
ADVANCE UNEDITED VERSION

Human Rights Committee

108th session

Geneva, 8-26 July 2013

Consideration of reports submitted by States parties under article 40 of the Covenant

Concluding observations of the Human Rights Committee

Finland

1. The Committee considered the sixth periodic report submitted by Finland (CCPR/C/FIN/6) at its 2987th and 2988th meetings (CCPR/C/SR/2987 and CCPR/C/SR/2988), held on 13 July 2013. At its 3003rd meeting (CCPR/C/SR/3003), held on 24 July 2013, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the timely submission of the periodic report of Finland and the information presented therein. It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's delegation on the measures that the State party has taken during the reporting period to implement the provisions of the Covenant. The Committee is grateful to the State party for its written replies (CCPR/C/FIN/Q/6/Add.1) to the list of issues which were supplemented by the oral responses provided by the delegation.

Positive aspects

3. The Committee welcomes the following legislative and institutional steps taken by the State party:
 - (i) The adoption of the Act on the Promotion of Immigrant Integration (Integration Act, 1386/2010), in 2010;
 - (ii) The adoption of the Act on the Reception of Seekers of International Protection (Reception Act, 746/2011), in 2011;

- (iii) The adoption of the first National Action Plan on Fundamental and Human Rights, in 2012;
- (iv) The amendment of the Criminal Code (511/2011), which entered into force in June 2011; and
- (v) The amendment of the Aliens Act, which entered into force in August 2010.

C. Principal matters of concern and recommendations

4. The Committee regrets that the State Party has maintained its reservations, in particular to article 14, paragraph 7, and article 20, paragraph 1, of the Covenant, which are, in the opinion of the Committee, without basis in the light of the Committee's interpretation of the said articles (art. 2).

The State party should keep the reservations to the Covenant under constant review, with a view to withdrawing them in whole or in part.

5. While noting that the State party has incorporated the Covenant into its domestic legal order, the Committee is concerned that only in a few cases provisions of the Covenant have been invoked before national courts since the consideration of the State party's previous report (art. 2).

The State party should take appropriate measures to raise awareness of the Covenant among judges, lawyers and prosecutors to ensure that its provisions are taken into account before national courts. It should also include in its next periodic report examples of the application of the Covenant by the domestic courts.

6. While appreciating the ongoing reform of the State party's non-discrimination legislation, the Committee remains concerned about the persistent gender-based wage gap and the dismissal of women due to pregnancy and childbirth (arts. 3 and 26).

The State party should pursue and strengthen its measures to ensure, by means of legislation and policy, women's de facto equality with men in the labour market.. The State party should clarify whether there is any provision for sanctions against the practice of dismissal of women in cases of pregnancy and childbirth.

7. While noting the efforts undertaken by the State party to combat violence against women, including the Action Plan to reduce Violence against Women 2010-2015, the Committee remains concerned about reports of gender-based violence, particularly rape, which is often not reported by victims and thus not investigated, prosecuted or punished by the authorities. The Committee regrets that the availability of services, including the number of shelters, is insufficient and inadequate to protect women victims of violence (arts 3, 7 and 26).

The State party should intensify its efforts and take all necessary measures, including legislative reforms, to effectively prevent and combat all forms of violence against women, particularly sexual violence. The State party should ensure that services, including a sufficient number of shelters, are made available to protect women victims of violence and provide them with adequate financial resources. The State party should also educate society on the prevalence of gender-based violence, including domestic violence, and improve coordination among the bodies responsible

for preventing and punishing domestic violence, to ensure that such acts are investigated, perpetrators prosecuted and, if convicted, punished with appropriate sanctions.

8. The Committee is concerned that the State party's current legislation to combat discrimination based on sexual orientation and gender identity is not comprehensive, thus failing to protect against discrimination on all the grounds enumerated in the Covenant. It is also concerned about reports of acts of discrimination based on sexual orientation and gender identity (arts. 2 and 26).

The State party should increase its efforts in the field of combating and eliminating discrimination on grounds of sexual orientation and gender identity, inter alia, by implementing comprehensive legislative reform which guarantees equal protection from discrimination on all grounds.

9. Despite the information furnished by the State party regarding the steps taken to protect victims of trafficking in persons, the Committee remains concerned by the shortcomings in identifying women victims of trafficking by the State party. The Committee is particularly concerned about cases of women who were trafficked into the State party for purposes of prostitution but were only identified as witnesses rather than also being identified as victims of human trafficking, thus being prevented from having adequate protection and assistance (art. 8).

The State party should continue its efforts to combat trafficking of human beings and consider amending its laws to ensure that victims of human trafficking, particularly female victims of sexual abuse and exploitation, are identified as such, in order to provide them with appropriate assistance and protection. The State party should also run public awareness campaigns, continue training police and immigration officers and strengthen its mechanisms for cooperation with neighbouring countries to prevent trafficking in persons.

10. The Committee reiterates its concern that the only detention unit for asylum seekers and irregular migrants in Finland, the Metsälä reception centre, is frequently overcrowded and that many such individuals, including unaccompanied or separated children, pregnant women and persons with disabilities, are placed in police detention facilities for prolonged periods of time (arts. 9 and 10).

The State party should employ alternatives to the detention of asylum seekers and irregular migrants whenever possible. The State party should also guarantee that administrative detention for immigration purposes is justified as reasonable, necessary and proportionate in light of the specific circumstances, and subjected to periodic reevaluation and judicial review, in accordance with the requirements of article 9 of the Covenant. The State party should strengthen its efforts to improve the living conditions in the Metsälä reception centre.

11. While the Committee appreciates the additional information provided to the Committee by the State party, it remains concerned about the period that any person arrested on a criminal charge should be brought before a judge, which according to the information provided by the State party is not before the expiry of 96 hours. The Committee is also concerned at reports that suspects do not always benefit from legal assistance from the very outset of apprehension, particularly those having committed "minor offences". The Committee regrets that the State party has failed to clarify the place of detention in respect of any subsequent continuation of detention. (arts. 9 and 14).

The State party should provide this information and, in any event, ensure that persons are brought before a judge within 48 hours of initial apprehension and transferred from the police centres if there is a continuation of detention. The State party should also ensure that all suspects are guaranteed the right to a lawyer from the moment of apprehension and irrespective of the nature of their alleged crime.

12. While noting the State party's efforts to renovate police detention facilities and prisons, the Committee is concerned about reports that some prisons still lack appropriate sanitary equipment, including toilet facilities. The Committee is also concerned that overcrowding continues to exist in seven prisons (art. 10).

The State party should adopt effective measures against overcrowding in prisons and ensure that sanitary facilities are available in all prisons, in accordance with article 10 of the Covenant and the Standard Minimum Rules for the Treatment of Prisoners (1955).

13. While taking into account the State party's practice of considering the best interests of the child in assessing the placement of juveniles in detention facilities, the Committee remains concerned that juveniles are not segregated from adult prisoners.

Notwithstanding the reservation of article 10, paragraphs 2(b) and 3 of the Covenant, the State party should ensure that, as a general rule, juveniles are segregated from adult prisoners in detention and that they are duly protected from violence and sexual abuse,.

14. While welcoming the legislative changes allowing for non-military services applications during mobilizations and serious disturbances and the fact that total objectors can be exempted from unconditional imprisonment, the Committee reiterates its concerns that the length of non-military service is almost twice the duration of the period of service for the rank and file and that the preferential treatment accorded to Jehovah's Witnesses has not been extended to other groups of conscientious objectors (art. 18).

The State party should fully acknowledge the right to conscientious objection and ensure that the length and the nature of the alternative to service do not have a punitive character. The State party should also extend the preferential treatment accorded to Jehovah's Witnesses to other groups of conscientious objectors.

15. The Committee is concerned at the accelerated asylum procedures established under the Aliens Act, which provides an extremely short time-frame for asylum applications to be considered thoroughly and for the applicant to properly prepare her or his case. The Committee is further concerned that appeals under the accelerated asylum procedures do not have automatic suspensive effect (art. 2 and 7).

The State party should ensure that all persons in need of protection receive appropriate and fair treatment in all asylum procedures and that appeals under the accelerated asylum procedure have a suspensive effect.

16. While noting that the State party has committed to ratify the ILO Convention No. 169 and that it has established a working group, in August 2012 to strengthen the rights of the Sámi to participate in decisions on the use of lands and waters, the Committee remains concerned that the Sámi people lack participation and decision-making powers over matters of fundamental importance to their culture and way of life, including rights to land and resources. The Committee also notes that there may be insufficient understanding or accommodation of the Sami lifestyle by public authorities and that there is a lack of legal

clarity on the use of land in areas traditionally inhabited by the Sámi people (arts. 1, 26 and 27).

The State party should advance the implementation of Sámi people's rights by strengthening the decision-making powers of the Sámi representative institutions, such as the Sámi parliament. The State party should increase its efforts to revise its legislation to fully guarantee the rights of Sámi people in their traditional land, ensuring respect for Sámi communities' right to engage in free, prior and informed participation in policy and development processes that affect them. The State party should also take appropriate measures to facilitate, to the extent possible, that all Sámi children in the State party's territory are entitled to be taught in their own language.

17. While welcoming the efforts made by the State party to eliminate discrimination against the Roma, including the ongoing reform of the Finnish equality legislation, the Committee reiterates its concern that Roma still face de facto discrimination and social exclusion in housing, education and employment. The Committee is particularly concerned at the continuing reports of the placement of Roma children in special needs classes (arts. 26 and 27).

The State party should take active measures, including improving legislation, to prevent discrimination against the Roma particular regarding their access to education, housing and employment, and allocate additional resources to put into effect all plans to do away with obstacles to Roma's practical exercise of rights they enjoy under Covenant. The State party should take immediate steps to eradicate the segregation of Roma children in its education system by ensuring that the placement of children in schools is carried out on an individual basis and is not influenced by the child's ethnic group.

18. The State party should widely disseminate the Covenant, the two Optional Protocols to the Covenant, the text of the sixth periodic report, the written responses it has provided in response to the list of issues drawn up by the Committee, and the present concluding observations so as to increase awareness among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, as well as the general public. The Committee also suggests that the report and the concluding observations be translated into the official language of the State party. The Committee also requests the State party, when preparing its seventh periodic report, to broadly consult with civil society and non-governmental organizations.

19. In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party should provide, within one year, relevant information on its implementation of the Committee's recommendations made in paragraphs 10, 11 and 16 above.

20. The Committee requests the State party, in its next periodic report, due to be submitted on 26 July 2019, to provide, specific, up-to-date information on all its recommendations and on the Covenant as a whole.
