

79th Session of the Committee against Torture
Opening Statement by the Delegation of Finland
2 May 2024

Mr Chairperson, Distinguished Members of the Committee,

Our Delegation is very pleased to engage in dialogue with your Committee on the implementation of the Convention against Torture in Finland.

During the reporting period, Finland, like many States, faced exceptional challenges, including the unprecedented impact of the COVID-19 pandemic. The escalating security concerns in the region have heightened tensions and underscored the critical importance of international cooperation and concerted efforts to maintain peace and stability in Europe.

Despite these challenges, Finland remains steadfast in its commitment to upholding human rights and combating all forms of torture, and we look forward to sharing our experiences and collaborating with the Committee to address these pressing issues.

Now my intention is to focus on some key issues.

Government programme

According to the Government Programme of *Prime Minister Petteri Orpo* a society built on trust and good relations between population groups arises from the fact that everyone in Finland can trust that their rights and the principles of gender equality, equality before the law and non-discrimination will be respected and that they will be able to improve their own lives. Everyone has the right to be happy and safe in Finland.

The Government will strengthen the basic structures of the rule of law by preparing and implementing Finland's fourth National Action Plan on Fundamental and Human Rights. The Government will also promote knowledge-based decision-making by continuing the official reporting on and monitoring of fundamental and human rights.

Equality Statement

In August 2023, the Government issued a Statement on promoting equality, gender equality and non-discrimination in Finnish society. The Prime Minister's Office, which coordinates the implementation of the Equality Statement, is set to announce the specific measures this spring. The measures will be implemented by the agencies operating under each ministry.

As a new measure, the Government will annually review the decisions, conclusions and recommendations issued to Finland by international human rights bodies and decide on measures to be taken. The first review is due to take place this year.

Database on concluding observations

A new database of concluding observations adopted by the UN and the Council of Europe's treaty bodies has been launched on the website of the Ministry for Foreign Affairs. By providing easy access to comprehensive and up-to-date data on concluding observations, this database empowers stakeholders, including civil society organizations, policymakers, and the general public, to actively engage in monitoring and advocating for the fulfillment of human rights commitments. Your Committee's recommendations will also be transferred to the database.

Establishment of the National Courts Administration

Supporting the structures of the rule of law is paramount for ensuring equity, justice, and the protection of human rights within society. At the beginning of 2020, the National Courts Administration was established as an agency separate from the Ministry of Justice. This reform was carried out to better safeguard the independence of courts.

Instrumentalised entry of third country citizens against Finland

An exceptional situation prevails on Finland's eastern border. Russian authorities are actively organizing instrumentalised entry of third country citizens, aiming to sow discord and disunity in Europe and undermine our support for Ukraine.

The responsibility for this situation lies solely with Russia, which is instrumentalising people, using them as a hybrid tool to serve its aggressive purposes. This is seriously concerning, as Russian conduct puts the health, safety and well-being of individuals at risk.

To calm the situation down the Government has closed the border. We are preparing for different scenarios at the border. There have been regular contacts with the Russian border authorities. However, these contacts have so far not brought any solution.

Based on information provided by the authorities, there are still migrants in the neighbouring area waiting for the eastern border to open. Closing of border crossing points also prevents them arriving to appalling conditions on the border area.

In their current form, national and international law do not currently include procedures that would enable States to effectively combat instrumentalised entry of third country citizens.

The situation is understandably difficult for Russian citizens and dual citizens living in Finland. Border security is such a critical issue for Finland that it has taken precedence, and will continue to take precedence, until we find a permanent solution.

Asylum policy

The Government Programme contains several entries on asylum policy, in order to allocate assistance to the most vulnerable people and prevent abuses. The aim of the Government is to make Finland's asylum system more efficient. People fleeing war, persecution and human rights violations have the right to apply for asylum.

In April, the Government submitted the first package of legislative proposals to Parliament, in order to tighten the asylum policy in line with the EU Directives. Among other things, the Finnish Aliens Act will be amended to introduce the new border procedure in accordance with the Asylum Procedures Directive. The purpose of the border procedure is to enhance the examination of unfounded applications and the return of applicants whose application has been rejected, in full compliance with the principle of *non-refoulement*.

Prevention of trafficking in human beings

In January 2023, the so-called Reception Act (the Act on the Reception of Persons Applying for International Protection and on the Identification of and Assistance to Victims of Trafficking in Human Beings) was amended in order to improve the status of victims of human trafficking. The right to services through the Assistance System will no longer depend on the progress of the criminal proceedings related to human trafficking.

The police has significantly developed its anti-trafficking measures during the last five years and took actively part in drafting the Action Plan against Trafficking in Human Beings. A nation-wide anti-trafficking unit was set up in 2021 alongside with an anti-trafficking and people smuggling function in the National Bureau of Investigation and a nation-wide anti-trafficking police network.

Mr Chairperson,

Sanitary facilities in prisons

Your Committee has paid attention to the sanitary facilities in Helsinki and Hämeenlinna prisons. I am delighted to inform you that since 2018, all prison cells have been fitted with appropriate sanitary facilities for prisoners.

Separate places of detention for juveniles

Your Committee has also paid attention to the need to separate juveniles from adults in all places of detention. Since 2022, separate wards have been established for underage prisoners and underage remand prisoners in some prisons to separate minors from adult prisoners.

Victim policy action plan

The Government will draw up a victim policy action plan in line with the Government Programme. The section on the funding of victim support services will be completed in 2024, and the proposals for improving the position of victims in criminal proceedings should be ready in 2026.

Training on the use of force by conscripts and public officials

In 2023, the Finnish Defence Forces' internal oversight of legality focused on conscript training on the use of force. An audit included following the training given to conscripts, a review of the training materials, and interviews. It was proposed that the legal section of the training should include a national set of materials drawn up together with lawyers.

This year, the Finnish Defence Forces' internal oversight of legality will include a similar audit of public officials, legality of the content and implementation of training on the use of force by public officials. The audit findings will be published and brought to the attention of the auditees for possible measures.

Detention facilities for persons deprived of their liberty in the Defence Forces

The Finnish Defence Forces' internal oversight of legality is also carrying out an audit on detention facilities for persons deprived of their liberty in the Defence Forces. This is a nationwide audit. The audit findings will be published and brought to the attention of the auditees for possible measures.

Preventing violence against women and children

The Government Programme includes several measures on combatting different forms of violence. The ability of public authorities, municipal actors and wellbeing services counties to prevent and identify violence will be strengthened.

The Committee for Combating Violence against Women and Domestic Violence (NAPE), which is the coordinating body referred to in the Istanbul Convention, has drawn up two national implementation plans for the Istanbul Convention. The implementation of the second plan (2022-2025) is underway.

Key national measures against violence against children include the Non-violent Childhood Action Plan and the National Implementation Plan for the Lanzarote Convention (against sexual violence against children). The investigation of child abuse and the support needed by the child have been developed in various ways. The development of Barnahus units has been supported since 2019. The first National Child Strategy also contributes to the work against violence. These action plans bring together the work of numerous actors in different administrative sectors and strive to secure children's rights to live free from violence.

The network of SERI Support Centres, which provides support for victims of violence over 16 years of age, regardless of gender, has expanded rapidly. Also, the number of shelters and their family places have developed steadily. From 2015, the number of shelters has increased from 19 shelters to 29, and family places in shelters have increased from 114 to the current 230 family places.

Forcible administration of medication

In order to improve the legal safeguards of a patient, amendments have been made to the Mental Health Act and the Administrative Court Act with respect to provisions on judicial review of the decisions on forcible administration of medication. The amendments entered into force in April this year.

Involuntary medication of mental illness of a patient in observation, mental examination or involuntary psychiatric treatment requires issuing an administrative decision, if the patient objects to the medication or if the patient's will cannot be clarified. The patient has also otherwise the right to an administrative decision at their request, even if the medication of mental illness is implemented in mutual understanding with the patient. A patient has the right to appeal against the decision.

Act on the Recognition of Gender

In April 2023, a new Act on the recognition of gender entered into force.

The new Act strengthens the right to self-determination, personal integrity and the right to private life. Legal recognition of gender has been separated from medical examinations and treatments, and medical examinations or a diagnosis are no longer required for legal gender recognition. The previously required requirement of infertility was abolished. A person's gender is legally recognised if they present a personal account explaining that they permanently feel that they belong to that gender, are of age and are a Finnish citizen or habitually resident in Finland.

Mr Chairperson,

The delegation of Finland participating in this review includes representatives of five ministries and of the Permanent Mission in Geneva as well as the Parliament of Finland. Let me introduce our delegation:

My name is **Krista OINONEN** and I work as Director at the Unit for Human Rights Courts and Conventions at the Ministry for Foreign Affairs.

Deputy Head of the Delegation is **Ambassador Heidi SCHRODERUS-FOX**, Permanent Representative of the Permanent Mission of Finland in Geneva.

Members of the Delegation are:

Mr Johannes KOSKINEN, Member of Parliament and its Constitutional Law Committee and the Committee on Foreign Affairs. The Constitutional Law Committee has expressed its wish to be present when the UN Treaty Bodies review the Government's periodic reports. The participation of the Committee in the official delegation of Finland has already become an institution.

Mr Mikael KOILLINEN, Committee Counsel of the Constitutional Law Committee of Parliament

Ms Anu KONTTINEN, Deputy Permanent Representative, Permanent Mission of Finland in Geneva

Ms Paulina TALLROTH, Senior Ministerial Adviser of the Ministry of Justice

Ms Katariina SIMONEN, Senior Ministerial Adviser of the Ministry of the Interior

Ms Berit KIURU, Chief Specialist of the Ministry of the Interior

Mr Marko SAAREKS, Deputy Head of Division of the Ministry of the Interior, the Border Guard HQ, Border and Coast Guard Division

Ms Anna GAU, Senior Specialist of the Ministry of Defence

Ms Marjo MALJA, Senior Ministerial Adviser of the Ministry of Social Affairs and Health

Ms Anja BLANK, Legal Adviser of the Ministry of Social Affairs and Health

Ms Katja FOKIN, Legal Officer of the Permanent Mission of Finland in Geneva

Ms Karin BACKMAN, Adviser of the Permanent Mission of Finland in Geneva

Ms Saga-Maaria RONKAINEN, Trainee of the Permanent Mission of Finland in Geneva

Ms Jessica KOSONEN, Trainee of the Permanent Mission of Finland in Geneva

Ms Päivi ROTOLA-PUKKILA, Legal Counsellor of the Ministry for Foreign Affairs, Secretary of the Delegation.

Mr Chairperson,

We are prepared to answer your questions and supplement the information provided in the eighth periodic report.

Thank you for your attention.

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