

## **SUBMISSION TO THE HUMAN RIGHTS COMMITTEE**

**Follow-up to the information received from Finland regarding the Concluding observations of the Human Rights Committee on Finland's 7<sup>th</sup> periodic report, received 24 March 2023**

**Finnish League for Human Rights**

**18 December 2023**

This report is submitted by the Finnish League for Human Rights (hereafter FLHR) to the Human Rights Committee, on the follow-up to the Committee's Concluding Observations on Finland's 7th periodic report on the implementation of the International Covenant on Civil and Political Rights (the CCPR). The 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 a member of the International Federation for Human Rights (FIDH).

In this report, FLHR focuses on providing up-to-date information related to the CCPR recommendations in paragraphs 15, 19 and 43, included in the concluding observations (CCPR/C/FIN/CO/7), that concern hate speech and hate crimes, violence against women and rights of the Sami indigenous people.

FLHR notifies the Human Rights Committee that Finland has a new government, lead by prime minister Petteri Orpo. The new government was appointed in June 2023.

### **(15) Hate speech and hate crimes**

#### **Information on the implementation of the recommendations of paragraph 15 (a) of the concluding observations:**

The Government's report states that criminalizing shaming is under consideration. However, in the beginning of the new Government term, in August 2023, the Minister of Justice declared that shaming will not be separately criminalized.

The new Government adopted in the beginning of its term a statement to Parliament on measures to promote equality, gender equality and non-discrimination in Finnish society. The statement was adopted because of public pressure concerning racist hate speech by Government's ministers in the past. The Government Programme of Prime Minister Orpo does not include measures to tackle hate speech or hate crimes. Also, measures addressing hate speech and hate crime are missing in the statement to Parliament.

The term of the Government Action Plan against Racism and Promotion of Good Relations ends in the end 2023. The new Government of Finland has announced that a new action plan will be



prepared. According to information FLHR has received, the preparation process of new action plan has not yet actively started.

The Government's report states that a national centre of expertise against hate crimes has been piloted. This centre of expertise is a website where information and different tools, reports and material regarding hate crime and discrimination are gathered. The website has not yet been published.

### **Information on the implementation of the recommendations of paragraph 15 (b) of the concluding observations:**

The Government's report to the Human Rights Committee emphasizes an antiracist campaign. FLHR finds a campaign insufficient measure to change attitudes and eradicate stereotypes. Government's antiracist work and measures should not rely on sporadic campaigns, but it should be systematic and long-term work.

The materials published in the campaign "I'm antiracist" were deleted from the Ministry of Justice website when the new government term started. After media coverage, the materials were returned. FLHR emphasizes that it is important that materials and tools prepared and published in different campaigns and projects are actively disseminated and promoted even after the campaign or projects ends.

### **Information on the implementation of the recommendations of paragraph 15 (c) of the concluding observations:**

The Government has set up an expert working group to prepare a proposal on amendments or changes to Criminal Code in order to make it in line with the EU framework decision on racism (2008/913/JHA). The term of the working group is from December 2023 to June 2024. FLHR is represented in the working group.

### **Information on the implementation of the recommendations of paragraph 15 (d) of the concluding observations:**

The EU funded project "Facts Against Hate" to which the Government refers to in its report is an old project, ended in 2021. According to the information FLHR has received, no notable investment to hate crime training of police has done. Participating the annual hate crime training organised by the Police University College is voluntary, and it has been difficult to get enough participants to the training. The training has been cancelled several times.

## **(19) Violence against women**

### **Information on the implementation of the recommendations of paragraph 19 (d) of the concluding observations:**



As the report by the Government of Finland states, forced marriage is currently punishable under the Criminal Code as trafficking or aggravated trafficking in human beings, or as coercion. However, in practice current legislation is not applicable to all cases of forced marriage.

According to FLHR forced marriage should be considered as its own separate phenomenon as the current human trafficking legislation applies mainly to cases where the forced marriage includes clear elements of human trafficking and clear coercion. Consequently, certain circumstances, for example in cases where parents force their child into marriage thinking that it is in the child's best interests without any intention of harming them do not fall under the human trafficking legislation.

According to many experts, the human trafficking legislation is very complex. In the decision by the Deputy Chancellor of Justice from 2021 it was noted that the police and investigators have difficulty identifying the elements of human trafficking and consequently, rights of victims of human trafficking are not being fulfilled currently<sup>1</sup>. The FLHR has received similar information from the representatives of the police also on two separate occasions during November-December 2023.

Thus, the FLHR advocates that forced marriage should not be considered under the complex human trafficking legislation, because forced marriage is a very challenging and complex phenomenon itself but also because it differs in many ways from human trafficking.

The need for criminalization of forced marriages was under assessment at the Ministry for Justice in 2021-2022, and despite opposing statements on the memo by numerous CSO's with expertise on the phenomenon, the ministry proposed no amendments to the current legislation.

The FLHR welcomes the fact that the new government of Prime Minister Petteri Orpo, appointed in late June 2023, has announced several measures to combat honour-based violence, including clarifying the punishability of coercion into marriage in the Criminal Code. The work is already under preparation. FLHR is represented in the working group appointed in September 2023 to draft the legislation.

It is crucial that marriages concluded under force are criminalized, including legally invalid marriages, such as so called cultural or religious marriages.

## **(43) The rights of the Sami indigenous people**

### **Information on the implementation of the recommendations of paragraph 43 (a) and (c) of the concluding observations:**

As the Government report pointed out, the right of the Sami to free, prior, and informed consent (FPIC) has been reiterated in several Government documents. However, the right has not been lived up to even in the most relevant legislative or other governing procedures. For example, Finland still has not ratified the ILO 169 Convention on Indigenous and Tribal Peoples' Rights.



Recently, a reform of the Sami Parliament Act was prepared by a working group in 2021. However, the previous Government failed to complete the proposal's parliamentary handling in time before new elections broke the parliamentary term off in spring of 2023.

The current Government Programme included a commitment to pass the bill in the same form (as prepared by the working group) during the fall semester of 2023. Consequently, the Government Programme entry anchored the proposal to the co-operation of the Samediggi, The Sami Parliament, which is the supreme political body of the Sami in Finland representing the Sami in national and international connections, thus respecting the FPIC principle. The Samediggi considers the bill drafted by the working group "a strong compromise, prepared over several years that provides a fair response to Finnish obligations".

The Government finally passed a bill on 14th of December 2023 to the Parliament. As the parliament will only continue to handle the bill on the Spring Semester of 2024, it remains to be seen how the bill will be discussed in the Parliament and subsequently, what the outcome of the political considerations of the Parliamentary Committees will be.

### **Information on the implementation of the recommendations of paragraph 43 (d) of the concluding observations:**

Education and services in the three Sami languages remain scarce. The situation is relatively better within the Sami homeland, but the majority of the Sami population live in other areas of Finland. More resources should be targeted at securing the cultural and linguistic rights of the Sami both within and outside of the Sami homeland.

### **The FLHR recommends that the Government of Finland**

Ensures that,

1. New Government Action Plan against Racism is prepared promptly. The action plan should continue the longstanding antiracist work already done by the state. It should also be sufficiently resourced.
2. Police and other authorities should be regularly trained on hate crimes, non-discrimination and human rights.
3. Marriages concluded under force are criminalized, including legally invalid marriages, such as so called cultural or religious marriages.
4. The Sami Parliament Act, which was passed by the Government as a bill on 14th of December to the Finnish Parliament, implementing the two rulings by the Human Rights Committee, is finally accepted by the majority of the parliament.
5. The ILO Convention 169 on indigenous people's rights is ratified.



6. The implementation of the linguistic and cultural rights of the Sami, including by providing education and early education, and health and social services in the Sami languages, also for people with disabilities and elderly people, within the Sami homeland as well as outside of it are ensured.

