**Submission to the Committee on the Elimination of Discrimination Against Women regarding Finland’s 8th periodic report at its 83rd session (10 - 28 October 2022).**

The Finnish League for Human Rights (hereinafter FLHR) is a religiously and politically independent human rights organisation. Our principal objective is to monitor the human rights situation in Finland. The FLHR was founded in 1979 and pursues the work of the League for Human Rights, established in 1935. We are International Federation for Human Rights’ (FIDH) member organisation in Finland.

The FLHR appreciates the opportunity to provide their views to the Committee on the Elimination of Discrimination Against Women regarding Finland’s 8th periodic report at its 83rd session. We commend the emphasis given by the current government of Finland to human rights in its Government Programme (2019). Yet, much of the efforts have actually been used to revert the policies that weakened various human rights under the previous government. Furthermore, the impact of the COVID-19 pandemic has halted or even reverted progress on several human rights. The long-term impacts of the pandemic are yet to be seen, and a strong commitment to human rights standards and principles is needed in this context, both in Finland and internationally.

1. **GENDER-BASED VIOLENCE** (articles 5-6)

In this statement, we focus on the forms of violence that fall under our own area of expertise, the so-called honour-based violence (HBV) and female genital mutilation (FGM).

Violence against women is a serious human rights violation common in Finland. In addition to many adverse physical and psychological health consequences to the victims, domestic violence also has substantial financial costs to the State. There have been various important developments in national measures in recent years, including the establishment of sexual violence centres, the increase in shelters’ reception capacity, the enactment of an Action Plan for Combating Violence against Women (2020–23), an Action Plan against Trafficking in Human Beings (2021-23), an Action Plan for the Istanbul Convention (2022-25), a bill to reform the legislation on sex crimes and the establishment of an independent national rapporteur on gender-based violence. However, despite the improvements, serious shortages persist. Regardless of the improved national measures, the services are not evenly available geographically, E.g. shelters are lacking in Northern Finland and generally, professionals and authorities based in Southern Finland and in big towns have better access to training concerning combating violence.

Women and girls with migrant backgrounds are at heightened risk of experiencing HBV and being subjected to forced marriage and FGM. It is particularly urgent to tackle HBV as many asylum seekers have recently come to Finland from communities where different forms of the phenomenon exist. So far, the government of Finland has done little to prevent HBV. Finnish authorities and professionals need thorough education in identifying the risk of FGM and HBV. These must be more systematically taken into consideration as grounds for asylum. as currently the risk is not always recognized during the asylum procedure.

According to a study conducted by FLHR in 2016 professionals such as teachers, police and social workers have little knowledge of the phenomenon and lack clear guidelines for providing support to the victims. More research on HVB is needed, and statistics must be gathered to understand the real prevalence of the phenomenon in Finland.

Improvements in recent years include increased training for public officers and professionals, and the strengthening of national coordination at the National Institute for Health and Welfare. HBV is specifically mentioned in the Government’s Action Plan for Gender Equality (2020–23), which specifies concrete objectives and measures to eliminate gender-based discrimination, including by providing training for officials and professionals. In addition, the Action Plan on the Prevention of Violence against Children (2020-25) contains various measures to prevent HBV.

In 2021, the first recognized case of so-called ‘honour killing’ took place in Finland. The particular case showed that professionals and the judicial system do not recognize the risks of HBV, and the victim’s rights are not protected. In order to ensure that victims of HBV and forced marriage get the protection and support they are entitled to, more training for authorities is necessary. However, training as well as support to victims is currently mainly provided by CSOs. For instance, in 2017-2018 the FLHR provided national trainings for professionals in the field of integration commissioned by the Centre of Expertise in Immigrant Integration at the Ministry of Economic Affairs and Employment. These trainings were included in the National Action Plan of the Istanbul Convention. In addition, in September 2019, the FLHR trained judges and legal assistants (145 persons) of district courts on HBV, including forced marriage.

* 1. **Forced marriages**

Forced marriage is not criminalised as such in Finland. In accordance with the Istanbul Convention, which came into effect on 1 August 2015, forced marriages must be criminalised and made voidable, annulled or dissolved. At the moment, marriage can only be dissolved through divorce. Furthermore, there is no support system available for women in forced marriages, even if they are under-age.

Forced marriage can currently be punishable as trafficking or aggravated trafficking in human

beings, or as coercion. Current legislation is not applicable to all cases of forced marriage, which is why criminalizing forced marriage (including legally invalid marriages) is essential. The need for criminalization is currently under assessment and, simultaneously, a government bill on dissolving forced marriage is being discussed in the parliament. However, the memos and proposals under discussion seem to fail to recognize the variety of forced marriages, and the rights of the victims are not fully guaranteed.

On a positive note, granting dispensations for under-aged persons to marry was abolished in 2019.

* 1. **Female genital mutilation**

In 2019, the Ministry of Social Affairs and Health published a second Action Plan for the Prevention of FGM. Among its main objectives is to ensure sufficient training, instructions and clinical pathways to prevent FGM, and to offer care for the survivors. The National Institute for Health and Welfare has taken a more active role in the national coordination of measures against FGM, with increased human and financial resources. In addition, data collection as well as estimations on the prevalence and risk have increased. However, it still remains to be seen how the strengthened national coordination and the new action plan will impact on combating FGM. The implementation of the earlier action plan did not seem very efficient, which came up in its final evaluation.

Data collected by FLHR among women in communities with a relatively high risk of FGM, indicate that the professionals’ duty to speak about FGM and to protect girls is not fulfilled: during pregnancy or after delivery, only 5 out of 67 women had been inquired about the risk of FGM to their child. Other shortcomings in national anti-FGM work include the lack of tailored support services for victims and the failure to sufficiently include men in the preventive discussions in e.g. day care centres.

The process of a specific criminalization of FGM began in 2021. It is crucial that the process results in a new law that sufficiently protects girls from all forms of FGM.

***Recommendations:***

* *Criminalize forced marriage, including the legally invalid marriages*
* *Enable voiding, annulling or dissolving forced marriage without undue financial or administrative burden being placed on the victim.*
* *Implement the Action Plan for the Prevention of FGM fully and efficiently, and allocate sufficient resources to competent authorities to this end**.*
* *Increase the number of shelter places and the geographic distribution of shelter to host survivors of GBV, HBV and FGM.*
* *Ensure systematic training of relevant authorities and professionals on FGM, HBV and other forms of GBV.*
* *Ensure that FGM and HBV are systematically taken into consideration as grounds for seeking and obtaining asylum.*
* *Ensure that tailored support services for victims of FGM and HBV are available.*

1. **RIGHTS OF THE SÁMI WOMEN** (articles 1-2)

The indigenous Sámi people have a constitutional right to uphold and develop their languages. Other legislation guarantees public services in Sámi languages in the Sámi homeland area. However, these language rights are frequently not lived up to. The Sámi as members of an indigenous community face specific challenges when it comes for example to services targeted at families, children, the elderly and victims of domestic and gender-based violence, as well as in health care in general. For example, there are no shelters for victims of violence in the Sámi homeland, and the existing shelters provide little or no service in Sámi languages. There may also be little understanding of the culture of the indigenous community within public services and among authorities.

***Recommendations:***

* *Ensure the sufficient provision of services in Sámi languages, including in shelters and other services to victims of domestic and gender-based violence.*
* *Ensure cultural sensitivity in the services in order to guarantee the cultural rights of the Sámi indigenous people.*

1. **THE RIGHTS OF TRANSGENDER AND INTERSEX PERSONS** (article 12)

Diversity of gender is acknowledged more and more in the society. An important example is that the Act on Equality between Women and Men was reformed in 2015 to include protections against discrimination based on gender identity, gender expression and variation of physical sex characteristics. However, trans people of all genders as well as agender people continue to face discrimination in all walks of life. According to a recent survey to youth in school, LGBTIQ pupils and students experience far more harassment and other challenges to their wellbeing at school than other youth. This is not being addressed strongly enough by the government.

Legal gender recognition is regulated by the Trans Act. The prerequisites for legal gender recognition violate trans persons’ rights to bodily integrity, self-determination, family life and private life. The Government has launched a reform of the Trans Act. According to the Government Programme, self-determination will be the base for legal gender recognition, which is a long-awaited change. Yet, the reform should not be limited to persons over 18 years of age, as proposed by the government.

Intersex children are exposed to non-consensual, not medically necessary interventions on their sex characteristics. Such interventions violate the child’s right to self-determination, physical integrity and bodily autonomy. The Government Programme pledges to stop this kind of interventions. However, this reform still remains to be initiated.

The COVID 19 pandemic has affected trans people and the wider LGBTIQ community by delaying important legal reforms and setting obstacles to accessing gender affirming care and other services. The government's response to these problems has so far been weak.

***Recommendations:***

* *Reform the Trans Act in a way that provides quick, transparent and accessible legal gender recognition based on self-determination, including to minors.*
* *Legislate to guarantee intersex children’s right to self-determination, physical integrity and bodily autonomy. Ban unnecessary and non-consensual genital normalising surgery and other non-consensual, not medically necessary interventions on (intersex) children’s sex characteristics.*
* *Secure the wellbeing of trans and gender non-conforming youth in schools by adding content on diversity of gender to the curriculum of teacher students.*
* *Include diversity of gender in all actions tackling gender-based discrimination.*

**4. RIGHT TO SOCIAL SECURITY** (article 11)

In regards to article 11, the Finnish social security system covers varied life situations. However, the level of most social security benefits is too low to guarantee an adequate standard of living for groups such as low-income families with children, elderly persons, people with disability or long-term illnesses; and the unemployed. In some of the groups at risk, women are overrepresented. For example, elderly women are more likely to be low-income earners than men: in 2019, 21% of women and 17% of men over 75 were classified as low-income.

A major reform of the social security system is taking place over two electoral terms (2020-2027), and provides a crucial opportunity to enhance the situation of the poorest and the most marginalized groups. However, a human rights perspective has been absent in the discussions and no ex-ante human rights impact assessment of the reform has been undertaken.

***Recommendations:***

* *Ensure that the ongoing Social Security reform is based on a thorough human rights impact assessment, including gender impact assessment. The reform must prioritize advancing the rights of the groups at most risk of poverty, marginalization and discrimination.*

**SOURCES**

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