only a small proportion of respondents had reported hate crime incidents to the police. The main reason for not reporting to the police was due to distrust of police action in hate crime cases. According to the report frustration and numbness, fear and anxiety were also evident in many responses.

Victim Support Finland (RIKU) and The National Forum for Cooperation of Religions in Finland (CORE Forum), *Uhrien kokemuksista viharikoksista Suomessa vuosina 2014-2018* ["Victims' experiences of hate crime in Finland 2014-2018"], March 2018, https://www.riku.fi/content/uploads/su_file/2140_Uhrien_kokemuksia_viharikoksista_2014_2018.pdf (in Finnish).

⁸ The tool does not substitute reporting a crime to the authorities, but it aims to gather information on the number and quality of hate incidents and to offer victims and witnesses a low-threshold way to report hate incidents anonymously. It was developed as a part of an EU-funded Facts Against Hate project in 2019-2021.

Anti-Racist Forum, "Together Against Hate – Hate incident monitoring tool", <https://www.yhdessavivaavastaa.fi/en/>.

of these respondents were satisfied with the authorities' response, often due to experiences of slowness and victim-blaming or receiving a response that the authorities would not investigate the incident.⁹

According to a recent study commissioned by the MoJ, there are shortcomings in the identification and processing of hate motives in the criminal procedure. The study criticized the guidelines by the National Police Board (NPB) for not requiring the police to assign hate crime codes to reported offences.¹⁰ According to the study, the police had recorded a significant number of hate crimes, that led to a conviction, without a hate crime code.¹¹ The study also pointed out problems in investigating motives for hate crimes, as the interviewing instructions issued by the NPB make no reference to examining the motives.¹²

Racist harassment and discrimination remain high. According to a 2022 survey by the EU Agency for Fundamental Rights, 43% of people of African descent in Finland reported experiencing racist harassment and 54% reported experiencing racial discrimination within a year before the survey.¹³ According to a 2021 report by Anti-Racist Forum, most of the hate incidents reported through their online tool were directed at persons who belonged or were presumed to belong to an ethnic minority, often at people of African and Asian descent.¹⁴

According to the European Islamophobia Report 2022, many politicians and public officials still see Muslims as a threat to national security. The report highlights that anti-Muslim racism and xenophobic sentiment have not only been fuelled by external events, but also the parliamentary elections in April 2023. According to the report, parties like the Finns Party (FP) and the National Coalition Party (NCP) used negative stereotypes of Muslims and so-called youth gangs to "hype up 'the immigrant problem' to lure voters" ahead of the parliamentary elections.¹⁵

The new government led by Prime Minister Petteri Orpo and consisting of the NCP, the FP, the Swedish People's Party and the Christian Democrats was appointed in June 2023. Amnesty International regrets that Orpo's government programme lacks adequate commitments to combat racism, hate speech and hate crimes.¹⁶ Instead, the government has announced plans to tighten migration and asylum policy.¹⁷ Comparing the plans to the more favourable treatment offered to people fleeing Ukraine, researchers have highlighted the "policy of inequality" based on ethnicity in

⁹ Anti-Racist Forum, Shadow report II: *Together against Hate*, 2022, <https://static1.squarespace.com/static/5c61e3977980b3278f57db6e/t/64229adf38df2175890c39c3/1679989474426/Together+Against+Hate+Shadow+Report+II.pdf>.

¹⁰ The National Police Board, Epäilyllä viharikoksen tai sellaisia piirteitä sisältävän rikoksen luokitteluun poliisiasiain tietojärjestelmään (Ohje 2020/2011/2098) ["Classifying a suspected hate crime or a crime containing such elements in the police information system (Guideline 2020/2011/2098)"], 13.12.2011 (in Finnish), cited in Marko Juutinen, *Hate Crimes and their Handling in the Criminal Process*, 2021, <http://urn.fi/URN:ISBN:978-952-259-934-6>.

¹¹ Marko Juutinen, *Hate Crimes and their Handling in the Criminal Process*, 2021, <http://urn.fi/URN:ISBN:978-952-259-934-6>.

¹² The National Police Board, Ohje esitutkintapöytäkirjan laadinnasta. Liite 2. Käsikirja kuulustelujen kirjaamisesta. (Ohje POL-2016-8514) ["Instructions for preparing the preliminary investigation report. Attachment 2. Manual for recording interrogations (Guideline POL-2016-8514)"], cited in Marko Juutinen, *Hate Crimes and their Handling in the Criminal Process*, 2021, <http://urn.fi/URN:ISBN:978-952-259-934-6>.

¹³ EU Agency for Fundamental Rights, Report: *Being Black in the EU: Experiences of People of African Descent*, 2023, https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-being-black_in_the_eu_en.pdf.

¹⁴ Anti-Racist Forum, Shadow report: *Together against Hate*, 2021, https://static1.squarespace.com/static/5c61e3977980b3278f57db6e/t/61ccab3ce30d5d5fb14fd853/1640803133935/togetheragainsthate_antiracist_forum_A4_eng.pdf.

¹⁵ Enes Bayrakli & Farid Hafez (eds.), *European Islamophobia Report 2022*, 2023, <https://islamophobiareport.com/islamophobiareport-2022.pdf>.

¹⁶ Finnish Government, *A Strong and Committed Finland: Programme of Prime Minister Petteri Orpo's Government*, 20 June 2023, <http://urn.fi/URN:ISBN:978-952-383-818-5>; Amnesty International Finnish Section, "Amnesty: Hallitusohjelma ihmisoikeuksien näkökulmasta heikko ja ristiriitainen" ["Amnesty: The Government Programme is Weak and Contradictory from a Human Rights Perspective"], 21 June 2023, <https://www.amnesty.fi/amnesty-hallitusohjelma-ihmisoikeuksien-nakokulmasta-heikko-ja-ristiriitainen/>.

¹⁷ The government program lays down plans to "minimize the use of the asylum mechanism based on crossing European borders and applying for asylum in Finland". According to the program, "the Government will bring Finland's key asylum policy statutes up to the general level of Nordic countries". Moreover, the government programs includes plans to tighten the requirements of family reunification, obtaining permanent residency and citizenship, as well as to "differentiate the social security system and social benefits of immigrants and permanent residents of Finland from each other".

Finnish Government, *A Strong and Committed Finland: Programme of Prime Minister Petteri Orpo's Government*, 20 June 2023, pp. 220, 223-224, <https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/165044/Programme-of-Prime-Minister-Petteri-Orpos-Government-20062023.pdf?sequence=4>.

the government programme for other people seeking protection.¹⁸ Amnesty is concerned that framing immigrants as "security threats" and "abusers of the system"¹⁹ may legitimize and fuel xenophobic attitudes.

In August 2023, after media reports concerning past racist speeches and writings by three newly appointed ministers of the FP, the government introduced an equality statement that includes a list of measures to combat racism. According to the statement, these would be implemented through a separate action plan that continues the work of the previous government action plan for combating racism in 2021-2023.²⁰

A 2023 evaluation report commissioned by the MoJ found that the previous governmental anti-racism action plan was meeting the criteria set by the EU. Despite the positive overall assessment, the report recommended the government to allocate sufficient resources for anti-racism policies, to develop specific measures to combat Afrophobia, Islamophobia and antisemitism, and to amend the Criminal Code to comply with the EU Framework Decision 2008/913/JHA.²¹

Amnesty International highlights that the government needs to take urgent steps to improve its response to racism, and to include affected and marginalized communities in all phases of planning, implementing, monitoring and evaluating the government's anti-racism work.

Discrimination and bias-motivated violence against LGBTI persons remain common. A 2021 survey by the Finnish Institute for Health and Welfare shows that more than half of the LGBTI youth in the eighth or ninth grade have experienced discrimination at schools or in their free time.²² According to ILGA Europe's Annual Review 2023, several hate speech incidents against trans people and especially trans women took place during the parliamentary debates for legal gender recognition reform.²³ In 2022, 22 out of 25 Pride organizers that responded to an NGO questionnaire reported experiencing some sort of harassment or violence.²⁴

In November 2023, 14 NGOs expressed concern that neither Orpo's government programme nor the equality statement include specific measures to promote the rights of LGBTI persons in Finland.²⁵

¹⁸ Bodström, Erna, Blog post: "Hallitusohjelma ja eriarvoistamisen politiikka", ["The government programme and the policy of inequality"], 7 September 2023, <https://raster.fi/2023/09/07/hallitusohjelma-ja-eriarvoistamisen-politiikka/> (in Finnish).

¹⁹ Hallituksen esitys eduskunnalle valtion talousarvioksi vuodelle 2024, ["Government proposal to Parliament on the state budget for 2024"], 9 October 2023, p. 241, https://www.eduskunta.fi/FI/vaski/HallituksenEsitys/Documents/HE_41+2023.pdf (in Finnish)

²⁰ Finnish Government, Government statement to Parliament on promoting equality, gender equality and non-discrimination in Finnish society, 31 August 2023, <http://urn.fi/URN:NBN:fi-fe20230829112043>; Ministry of Justice, Finland, *An Equal Finland: Government Action Plan for Combating Racism and Promoting Good Relations between Population Groups*, 2022, <http://urn.fi/URN:ISBN:978-952-259-813-4>.

²¹ MAP Finland ry, *Arviointi valtioneuvoston Yhdenvertainen Suomi -toimintaohjelmasta rasismien torjumiseksi ja väestösuhteiden edistämiseksi* ["Evaluation of the Government Action Plan on Equal Finland to Combat Racism and to Promote Good Relations"], 2023, <http://urn.fi/URN:ISBN:978-952-400-655-2>

European Commission has started an infringement procedure against Finland. According to the European Commission, the Finnish legislation incorrectly transposes hate speech inciting to violence and fails to criminalize hate speech when addressed to individual members of a group defined by reference to race, colour, religion, descent or national or ethnic origin. The European Commission saw Finland also failing to criminalize the public condoning, denial or gross trivialization of international crimes and the Holocaust, as well as to ensure that the criminal offences concerning racism and xenophobia can be investigated and prosecuted without a report or an accusation made by the victim.

European Commission, Press release: "February infringements package: key decisions", 18 February 2021, https://ec.europa.eu/commission/presscorner/detail/en/INF_21_441.

²² Finnish Institute for Health and Welfare, *Kouluterveyskysely 2021: Sukupuolivähemmistöjen tulokset* ["School Health Promotion Study 2021: Results of Gender Minorities"], 2022, <https://thl.fi/documents/10531/3554284/KTK2021-taulukot-sukupuolivahemmistot-FI.pdf/c2b63fab-41fa-00ae-1abf-1033635182a7?t=1656333051663>; Finnish Institute for Health and Welfare, *Kouluterveyskysely 2021: Seksuaalivähemmistöjen tulokset* ["School Health Promotion Study 2021: Results of Sexual Minorities"], 2022, <https://thl.fi/documents/10531/3554284/KTK2021-taulukot-seksuaalivahemmistot-FI.pdf/fe3aaa6f-a16d-1d1b-3df8-1043ccfc2aa?t=1656333083769>.

²³ ILGA Europe, *2023 Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe and Central Asia*, 2023, <https://www.ilga-europe.org/files/uploads/2023/02/annual-review-2023.pdf>.

²⁴ Most common types of acts reported were inappropriate and offensive speech, vandalism, and theft of Pride flags. Vandalism included burning and destructing rainbow symbols such as Pride flags, painted stars, and park benches. Harassment and violence were also taking place during Pride events. Far-right protesters aimed to disrupt a drag story time event in the Oodi Central Library during Helsinki Pride month. In Mikkelä, two young persons detonated a homemade bomb close to where the Pride march was taking place.

Yle – The Finnish Public Media Service Company, "Most Pride event organisers in Finland report harassment, violence", 17 June 2022, <https://yle.fi/a/3-12498465>; ILGA Europe, *2023 Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe and Central Asia*, 2023, <https://www.ilga-europe.org/files/uploads/2023/02/annual-review-2023.pdf>.

²⁵ Seta – LGBTI Rights in Finland, *Yhteiskannanotto: Sateenkaari-ihmisten oikeuksia edistettävä konkreettisilla toimilla* ["Joint statement: LGBTIQ+ rights must be promoted by concrete actions"], 9 November 2023, <https://seta.fi/2023/11/09/yhteiskannanotto-sateenkaari-ihmisten-oikeuksia-edistettava-konkreettisilla-toimilla/> (in Finnish).

Amnesty further regrets that no LGBTI action plan has been established, despite the calls of NGOs and recommendations of human rights bodies.²⁶

RECOMMENDATIONS

- Establish a permanent body to coordinate and develop national efforts to combat hate speech and hate crimes.
- Ensure that hate crimes are effectively investigated and those perpetrating them are held accountable, including by making it mandatory for police to include a separate classification for whether a reported offence is a suspected hate crime or not, and by updating the instruction on police interviews to include the examination of motives.
- Collect data on hate crimes at all levels, including reporting, investigation, prosecution and sentencing. Data should be disaggregated by protected grounds, made publicly accessible (considering privacy and in line with human rights law and standards), and regularly reviewed to assist the development of policies to combat hate crimes.
- Renew the action plan for combating racism and ensure that it contains adequate measures to address the root causes and contemporary manifestation of racism in line with international human rights law and standards, and implement the recommendations included in the assessment report of the previous action plan.
- Establish a comprehensive action plan for protection of the rights of LGBTI people.

3. VIOLENCE AGAINST WOMEN (PARAGRAPH 19)

Despite an increase in the number of reported cases of intimate partner violence and sexual violence, official police reports and convictions remain low.²⁷ The existing system fails to encourage women to report incidents of violence, primarily because the safety of the victim is not ensured throughout the criminal process and because the police investigation of intimate partner violence and sexual violence is often delayed, deprioritised and of poor quality.²⁸ Currently, many cases of violence are resolved

²⁶ Seta – LGBTI Rights in Finland, Yhteiskannanotto: Sateenkaari-ihmisten oikeuksia edistettävä konkreettisilla toimilla [“Joint statement: LGBTIQ+ rights must be promoted by concrete actions”], 9 November 2023, <https://seta.fi/2023/11/09/yhteiskannanotto-sateenkaari-ihmisten-oikeuksia-edistettava-konkreettisilla-toimilla/> (in Finnish); ECRI General Policy Recommendation No. 17 on preventing and combating intolerance and discrimination against LGBTI persons, 28.9.2023, <https://rm.coe.int/general-policy-recommendation-no-17-on-preventing-and-combating-intolerance/1680acb66f>; European Commission, *Union of Equality: LGBTIQ Equality Strategy 2020-2025*, 12.11.2020, https://commission.europa.eu/system/files/2020-11/lgbtiq_strategy_2020-2025_en.pdf; UN Human Rights Council, Universal Periodic Review of Finland (4th Cycle – 41st Session): Thematic list of recommendations, 9.11.2022, https://www.ohchr.org/sites/default/files/documents/hrbodies/upr/sessions/session41/fi/UPR41_Finland_Thematic_List_of_Recommendations.doc.

²⁷ Statistics Finland, Cases of domestic violence committed by a cohabiting partner reported to the authorities increased by 21.2 per cent in 2022, Statistical data, <https://www.stat.fi/en/publication/c18lc4yhfm4e60dukctz741r7> (accessed on 26 October 2023).

Government funded research published in 2023 estimated that 48 % of women (16-74 yrs) have experienced intimate partner violence in their lifetime. The number includes acts of psychological violence. Heli Siltala et al., Domestic violence-related use of services and the resulting costs in health, social and legal services, 2022, p. 75, https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/164566/VNTEAS_2023_4.pdf?sequence=1&isAllowed=y (accessed on 1 November 2023).

Gendered violence and domestic violence in Finland -research estimated that 33,7 % of women (16-74 yrs) have experienced physical violence, sexual violence, or threats of physical/sexual violence in their lifetime. 14 % of women who've experienced intimate partner violence in their lifetime have had injuries. 3% have told they needed to seek medical help because of the violence. Henna Attila et al., Sukupuolistunut väkivalta ja lähisuhteiden väkivalta Suomessa 2021 [“Gendered violence and intimate partner violence in Finland 2021”], 2023, pp. 16-17, 53, Tilastokeskus, https://www.stat.fi/media/uploads/sukupuolistunut_vakivalta_temasivu/sukupuolistunut_v%C3%A4kivalta_ja_l%C3%A4hisuhteiden_vakivalta-suomessa_2021_loppuraportti.pdf (accessed on 1 November 2023)

In a 2023 study that compared industrialised countries on intimate partner violence, Finland placed last. Georgetown Institute for women peace and security, Country Profile, Developed Countries, <https://giwps.georgetown.edu/country/finland/> (accessed on 31 October 2023).

Amnesty estimated in 2019, that approximately 50 000 women experience sexual violence in Finland annually. Amnesty International: “Fighting the Lottery: Overcoming barriers to justice for women rape survivors in Finland”, (Index: EUR 20/6024/2022) On 6th March 2019, https://s3-eu-west-1.amazonaws.com/frantic/amnesty-fi/2019/03/19144800/Fighting-the-lottery_final.pdf, pp. 14-15.

²⁸ In 2022 the Deputy Chancellor of Justice reviewed police investigations in eleven police precincts and found unnecessary, unexplained delays in the investigations and lack of informative, sensitive approach towards the victims in a manner that places the rights of the victim at risk. All 77 crimes were either cases of domestic violence, intimate partner violence or sexual violence. As a result of the review the Deputy

through mediation. Research has revealed that a significant number of intimate partner homicides against women are premeditated and are often linked to break-up situations.²⁹

In October 2023, the new legislation on restraining orders came into effect. Current legislation permits a cost-free restraining process for victims even if the application is turned down or withdrawn. Electronic monitoring of the restraining order is possible in certain cases by court order.³⁰ However, reforming the legislation on restraining orders is not enough. The Government has yet to issue guidelines on how police should increase the use of temporary restraining orders as a protective measure.

Additional measures are necessary to further strengthen the safety of women. The nationwide implementation of a multi-agency risk assessment, known as MARAC,³¹ would be crucial in recognizing the life-threatening risks better.³² Currently MARAC is practised only in 90 out of all 309 municipalities.³³

In Finland, mediation is covered by the Act on Conciliation in Criminal and Certain Civil Cases.³⁴ In 2021, 18.6% of all mediated cases were of domestic violence.³⁵ In 2019, the Deputy Chancellor of Justice emphasized that mediation cannot bypass criminal process and stressed that all Finnish law-enforcement authorities must be aware that mediation is prohibited in cases of reoccurring violence.³⁶ NPB reviewed their instructions accordingly. Instructions from 2020 clearly state that police should not direct reoccurring violence to mediation.³⁷ In 2023, a study commissioned by the Government indicates that cases of reoccurring violence are still directed to mediation.³⁸ According to study

Chancellor decided to investigate, whether in two police precincts the head of investigators have committed criminal offences. The investigation is ongoing. On 23rd of November 2022. The decision is only available in Finnish.

https://oikeuskansleri.fi/documents/1428954/107303577/julkaistu_ratkaisu_poliisin_menettely_lahisuhdevakivallan_ja_seksuaalirikosten_esitut_kinnoissa_OKV_325_70_2022.pdf/503278f5-073f-a36a-6592-aac8f0ac56d3/julkaistu_ratkaisu_poliisin_menettely_lahisuhdevakivallan_ja_seksuaalirikosten_esitutkinnoissa_OKV_325_70_2022.pdf?t=1669283151219 (accessed on 14.11.2023).

²⁹ According to a study commissioned by the government on intimate partner violence against women 6% of homicide victims applied for restraining orders, but only 4% of the applications were approved
Karoliina Suonpää, *Naisiin kohdistuvat parisuhdetapot: Tapahtumaketjut, taustat ja ehkäisy*, [“Intimate partner homicides against women: Preceding events, risk factors and prevention.”], Publication series of the Government’s investigation and research activities 2023:16, 2023, pp. 23-27, 41, 80-81, https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/164731/VNTEAS_2023_16.pdf?sequence=1&isAllowed=y (in Finnish).

³⁰Ministry of Justice 2023, *Lähestymiskiellon sähköinen valvonta käyttöön ja kiellon hakemisesta maksutonta*, [“Putting electronic monitoring of the restraining order to use and making applying for a restraining order free of charge.”], Public statement. <https://oikeusministerio.fi/-/lahestymiskiellon-sahkoinen-valvonta-kayttoon-ja-kiellon-hakemisesta-maksutonta> (accessed on 26 October 2023) (in Finnish).

³¹ MARAC is a process targeted towards intimate partner violence cases, where a team of professionals from different fields come together with the victim to assess if they are at a high risk of experiencing repeated violence. If the risk is high the victim is given a support person and an action plan that is reassessed.

³² According to a study by THL in 2012, the MARAC process was able to cut the cycle of violence 80 % of the cases they evaluated. Minna Piispa et al., *MARAC kokemuksia parisuhdeväkivallan riskiarvioinnin menetelmän kokeilusta Suomessa*, [MARAC MARAC experiences from experimenting with the risk assessment method of intimate partner violence in Finland], 2012, pp. 42, 50 (in Finnish). https://www.julkari.fi/bitstream/handle/10024/90818/URN_ISBN_978-952-245-601-4.pdf?sequence=1&isAllowed=y (accessed 9 November 2023).

³³ For example, the capital Helsinki still has not organised its MARAC team. Crime Prevention, “MARAC”, Good Practices, <https://rikosentorjunta.fi/en/marac>, (Accessed on 26 October 2023).

³⁴ Finland, Act on Conciliation in Criminal and Certain Civil Cases, 2005, <https://finlex.fi/fi/laki/ajantasa/2005/20051015>, Chapter 3, section 13, (in Finnish and Swedish).

³⁵ Institute of Health and Welfare: Rikos- ja riita-asioiden sovittelu, [“Mediation of Crime and Civil Cases”], Statistics and Data, thl.fi/fi/tilastot-ja-data/tilastot-aiheittain/sosiaalipalvelut/rikos-ja-riita-asioiden-sovittelu, (accessed 26 October 2023).

³⁶ Deputy Chancellor of Justice’s review of instructions to the police by the National Police Board of Finland, 2019, [okv.fi/media/filer_public/91/d9/91d93319-8df9-4a37-a949-7cf22426b382/okv_11_50_2019.pdf](https://media/filer_public/91/d9/91d93319-8df9-4a37-a949-7cf22426b382/okv_11_50_2019.pdf), (in Finnish). (accessed on 2 November 2023).

³⁷ Poliisihallituksen ohje POL-2020-28566 – Poliisin toiminta perhe- ja lähisuhdeväkivallan sekä naisiin kohdistuvan väkivallan tapauksissa, [Police action in cases of family and intimate partner violence and violence against women], (in Finnish), Not available online. Minna Liimatainen & Satu Rantaeskola, *Toiminnallinen käsikirja lähisuhdeväkivallan puuttumiseksi ja ennalta estämiseksi* [Functional manual for intervening and preventing domestic violence] (2022), p. 43, (in Finnish) (accessed on 14 November 2023) <https://poliisi.fi/documents/25235045/33939256/Toiminnallinen-k%C3%A4sikirja-l%C3%A4hisuhdev%C3%A4kivaltaan-puuttumiseksi-ja+ennalta-est%C3%A4miseksi-v8.pdf/37a14bb7-e4fc-df1b-35ce-c3df75063e8b/Toiminnallinen-k%C3%A4sikirja-l%C3%A4hisuhdev%C3%A4kivaltaan-puuttumiseksi-ja+ennalta-est%C3%A4miseksi-v8.pdf?t=1648047132809>.

³⁸ Riikka Shemeikka et al., *Lähisuhdeväkivallan sovittelu: yleiset piirteet ja osapuolten kokemukset prosessista* [“ Mediation of intimate partner violence: general features and parties’ experiences of the process”], p. 97, (in Finnish). https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/164663/VNTEAS_2023_11.pdf?sequence=1&isAllowed=y (Accessed in 2 November 2023).

published by MoJ (2023), victims of trafficking and forced marriages have been directed to mediation by the police, as the police classified the situation as intimate partner violence.³⁹

Since 2011 the police have been obliged to investigate all assaults,⁴⁰ but a 2019 survey showed that most assault cases referred to mediation lacked preliminary investigation, or that the investigation was unfinished.⁴¹ This raises concerns that, in practice, mediation is used as an alternative to investigating crimes, which is not permitted under the law.⁴² Amnesty International is concerned about this, since it violates the requirements of the Criminal Code, and it is a potential failure to protect and uphold the survivors' access to justice and protection.⁴³

Amnesty International is deeply disappointed that, despite repeated recommendations by international human rights bodies, the number of family-places in shelters does not meet the minimum standards of the Council of Europe Convention on preventing and combating violence against women and domestic violence.⁴⁴ Funding of shelters is inadequate,⁴⁵ resulting in uneven regional distribution of shelters across the country and lack of accessibility.⁴⁶ There is also a lack of culturally appropriate Sámi-language shelters, which can prevent Sámi people from seeking help or support services.⁴⁷

³⁹ The study also reveals that some victims have experienced pressure to accept mediation - by the police, or by the abuser or by family member. Selvitys Rikosuhrinpitelytyn asiakkaidessa olevien, seksuaaliväkivaltaa kokeneiden ihmiskaupan uhrien tapauksista ja tilanteista. [A study of the clients of Crime Victim Finland: victims of trafficking who have experienced sexual violence, their cases and situations], Ministry of Justice, pp. 26-27, 64. (in Finnish) (accessed 14 November 2023) https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/164941/OM_2023_23_SO.pdf?sequence=1&isAllowed=y.

⁴⁰ Ministry of Justice, Lievät pahoinpitelyt virallisen syytteen alaisiksi vuoden 2011 alusta [“Criminal Code was reformed in 2011: all assaults are now under official prosecution”], oikeusministerio.fi/-/lindrig-misshandel-ska-hora-under-allmant-atal-fran-och-med-ingangen-av-ar-2011, (in Finnish).

⁴¹ Email from National Institute of Health and Welfare researcher Suvi Nipuli on 30 March 2019 to the office of Deputy Chancellor of Justice. Amnesty International Finnish Section researcher Pia Oksanen was copied in the email.

⁴² Council of State, Valtioneuvoston oikeuskanslerin kertomus vuodelta 2019, [“Deputy Chancellor of Justices review of instructions to the police by the National Police Board of Finland”], 2020, p. 143, (in Finnish). https://oikeuskansleri.fi/documents/1428954/98543495/oikeuskanslerin_kertomus_2019.pdf/2ca8f42b-f9cd-daec-7ae5-9d82d7e1d712/oikeuskanslerin_kertomus_2019.pdf?t=1637062177256 (accessed on 2 November 2023).

⁴³ A study by Honkatukia in 2015 and another by the Rehabilitation Foundation and Maria Academy in 2023 found that while some victims were satisfied with mediation, most mediated cases involved repeated violence. The 2023 study revealed that some individuals felt pressured into mediation, opted for it due to its quicker pace compared to trials, or felt unsafe in the process. Mediation frequently leads to repeated re-victimization of women at risk thus undermines the principle of equality before the law.

Päivi Honkatukia, Restorative justice and partner violence: victims' view of Finnish practice, 2015, University of Tampere, <https://researchportal.tuni.fi/publications/restorative-justice-and-partner-violence-victims-view-of-finnish->.

Riikka Shemeikka et al., Lähisuhdeväkivallan sovittelu : Yleiset piirteet ja osapuolten kokemukset prosessista [Mediation of intimate partner violence: General features and parties' experiences of the process] 2023, pp. 76, 86, 95, 105. Chancellery of the Government, (in Finnish) <http://urn.fi/URN:ISBN:978-952-383-432-3>.

⁴⁴ UN Human Rights Committee (HRC): Concluding Observations of the Seventh Periodic Report of Finland, 03 May 2021, UN Doc. CCPR/C/FIN/CO/7, para 8. See also: Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), Baseline Evaluation report to Finland (Istanbul Convention), 2019, para 101, 103, 105.

Council of Europe, The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), Article 23, para 135.

Johanna Hietamäki et al., Arvio turvakotien perhepaikkojen riittävästä määrästä ja kustannuksista [“Assessment of costs and the sufficient numbers of family places in shelters”], 2020, p. 27. (In Finnish) https://www.julkari.fi/bitstream/handle/10024/140823/TY%3c%962020_044_Arvio%20turvakotien%20perhepaikkojen%20riitt%3c%a4v%3c%a4st%3c%a4%20m%3c%a4%3c%a4r%3c%a4st%3c%a4%20ja%20kustannuksista_s.pdf?sequence=4&isAllowed=y (accessed on 2 November 2023)

⁴⁵ Minna Viuhko, Nykyisellä rahoitustasolla ei pystytä turvaamaan kattavaa ja laadukasta turvakotiverkostoa [“At the current funding level, it is not possible to secure a comprehensive and high-quality shelter network”], 2023, The Ministry of Social Affairs and Health. <https://stm.fi/-/nykyisella-rahoitustasolla-ei-pystyta-turvaamaan-kattavaa-ja-laadukasta-turvakotiverkostoa>.

Johanne Hietala et al., Arvio turvakotien perhepaikkojen riittävästä määrästä ja kustannuksista, THL, [“Assessment of the sufficient number and costs of family places in shelters”] 2020, p. 32 (in Finnish). Finland should increase the number of family-places in shelters by approximately 100. https://www.julkari.fi/bitstream/handle/10024/140823/TY%3c%962020_044_Arvio%20turvakotien%20perhepaikkojen%20riitt%3c%a4v%3c%a4st%3c%a4%20m%3c%a4%3c%a4r%3c%a4st%3c%a4%20ja%20kustannuksista_s.pdf?sequence=4&isAllowed=y (accessed on 2 November 2023)

⁴⁶ Luoma, Valtokari, et al., Vammaisten henkilöiden kokeman lähisuhdeväkivallan yleisyys ja palvelujen saatavuus: Määrällinen ja laadullinen tarkastelu, [“Prevalence of intimate partner violence experienced by persons with disabilities and access to services: A quantitative and qualitative review”], 2022, pp. 42-43, (in Finnish). <https://julkaisut.valtioneuvosto.fi/handle/10024/163918> (accessed on 2 November 2023).

⁴⁷ Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), The Sámi Parliament's Shadow Report to GREVIO 2023, 15 August 2023, p. 2. <https://rm.coe.int/state-report-finland-first-thematic-evaluation/1680ac512c> (accessed on 2 November 2023).

Current research suggests that active anti-racist and intersectional approach needs to be adopted in shelter services. Nataša Mojškerc, Racialisation in Domestic Violence Shelter Work: Autoethnographic Action Research, 2023, p. 271. <https://trepo.tuni.fi/bitstream/handle/10024/149012/978-952-03-2915-0.pdf?sequence=2&isAllowed=y> (accessed on 2 November 2023).

According to a report by Amnesty International, NGOs see that the long-term support for survivors is fragmented or nearly non-existent.⁴⁸ Furthermore, the needs of women with disabilities, LGBTQ women, undocumented migrant women, and women with limited knowledge of Finnish are not identified in social or health services.⁴⁹ Additionally, women who use drugs are not allowed to stay in shelters.⁵⁰ Moreover, survivors of human trafficking are denied access to shelters if the violence they experience cannot be classified as domestic violence.⁵¹ Alarming 60-62% of girls with disabilities have experienced sexual harassment, yet accessibility is still not a norm in shelters.⁵²

In Finland forced marriage is still not a distinct, separate criminal offence. It would be vital to ensure the legal protection of the victim and any children born within the marriage. The new Marriage Act came into force in October 2023 and includes the possibility of annulment of forced marriages. The legislation is regrettably inadequate. The annulment process, which will revert the legal status of the victim to "unmarried," does not recognize situations, where dissolution would serve the needs of the victim better. In addition, the current legislation does not recognize all circumstances where marriage is forced.

To enhance legal protection for victims, marriage law should allow for dissolution, annulment, or divorce. Victims and children in marriages involving violence should have the choice to obtain the legal status that adheres to their circumstances. If annulment is not possible, dissolution could prevent victims from facing undue financial burdens in ending forced marriages even if the victim is not wealthier than their spouse. Additionally, consensual marriages can turn coercive, if one party is unable to leave due to threats, such as the loss of residency permits, or if other means are used to control the spouse. Furthermore, the current Marriage Act and the possibility of annulment only applies to marriages contracted when at least one party is a resident or has close connections to Finland thus excluding some groups, for example people seeking asylum.⁵³

⁴⁸ Amnesty International Finnish section, *Järjestökentän arvio: Väkivaltaa kokeneiden naisten ja tyttöjen tarvetta pitkäkestoiseen tukeen ei tunnusteta, palvelut ovat sirpaleisia eikä palvelujen järjestämistä resurssoida* [Assessment by local non-governmental organizations: The need for long-term support by women and girls who have experienced violence is not recognized, services are fragmented and services are not resourced]. 18 August 2023. (In Finnish) <https://www.amnesty.fi/jarjestokentan-arvio-vakivaltaa-kokeneiden-naisten-ja-tyttojen-tarvetta-pitkakestoiseen-tukeen-ei-tunnusteta-palvelut-ovat-sirpaleisia-eika-palvelujen-jarjestamista-resurssoida/> (accessed on 2 November 2023).

⁴⁹ Amnesty International, *Onko reitti selvä? Naisiin kohdistuva väkivalta ja ihmisoikeusvelvoitteiden toteutuminen kunnissa -seurantatutkimus* ["Is the route clear? Violence against women and the implementation of human rights obligations in municipalities - follow-up study"], 3 March 2021, pp. 12, 14 (in Finnish). <https://www.amnesty.fi/uploads/2021/05/amnestyn-seurantatutkimus-2021.pdf> (accessed on 2 November 2023).

Amnesty International, *Kuka ottaa vastuun? Naisiin kohdistuva väkivalta ja ihmisoikeusvelvoitteiden toteutuminen* ["Who takes responsibility? Violence against women and the fulfillment of human rights obligations"], January 2017, pp. 85-101 (in Finnish). <https://frantic.s3.amazonaws.com/amnesty-fi/2017/01/Amnestyn-kuntaselvitys-naisiin-kohdistuvasta-v%C3%A4kivallasta.pdf> (accessed on 2 November 2023).

⁵⁰ Non-discrimination ombudsman, *Marginalisoidut naiset tarvitsevat nais erityisiä palveluita* [Marginalized women need services specific to women], (in Finnish) (accessed 30 November 2023) <https://syrjinta.fi/-/marginalisoidut-naiset-tarvitsevat-naisierityisia-palveluja>. See also article by the National Broadcasting Company YLE, where the need for specialized shelter for people with substance abuse is stated by Karola Grönlund, director of shelter in Helsinki, and staff members from a housing service from Pirkanmaa. Only in Finnish. <https://yle.fi/a/74-20049991> (accessed 14 of November 2023).

⁵¹ Sari Lampela & Tupo Ruuska, *Selvitys ihmiskaupan uhrien turvallisesta ja tuetusta asumisesta* ["Report on safe and supported housing for victims of human trafficking"], 2021, THL, p. 26 (in Finnish). https://www.julkari.fi/bitstream/handle/10024/143486/URN_ISBN_978-952-343-755-5.pdf?sequence=1&isAllowed=y (accessed 2 November 2023).

⁵² Based on a 2022 research by the State Councillor, physical access to help for disabled women is often uncertain and highly dependent on who is working at the shelter. Luoma, Valtokari et al., *Vammaisten henkilöiden kokeman lähisuhteiden väkivallan yleisyys ja palvelujen saatavuus: Määrällinen ja laadullinen tarkastelu* [Prevalence of intimate partner violence experienced by persons with disabilities and access to services: A quantitative and qualitative review], 2022 pp. 42-43, 90 (in Finnish). <http://urn.fi/URN:ISBN:978-952-383-016-5> (accessed 9 November 2023).

⁵³ Marriage Act, Chapter six, 119 §: "Avioeroa tai avioliiton kumoamista koskeva asia voidaan tutkia Suomessa, jos:

1) jommallakummalla puolisoilla on kotipaikka Suomessa; tai

2) hakijalla on ollut Suomessa kotipaikka tai muu läheinen yhteys Suomeen eikä hän voi saattaa avioeroa tai avioliiton kumoamista koskevaa asiaa tutkittavaksi siinä vieraassa valtiossa, jossa jommallakummalla puolisoilla on kotipaikka, tai tämä aiheuttaisi hakijalle kohtuuttomia vaikeuksia, ja asian tutkimista Suomessa on olosuhteisiin katsoen pidettävä aiheellisenä." (Unofficial translation: Divorce or annulment can be investigated in Finland if,

1) the spouse has residency in Finland; or

2) the spouse has had residency in Finland or in other ways has close contacts to Finland and the annulment of marriage cannot be initiated in the other country where the other (spouse) has residency or if the investigation of annulment would cause intolerable difficulties and thus in the light of the circumstances the investigation of forced marriage could be seen as appropriate.)

New legislation on sexual offences entered into force on 1 January 2023.⁵⁴ This legislation amended the definition of rape to align with human rights standards, based on lack of consent assessed in the surrounding circumstances.⁵⁵ However, in some instances involving the abuse of a position of authority, the crime is still categorized as sexual abuse⁵⁶ rather than rape. This includes, for example, cases where the perpetrator abuses their position of authority over a person who is hospitalized or living in an institution. The situation places the survivor in a vulnerable position in terms of access to justice.

RECOMMENDATIONS

Amnesty International recommends that Finnish authorities:

- Obligate the use of restraining orders effectively alongside with multi-agency risk assessments to ensure the safety of survivors of VAWG/DV/GBV and raise awareness amongst people of these mechanisms so people can use them when needed.
- Ensure that all incidents of violence against women are effectively investigated and prosecuted without undue delay. Reform legislation on mediation to prohibit discontinuation of criminal investigation and prosecution in violence against women cases. Ensure that all law-enforcement and prosecution staff are aware that mediation is prohibited in cases of repeated violence.
- Ensure that funding for shelters meets the minimum standards of Istanbul Convention and provide accessible, nationwide support for victims of violence, including inclusive and non-discriminatory shelters.
- Adopt legislation that prohibits and prevents any type of forced or coerced marriages. Reform legislation on marriage so that people subject to forced or coerced marriage can choose freely between divorce, annulment of a marriage or dissolution of marriage according to their individual needs and rights.
- Ensure that sexual offences committed through the abuse of one's position of authority are classified as sexual violence and rape in the Criminal Code.

4. RIGHTS OF THE SAMI INDIGENOUS PEOPLE (PARAGRAPH 43)

The position of the Sámi as an Indigenous People was confirmed in 1995 by the Constitution of Finland, which forms the basis of Sámi self-governance. More detailed provisions on this are laid down in the Act on the Sámi Parliament, which entered into force in January 1996.

When the legislation on the Sámi Parliament was adopted in the mid-1990's, the Finnish government stated that Sámi self-governance was intended to be dynamic so that the Sámi people could develop it themselves.⁵⁷

However, no self-governing changes have been made to the Sámi Parliament Act during the nearly 30 years the Act has been in force.⁵⁸

⁵⁴ Finnish Government, Eduskunnan vastaus hallituksen esitykseen, ["Parliament's response to the motion"], 8 September 2022, valtioneuvosto.fi/paatokset/paatos?decisionId=0900908f807c91d8 (in Finnish).

⁵⁵ The new legislation highlights that voluntariness needs to be communicated throughout sexual acts. It can be either verbal or non-verbal. Finland, Sexual Offences Act, 2022, <https://www.finlex.fi/fi/laki/alkup/2022/20220723#Lidm46494959209728>, Chapter 20, section 5.

⁵⁶ Finland, Sexual Offences Act, 2022, <https://www.finlex.fi/fi/laki/alkup/2022/20220723#Lidm46494959209728>, Chapter 20, section 5.

⁵⁷ The Government's proposal to the Parliament on the inclusion of provisions on the cultural self-government of the Sámi people into the Finnish Government and other legislation, HE 248/1994 - Hallituksen esitykset - FINLEX ®. (in Finnish) (accessed on 12 December 2023).

⁵⁸ Juha Guttorm, Saamelaisten itsehallinto Suomessa - dynaaminen vai staattinen?: tutkimus perustuslaissa turvatun saamelaisten itsehallinnon kehittymisestä lainsäädännössä vuosina 1996–2015, ["Self-government of the Sámi people in Finland - dynamic or static?: a study in the legislation of the development of the self-government of the Sámi people protected in the constitution in the years 1996–2015"], 2018 (in Finnish) (accessed on 12 December 2023), <https://lada.ulapland.fi/handle/10024/63446>. Leena Heinämäki et al., Saamelaisten oikeuksien toteutuminen: kansainvälinen oikeusvertaileva tutkimus ["Realization of Sámi rights: international legal comparative study"], 2017, Government Office, (in Finnish) (accessed 12 December 2023) <https://julkaisut.valtioneuvosto.fi/handle/10024/80900>.

Amnesty International regrets that there have been repeated delays in reforming the Act on the Sámi Parliament. Three previous governments since 2014 have failed to reform the Act on the Sámi Parliament despite it being on the government agenda, and now it is being processed by the fourth government.

An issue particularly requiring reform is the compilation of register of voters in Sami Parliament elections (Sami Parliament Act section 3). According to the reform proposed in 2022, which was supported by the Sámi Parliament as well as many experts and human rights actors⁵⁹ the electoral lists of the Sámi Parliament elections should be reassembled by expanding the language criterion basis to the fourth generation and by removing the controversial, “Lapp criterion” that has been widely criticised and repeatedly condemned by various UN institutions. The current, outdated Sami Parliament Act defines a person as Sámi and thus allows the person to enter into the electoral roll if “he is a descendent of a person who has been entered in a land, taxation or population register as a mountain, forest or fishing Lapp”. This criterion is controversial and its current interpretation increases the risk of assimilation.⁶⁰

The previous government of Prime Minister Sanna Marin delayed⁶¹ the submission of the government proposal to the Parliament. Despite an entry in the Government programme that “the work on reforming the Act on the Sami Parliament will be continued”,⁶² there was a lack of political will to proceed with the law proposal.⁶³ Citing a lack of time, the Constitutional Law Committee of the Parliament decided not to bring the proposal to the plenary, even though there were no constitutional obstacles based on the statements of several constitutional scholars⁶⁴ and the Constitutional Law Committee itself.⁶⁵

The current Government programme of Prime Minister Petteri Orpo states that the Sámi Parliament Act will be submitted to the Finnish Parliament by the end of the year 2023”.⁶⁶ The reformed Sámi Parliament Act will be based on the work carried out by a committee that was established to prepare the reform in 2020-2021 and this proposal has strong support by the Finnish Sámi Parliament.⁶⁷

⁵⁹ Sámi Parliament, Saamelaiskäräjät pettyntyn perustuslakivaliokunnan päätökseen – perustuslakivaliokunta on pysäyttänyt saamelaiskäräjälain käsittelyn [“Sámi parliamentarians disappointed with the Constitutional Law Committee’s decision - the Constitutional Law Committee has stopped the processing of the Sámi Parliament Act”], 24. February 2022 <https://www.samediggi.fi/2023/02/24/the-sami-parliament-is-disappointed-with-the-decision-of-the-constitutional-law-committee-the-constitutional-law-committee-has-stopped-handling-of-the-sami-parliament-act/?lang=en>. (in Finnish) (accessed on 12 December 2023). The Ministry of Justice, Saamelaiskäräjälain uudistus [“The reform of the Sámi District Court Act”], 2023 EDK-2023-AK-11136 (in Finnish) (accessed on 12 December 2023). The Parliament, Saamelaiskäräjät pettyntyn perustuslakivaliokunnan päätökseen – perustuslakivaliokunta on pysäyttänyt saamelaiskäräjälain käsittelyn [“Sámi parliamentarians disappointed with the Constitutional Law Committee’s decision - the Constitutional Law Committee has stopped the processing of the Sámi Parliament Act”], 24 February 2023, <https://www.eduskunta.fi/FI/vaski/JulkaisuMetatieto/Documents/EDK-2023-AK-11137.pdf> (in Finnish) (accessed on 12 December 2023).

⁶⁰ FÁKTALÁVVU, A Small Guide to the Sámi Definition in Finland, 9 February 2018, <https://faktalavvu.net/2018/02/09/a-small-guide-to-the-sami-definition-in-finland/> (accessed on 12 December 2023).

⁶¹ The draft proposal to reform the Act on the Sami Parliament was ready from 11 May 2021 until 17 November 2022, when the government submitted the proposal in disagreement to the Parliament, at the last moment. YLE, Laki saamelaiskäräjistä kaatui perustuslakivaliokunnassa – aika loppui ja kiistely uudistus ei etene [“The law on Sámi assemblies failed in the constitutional committee - time ran out and the disputed reform will not proceed”], 24 February 2023, [Laki saamelaiskäräjistä kaatui perustuslakivaliokunnassa – aika loppui ja kiistely uudistus ei etene | Poliitiikka | Yle](https://yle.fi/uutiset/3-10181321) (in Finnish) (accessed on 12 December 2023).

⁶² Programme of Prime Minister Sanna Marin’s Government, Osallistava ja osaava Suomi [“inclusive and competent Finland“], 10 December 2019, p. 95, <https://julkaisut.valtioneuvosto.fi/handle/10024/161931>, (in Finnish) (accessed 2.11.2023).

⁶³ Helsingin Sanomat, Saamelaiskäräjälaki kaatui perustuslakivaliokuntaan [“The Sámi district law didn’t go through in the constitutional committee”], 24. February 2023 <https://www.hs.fi/politiikka/art-2000009414580.html> (in Finnish) (accessed on 2. November 2023),. Helsingin Sanomat, Hallituksessa kova riita saamelais-käräjä-laista – Keskusta esti esityksen etenemisen eduskuntaan tänään [“A fierce dispute in the government about the Sámi parliamentary bill - the Center prevented the motion from going to the parliament today”], 10. November 2023, <https://www.hs.fi/politiikka/art-2000009192341.html>, (in Finnish) (accessed on 2. November 2023). Helsingin Sanomat, Saamelaiset syyttävät keskustaa tärkeän laki-uudistuksen torppaamisesta [“The Sámi people accuse the center of stalling an important law reform”], 2. November 2023, <https://www.hs.fi/kotimaa/art-2000009173855.html>, (in Finnish) (accessed on 2. November 2023).

⁶⁴ Expert opinions EDK-2023-AK-11136, EDK-2023-AK-11374; EDK-2023-AK-11137; EDK-2023-AK-11138; EDK-2023-AK-11139; EDK-2023-AK-11375; EDK-2023-AK-11153 in the Constitutional Law Committee meeting, PeVP 135/2022 vp, 15.2.2023 https://www.eduskunta.fi/FI/vaski/KokousPoytakirja/Sivut/PeVP_135+2022.aspx.

⁶⁵ Helsingin Sanomat, Saamelaiskäräjälaki kaatui perustuslakivaliokuntaan, 24.2.2023 <https://www.hs.fi/politiikka/art-2000009414580.html>, accessed 2.11.2023.

⁶⁶ Programme of Prime Minister Petteri Orpo’s Government 20 June 2023, pp. 209, <https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/165044/Programme-of-Prime-Minister-Petteri-Orpos-Government-20062023.pdf>, accessed 26.10.2023.

⁶⁷ The Sámi Parliament, Saamelaiskäräjät hyväksyi Suomen hallituksen esityksen saamelaiskäräjälain muuttamisesta äänin 15-3, 29.11.2022, <https://www.samediggi.fi/2022/11/29/saamelaiskarajat-hyvaksyi-suomen-hallituksen-esityksen-saamelaiskarajalain-muuttamisesta-aanin-15-3/>.

According to the government's legislative plan, the proposal on Sámi Parliament Act reform will be given to the parliament in December 2023.⁶⁸

The uncertainty around the Act on the Sámi Parliament, as well as the aggressive social debate triggered by the political controversies about the Act⁶⁹ have adversely affected the well-being of the Sámi People.⁷⁰

According to a report by the Ministry of Justice, published in June 2022, experiences of silencing and restriction of social participation are common among the Sámi. Nearly half of the Sámi respondents of the survey said they had experienced hate speech or harassment, and the perpetrator was most often a politician or a person in a public position. Two-thirds of the respondents reported that hate speech or harassment affected their mental health.⁷¹

The Government of Finland appointed the Truth and Reconciliation Commission Concerning the Sámi People on October 28, 2021, with purpose of identifying and assessing historical and current discrimination, including impacts of the state's assimilation policy, as well as human rights violations experienced by the Sámi People.⁷² The commissioners of the Truth and Reconciliation Commission have called for the reform of the Act on Sámi Parliament in order for them to succeed in the challenging work of the Commission. The commissioners have noted that a failure to reform the law strengthens the Sámi People's mistrust in the Finnish state, as well as increases intergenerational traumas, which the Commission is tasked to solve.⁷³

Although rights of the Sámi People and protection of Sámi culture have been considered in the new Climate Act (2022)⁷⁴ and Nature Conservation Act (2023),⁷⁵ there are still serious deficiencies in regulating activities that have an impact on the rights and interests of Sámi, such as extractive industries operations. For example, the amendments made to the Mining Act⁷⁶ still do not require the state to ensure the Sámi People's free, prior and informed consent before granting a permission for mining activities in the Sámi homeland territory.

⁶⁸ Hallituksen lainsäädäntöohjelma ja -suunnitelma <https://valtioneuvosto.fi/lainsaadantosunnitelma> , accessed 3.11.2023

⁶⁹ At the end of 2022, the Presidium of the Sámi Parliament of Finland (*Saamelaiskäräjien puheenjohtajisto tuomitsee saamelaisiin kohdistuvan vihapuheen*, 25.11.2022 <https://www.samediggi.fi/2022/11/25/saamelaiskarajien-puheenjohtajisto-tuomitsee-saamelaisiin-kohdistuvan-vihapuheen>) as well as the Archbishop of Finland and the Bishop of Oulu (*Arkkipiispa ja Oulun piispa vetoavat: saamelaisiin kohdistuvan vihapuheen on loputtava*, 1 December 2022, <https://www.oulunhiippakunta.fi/ajankohtaista/arkkipiispa-ja-oulun-piispa-vetoavat-saamelaisiin-kohdistuvan-vihapuheen-on-loputtava>) condemned hate speech against the Sámi and demanded an end to it. A little earlier, the ministers responsible for Sámi affairs and the presidents of the Sámi assemblies of Norway, Sweden and Finland also published a joint statement against threats and hate speech against the Sámi (*Ministerit ja saamelaiskäräjien puheenjohtajat: vihapuhetta vastaan on kamppailtava*, 5 February 2021, <https://valtioneuvosto.fi/-/1410853/ministerit-ja-saamelaiskarajien-puheenjohtajat-vihapuhetta-vastaan-on-kamppailtava>) ; Helsingin Sanomat, *Saamelaiskäräjälain uudistus helpottaisi totuus- ja sovintokomission työtä*, 15.11.2022, <https://www.hs.fi/mielipide/art-2000009200158.html>.

⁷⁰ Laura Jauhola et al., *Että puututtaisiin konkreettisesti" Seurantaselvitys vihapuheesta ja häirinnästä ja niiden vaikutuksista eri vähemmistöryhmiin* ["Hoping for a Concrete Intervention" Follow-up Survey on Hate Speech and Harassment and Their Effects on Different Minority Groups], Publications of the Ministry of Justice, 2022, <http://urn.fi/URN:ISBN:978-952-400-482-4> (in Finnish) (accessed on 12 December 2023); Yle, *Saamelaisiin kohdistuva vihapuhe räjähti somessa – kirjoitusten sisältö on usein väkivaltaista* [Hate speech against the Sami exploded on social media - the content of the writings is often violent], 23 November 2022 <https://yle.fi/a/3-12680310>. Yle, *Aikuisilla heräsi huoli saamelaisnuorista – vihapuhe tulee jo Rosa-Máren Juuson uniinkin* [Adults became concerned about the Sámi youth - hate speech is already in Rosa-Máre Juuso's dreams] 1. December 2022, <https://yle.fi/a/74-20006905> (in Finnish) (accessed on 12 December 2023).

⁷¹ Laura Jauhola et al., *Että puututtaisiin konkreettisesti" Seurantaselvitys vihapuheesta ja häirinnästä ja niiden vaikutuksista eri vähemmistöryhmiin* ["Hoping for a Concrete Intervention" Follow-up Survey on Hate Speech and Harassment and Their Effects on Different Minority Groups], the Ministry of Justice, 2022, <http://urn.fi/URN:ISBN:978-952-400-482-4> (in Finnish) (accessed 12 December 2023).

⁷² The Truth and Reconciliation Commission Concerning the Sámi People, Home page, <https://sdtsk.fi/en/home/> (accessed on 12 December 2023).

⁷³ Helsingin Sanomat, *Saamelaiskäräjälain uudistus helpottaisi totuus- ja sovintokomission työtä* ["The reform of the Sámi District Court Act would facilitate the work of the Truth and Reconciliation Commission"], 15. November 2022, <https://www.hs.fi/mielipide/art-2000009200158.html> (in Finnish) (accessed on 12 December 2023).

⁷⁴ Ministry of the Environment, Climate change legislation, <https://ym.fi/en/climate-change-legislation>, (accessed on 2. November 2023).

⁷⁵ Ministry of the Environment, Reform of the Nature Conservation Act, <https://ym.fi/en/reform-of-the-nature-conservation-act>, (accessed on 2 November 2023).

⁷⁶ Finland, *Laki kaivoslain muuttamisesta* ["Act on amending the Mining Act"] 2023, <https://www.finlex.fi/fi/laki/alkup/2023/20230505#Pidm46494957728000>(in Finnish) (accessed on 12 December 2023).

RECOMMENDATIONS

Amnesty International recommends that Finnish authorities:

- Revise section 3 of the Act on the Sámi Parliament, to ensure a definition of a Sámi in line with the right to self-identification of the Sámi people, and fulfil Finland's international human rights obligations.
- Revise section 9 of the Act on the Sámi Parliament concerning the obligation of the authorities to negotiate with the Sámi Parliament in all far-reaching and important measures which may affect the status of the Sámi as Indigenous People, and ensure that the obligation to ensure free, prior and informed consent to respect the Sámi People's right to self-determination is guaranteed.
- Speed up the process to revise the Act on the Sámi Parliament and guarantee enough time and resources for the reform and ensure this is done in a manner consistent with the rights of the Sámi People, including their right to participation in decisions that affect them.
- Review existing legislation, policies and practices regulating activities that have an impact on the rights and interests of the Sámi People with a view to ensuring that the Sámi People's free, prior and informed consent is obtained in all instances.

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