

IHMISOIKEUSKESKUS  
MÄNNISKORÄTTSCENTRET  
HUMAN RIGHTS CENTRE



# **HUMAN RIGHTS CENTRE**

## Annual Report 2018

**HUMAN RIGHTS CENTRE**  
ANNUAL REPORT 2018

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## Foreword

Rapid changes in society, technological development and the changes that have taken place in the security environment bring with them new challenges, which also have an effect on fundamental and human rights. Change has hardly ever been as fast as it is now, especially in the field of technology. Digitalisation, artificial intelligence and algorithms are present almost everywhere these days. Understanding the effects these may have and related regulation are lagging behind technological development. Fundamental and human rights actors have also been prompted to examine their significance. The Human Rights Centre (HRC) has monitored developments based, in particular, on the research conducted by its European partners, such as the European Union Agency for Fundamental Rights.

Major structural changes in Finland, such as the regional government and health and social services reforms and the new intelligence legislation package, made progress in Parliament in 2018. At the time of writing this publication (mid-February), the Parliament was still discussing the relevant Acts. It is specifically fundamental and human rights and ensuring that every single one is safeguarded in the reforms that have been central to the debate, as was the role of the Constitutional Law Committee.

During the year, inadequacies in child protection and the care for older people were under discussion. The problems that came to light in the area of care for older people resulted in granting exceptional additional funding to the Office of the Parliamentary Ombudsman to step up the promotion and supervision of the rights of older people at the end of the year. The HRC is also strengthening its efforts to promote the rights of older people with all the means and resources it has at its disposal.

There is a need for information about fundamental and human rights in all areas of official

work, the drafting of legislation, education, entrepreneurship and public debate. The norms and principles associated with fundamental and human rights, together with their interpretations, constantly evolve over time. Information about them and relevant training should be available for the various parties concerned and at different levels. This work the HRC continued to engage in when promoting education and training, and especially in the area of educational policy and services.

The implementation of fundamental and human rights needs also to be supervised and monitored closely, so that problems can be addressed. The HRC continued its monitoring work and, during the year and, together with the Ministry of Justice and the EU Agency for Fundamental Rights, drew up a national survey, the findings from which will for the first time in Finland provide data on the implementation of rights, including comparative data between different groups. Persons with disabilities and the largest linguistic groups were selected for the national section of the survey.

A continuing challenge to effective and efficient fundamental and human rights work is how their protection, monitoring and promotion are to be improved amid a fragmented fundamental and human rights architecture, as is the case in Finland. There are many actors, many of which are too small for the tasks they have to carry out. One objective for the next elected government must be to facilitate the improvement of conditions for fundamental and human rights work.

14.2.2019

Sirpa Rautio,  
Director of the Human Rights Centre

# 1 Human Rights Centre

## 1. The Finnish National Human Rights Institution (NHRI)

The Finnish National Human Rights Institution consists of the Human Rights Centre (HRC), the Human Rights Delegation and the Parliamentary Ombudsman. The Human Rights Centre promotes and monitors the implementation of human rights and fosters cooperation. In principle, its mandate also covers private operators, such as businesses. The Human Rights Delegation promotes the sharing of information between different actors and deals with fundamental and human rights matters of far-reaching importance and significant principles. The Parliamentary Ombudsman supervises and promotes the legality of the activities of authorities and

The National Human Rights Institutions (NHRIs) meet the requirements of the Paris Principles adopted by the UN General Assembly in 1993:

- they are statutory bodies
- they are autonomous and independent
- they are pluralist in composition
- they promote and safeguard human rights
- they have adequate powers of investigation, resources and a mandate to carry out their functions

the implementation of fundamental and human rights, investigating complaints and carrying out inspections.<sup>1</sup>

The Global Alliance of National Human Rights Institutions (GANHRI) granted the Finnish NHRI 'A' status in 2014. Institutions accredited with 'A' status are considered to be in full compliance with the Paris Principles. The status entitles the Finnish NHRI to participate and take the floor in the sessions of the UN Human Rights Council and to vote in the meetings of GANHRI. As a rule, the Finnish NHRI is represented by the Human Rights Centre in international and European human rights cooperation, in accordance with the HRC's statutory duties.

## 2. Human Rights Centre<sup>2</sup>

The HRC's budget for 2018 was EUR 593,000, which was exceeded by around EUR 30,000. In 2018, the Human Rights Centre (HRC) had four permanent posts (the Director and three experts). Additionally, there was a coordinator of international affairs on a temporary contract and two associate experts for part of the year.

The Human Rights Centre's (HRC) targets for 2018 were set down in a Plan of Action<sup>3</sup>

1 <https://www.oikeusiamies.fi/fi>

2 Further information on the work of the HRC at [www.ihmisoikeuskeskus.fi](http://www.ihmisoikeuskeskus.fi)

3 <https://www.ihmisoikeuskeskus.fi/julkaisut2/toimintakertomukset-ja-toimintas/>

adopted by the Human Rights Delegation in September 2017. The HRC is of the view that it has achieved these targets satisfactorily.

The promotion of fundamental and human rights includes areas such as training and education, research, provision of information and general promotion. The HRC's online lectures have continued to gain wider distribution. The fundamental and human rights projects in the field of education have made good progress and results have been obtained. This was the result of systematic work, additional educational and training resources, and cooperation with different parties and agencies. Among other efforts, the HRC continued to work with the University of Helsinki in educational projects in the field of human rights.

As regards research into fundamental and human rights, the HRC commissioned an international comparative study to examine the need to reform the Act on Legal Recognition of the Gender of Transsexuals (the Transgender Act). The HRC was also involved in the work of the National Advisory Board of the Academy of Finland's Centre of Excellence in Research on Ageing and Care.

The way the Centre shared information became more systematic and its targeted communications on the subject of education and training brought results.

The monitoring of the implementation of human rights was improved robustly. With regard to the specified themes, statements were issued on the periodic reports on a wider basis than previously, and consultation forums were participated in. This all was made possible inter alia by a wide network of cooperation. Promotional and monitoring activities were also carried out by submitting statements and adopting positions (including own initiative positions) on several themes for domestic and international actors.

The promotion and monitoring of the UN Convention on the Rights of Persons with Disabilities (CRPD) and cooperation with authorities and organisations for persons with disabili-

ties were developed, and up-to-date empirical evidence was obtained as a result of an online questionnaire for persons with disabilities.

The HRC participated in European and international cooperative endeavours both as a member of the GANHRI and ENNHRI Boards and as Chair of the Management Board of the European Union Agency for Fundamental Rights (FRA). The Centre has been capable of actively affecting the development of its own networks.

The theme chosen for this year's report (Part V) was Monitoring of the International Human Rights Treaties and Periodic Reports. The Theme section gives more details about what the work entails and what benefits it delivers for the Centre, and more generally fundamental and human rights work, and the rights of the individual.

#### **Human Rights Centre's statutory tasks**

- To promote information provision on, training and education in, and research into fundamental and human rights
- To produce reports on the implementation of fundamental and human rights
- To propose initiatives and issue statements for the promotion and implementation of fundamental and human rights
- To participate in European and international cooperation on the promotion and protection of fundamental and human rights
- To perform other comparable tasks associated with the promotion and implementation of fundamental and human rights
- To promote, protect and monitor the implementation of the UN Convention on the Rights of Persons with Disabilities (CRPD).

### 3. Human Rights Delegation<sup>4</sup>

The Human Rights Centre's Delegation functions as a national cooperative body of fundamental and human rights actors. It deals with fundamental and human rights issues of far-reaching importance in terms of the principles concerned, and every year approves the HRC's plan of action and annual report.

The Human Rights Delegation and its working committee are chaired by the Director of the HRC. The current (second) Delegation is appointed for the period 1 April 2016 to 31 March 2020. The Delegation has 38 members, including specially authorised actors and representatives of the supreme overseers of legality and the Sámi Parliament of Finland. During the year, the Delegation convened four times.

The theme of the meeting in March was violence against women. Speaking on the subject were representatives of Finland's National Institute for Health and Welfare and experts from Amnesty International. The discussion focused special attention on resources, structures, prevention, the status of victims and equal access to services for different minority groups.

The theme of the meeting in June was data protection and biometric identifiers and their fundamental and human rights dimensions. The subject was introduced by experts from the Agency for Fundamental Rights (FRA), the Finnish Border Guard and the Finnish Immigration Service. The discussion covered such matters as the problems associated with information security, the use of biometric data, data silos, the difficulty of correcting erroneous informa-

tion, and handling sensitive data.

Three workshops were held for the meeting in October. Their topics were the fundamental and human rights problems in the work of the legal oversight authorities and special ombudsmen. The Delegation compiled a set of themes it deemed timely, and these will be used as the basis for drawing up a preliminary position for the Government Programme. The Human Rights Delegation also adopted a position calling for more robust action to combat violence against women and domestic violence<sup>5</sup>. The position was promptly submitted, inter alia, to the GREVIO delegation monitoring the implementation of the Council of Europe Istanbul Convention that was visiting Finland.

At the December meeting (held on 14 January 2019), the collection of topical themes was further discussed and there was more detailed discussion of the possibility of using the material to influence the preparation of the Government Programme, for instance.

Reporting to the Delegation are two standing committees: a working committee and the Disability Rights Committee. The working committee assists in preparing the Delegation's meetings. The Disability Rights Committee is a mechanism allowing persons with disabilities and their representative organisations to be involved in the work of the National Human Rights Institution in general and in the procedure for promoting and monitoring the UN Convention on the Rights of Persons with Disabilities (CRPD) in accordance with government proposal HE 284/2014 vp.

4 <https://www.ihmisoikeuskeskus.fi/tietoa-meista/ihmisoikeusvaltuuskunta/>

5 <https://www.ihmisoikeuskeskus.fi/tietoa-meista/ihmisoikeusvaltuuskunta/ihmisoikeusvaltuuskunnankannano/>

#### **The position adopted by the Human Rights Delegation on strengthening the actions to combat violence against women and domestic violence.**

In the position it adopted on 3 October 2018, the Delegation called for more effective action to prevent violence against women and domestic violence. This work must be provided with more comprehensive resources and a special national agency must be established to supervise the activities.

#### 4. International cooperation<sup>6</sup>

Participation in European and international cooperation (hereinafter 'international cooperation') on the promotion and safeguarding of fundamental and human rights is one of the Human Rights Centre's statutory tasks. Most fundamental and human rights challenges are shared across borders. That is why it is important to develop and strengthen international cooperation between the NHRIs.

In 2018, the HRC was actively involved in cooperation between NHRIs on the Board of their European network (ENNRHI) until March 2019 and in working groups and on the Board of the international network (GANHRI) until March 2019.

As a member of the ENNRHI Board, the HRC endeavoured to ensure that the strategic targets and priority thematic areas agreed for the period 2018-2021 are realised and implemented in the work of ENNRHI. During the year, these were the starting points from which the Centre commented on ENNRHI's action and financial plans, the positions it had adopted, and its initiatives, and participated in developing the Board's and Secretariat's division of labour.

GANHRI emphasises interinstitutional solidarity and a global perspective on human rights and their promotion and protection. One of its main functions is providing peer support for human rights institutions operating under various threats. Another important theme is the UN Sustainable Development Goals (SDG) and human rights.

The HRC attended the meetings of EN-NHRI's General Assembly and the international conference for national human rights institutions. The events incorporated discussions on topics such as of the rights of persons with disabilities and of human rights defenders.

The HRC also raised awareness of the existence of the European Union Agency for Fundamental Rights (FRA) and the Charter of Fundamental Rights in Finland, and intensified the cooperation with the FRA in areas such as research and communications. The Director of the HRC will act as the Chairperson of the FRA's Management Board until mid-2020.

In addition to implementing the FRA's fundamental rights barometer in 2019, the HRC prepared training for the year 2019 on the subject of the Charter of Fundamental Rights of the European Union in collaboration with the Ministry of Justice and the FRA. The aim of the training is to particularly improve the competence that the officials working on the Presidency of the Council of the EU and in the drafting of legislation have of the Charter and to provide the officials with tools for using the Charter in their own work. The HRC improved the efficiency of its communications on the FRA's publications and events in its international reviews as well as online.

#### **The objectives of the ENNRHI Strategic Plan 2018-2021:**

- strengthening the competence of, and cooperation between, the national human rights institutions
- support for NHRIs in a variety of ways
- influencing human rights policy and the implementation of human rights in Europe.

#### **THE ENNRHI'S priority thematic areas in 2018:**

- migration and asylum issues
- the rule of law and democratic space
- economic, social and cultural rights.

6 <https://www.ihmisoikeuskeskus.fi/tietoa-meista/kansainvalinen-yhteistyö/>



## 2 The promotion of fundamental and human rights

### 1. The promotion of fundamental and human rights education and training<sup>7</sup>

Promoting education and training in fundamental and human rights has been one of the Human Rights Centre's priority areas throughout all its years of operation. The HRC has published a national baseline study on human rights education and training in Finland, promoted human rights education and training based on the results of the study and the recommendations of the Human Rights Delegation, and provided support for communications, cooperation and coordination among different actors.

The HRC is a member of the coordination group set up by the Ministry of Justice to develop education in democracy and human rights, and to promote the inclusion of young people. It is also a member of the UNESCO Chairs Joint University Advisory Board. During the year, the Centre was also involved in a team of experts for the Ministry of Justice Democracy Award. The HRC also participated in the Deputy Ombudsman's inspection of the Ministry of Education and Culture and met separately with officials responsible for the Ministry's development of higher education.

<sup>7</sup> <https://www.ihmisoikeuskeskus.fi/ihmisoikeuskoulutus/>

#### **Human rights education and the National Action Plan on Fundamental and Human Rights 2017-2019**

In Finland's second National Action Plan on Fundamental and Human Rights 2017-2019, adopted by the Government on 16 February 2017, human rights education constitutes a thematic whole. The HRC provided expert support for the preparation of the Action Plan and monitors its implementation.

#### **The HRC gave presentations on fundamental and human rights and its work in general to, among others:**

- those participating in training in judicial administration
- students of educational sciences, constitutional law and political science at the University of Helsinki and of political science at the University of Tampere

## 2. Training in fundamental and human rights

The main aim in 2018 was to strengthen the availability of training in fundamental and human rights through cooperation. During the year, the HRC disseminated information on training courses provided by various actors on its website, by means of targeted emails and on social media.

A series of training videos produced by the HRC on basic matters relating to fundamental and human rights was released during the year on the Government's digital eOppiva training platform based on a Government priority project. The series of presentations is freely available to all state employees (approximately 73,000 individuals). The series or parts of it were downloaded from the HRC website nearly 7,000 times in 2018 (6,000 times in the previous year). The series of presentations is also available on the European Commission's European Platform for Adult Learning (EPALE).

A project begun with the Ombudsman to strengthen competence in fundamental and human rights in the education sector was carried out in cooperation with the regional state administrative agencies, the Finnish National Agency for Education, the Trade Union of Education in Finland, Suomen rehtorit ry (SURE) (a Finnish association of head teachers) and Opetus- ja sivistystoimen asiantuntijat ry (OPSIA) (a Finnish association of experts in education and cultural services). The HRC, in collaboration with the Parliamentary Ombudsman, ran a half-day session entitled Fundamental and Human Rights in Educational Services as part of a two-day seminar for head teachers and education and cultural services directors. During the year, training was organised in the area covered by three regional administrative agencies, reaching around 400 participants. The training materials were also compiled and posted on the Centre's website, which had more than 2,000 visitors over the year.

During the year, work began on a new training project in collaboration with the Ombudsman to strengthen the right of individual autonomy of persons with intellectual disabilities in housing services. Experts from the HRC took part in some inspections conducted by the Ombudsman in housing units for persons with intellectual disabilities. There were discussions with different specialist organisations and agencies regarding the identification of the main problems occurring in housing services and the training needs connected with the right to individual autonomy.

## 3. Strengthening competence in the area of fundamental and human rights in teacher training

During the year, the Faculty of Educational Sciences at the University of Helsinki, based on an initiative of the HRC and with its partial funding, embarked on a year-long project to strengthen competence in the area of fundamental and human rights in teacher training. The purpose of the project is to further develop education in democracy and human rights as a component of teacher training. The project involves producing a pilot course on democracy and human rights education, charting relevant materials for teachers, and organising a network meeting to provide support for education in democracy and human rights at polytechnics and universities. The project will end in autumn 2019.

Towards the end of the year, negotiations were also held with the University of Helsinki's fundraising services on launching a permanent professorship in democracy and human rights education. The University will start raising funds in 2019, and the HRC will support this endeavour.

#### 4. International cooperation in human rights education

The work of the Human rights Centre in the area of education and training has interested other human rights institutions. The activities have been presented to many international guests and the information distributed in the institutions' internal communications channels. A statement was given to the UN on the priorities for the fourth phase of the World Programme for Human Rights Education (2020-2024).

#### 5. Initiatives and statements<sup>8</sup>

The HRC issues statements either in response to requests or on its own initiative on the themes relating to its work. Statements are issued to Finnish actors but also directly to international supervisory bodies where the matter concerns periodic reporting and different surveys.

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<sup>8</sup> <https://www.ihmisoikeuskeskus.fi/?x5984785=Select/List>

#### Statements and initiatives by the HRC in 2018

- Statement to the UN Permanent Forum on Indigenous Issues on indigenous land rights
- Statement on the draft Roma policy programme
- Letter to the Ministers of Justice and Internal Affairs on the problem areas associated with the legal protection of asylum seekers
- Statement to the Council of Europe's European Commission against Racism and Intolerance (ECRI) on the need to reform the Transgender Act
- Statement to the United Nations Permanent Forum on Indigenous Issues on the principle of Free, Prior and Informed Consent (FPIC)
- Statement on the draft government proposal for an Act on the provision of digital services ('Web Accessibility Directive')
- Statement on the World Programme for Human Rights Education
- Statement to the Ministry for Foreign Affairs on the draft periodic report on the implementation of UN Convention on the Rights of Persons with Disabilities (CRPD)
- Statement to the Council of Europe GREVIO delegation on the implementation in Finland of the Istanbul Convention on preventing and combating violence against women and domestic violence
- Statement to the Ministry of Justice on the proposals to reform the Act on the Sámi Parliament
- Statement to the Ministry for Foreign Affairs on the draft UN Treaty on Business and Human Rights
- Statement to the Parliament on the report by the Non-discrimination Ombudsman
- Statement to Finnfund on its draft human rights statement
- Statement to the UN Human Rights Committee on the flaws perceived in the implementation of the International Covenant on Civil and Political Rights
- Statement to the UN Human Rights Committee on the flaws perceived in the implementation of the International Covenant on Economic, Social and Cultural Rights

## 6. Publications<sup>9</sup>

### HRC's publications in 2018

- The HRC's annual report for 2017 (electronic version, in Finnish, Swedish, English)
- The Legal Recognition of Gender - The situation in Finland and legislative developments in Europe (electronic version, in Finnish)
- HRC's international review (newsletter, 6 issues, available in electronic format only, in Finnish and Swedish)

In 2018, the HRC published its survey on the need to reform the Transgender Act, The Legal Recognition of Gender - The situation in Finland and legislative developments in Europe (2018). The legal recognition of gender, i.e. changing the gender label to correspond with a person's gender identity, is of key importance for the implementation of the human rights of transgender people. The survey reviews the materials produced by international human rights instruments and mechanisms in connection with the establishment of gender and considers the adopted positions, recommendations and case law. It also covers the reform of the Transgender Act in Finland and changes to the legislation on the legal recognition of gender in Malta, Denmark, Norway, the Netherlands and Ireland.

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<sup>9</sup> <https://www.ihmisoikeuskeskus.fi/julkaisut2/>

**The HRC distributes materials on its website and on social media (FB, Twitter, Youtube).**

## 7. Communications

Press releases, statements, and news and reviews in the field of fundamental and human rights were published on the HRC website. The news articles covered the HRC's activities as well as international and domestic fundamental and human rights themes and events. In 2018, the website was completely redesigned in three languages.

There was a week-long human rights celebration in the Parliament's restaurants and café in December between the UN's International Day of Persons with Disabilities and Human Rights Day. In this context, the HRC provided Members of Parliament and officials with information on topical fundamental and human rights issues.

## 8. Events<sup>10</sup>

The various events for the public and specialists are important as a means of providing information and training related to topical fundamental and human rights themes. Events may often be streamed live or recorded.

### Educa Trade Fair 26-27 January 2018

The HRC took part in Educa, Finland's biggest event for professionals in education and teaching, at the Messukeskus Helsinki, Expo and Convention Centre together with the Finnish Section of Amnesty International, the Finnish League for Human Rights and the Finnish National Committee for UNICEF. The stand at the fair was visited by 6,000 education professionals (the fair had over 15,000 visitors). On stage at the event, children and young people spoke about good human rights practices.

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<sup>10</sup> <https://www.ihmisoikeuskeskus.fi/tietoa-meista/ihmisoikeuskeskus/tilaisuudet/> Events and seminars related to the rights of persons with disabilities below in Part IV.

### **Standing up for Human Rights in a Multipolar World 13 April 2018**

Deputy High Commissioner for Human Rights of the United Nations Kate Gilmore called for investment in human rights in the context of international cooperation at the 70th anniversary of the Universal Declaration of Human Rights. The UN member states and Security Council are expected to have a firmer hold on the intervention in the resolution of conflicts and human rights violations. The event was organised in cooperation with the Ministry of Justice and the Ministry for Foreign Affairs.

### **Improving transgender rights and the rights of transsexuals 25 April 2018**

The event included launching a survey commissioned by the HRC entitled The Legal Recognition of Gender - The situation in Finland and legislative developments in Europe. The event was organised in collaboration with the Parliament's LGBT Network, Seta (a sexual equality organisation) and Trasek (an association for transgender and intersex rights).

### **NHRI Academy 4-8 June 2018**

An annual training seminar for the European National Human Rights Institutions, the NHRI Academy, was held in Helsinki on 4-8 June 2016. The training seminar examined the role of the NHRIs in legislative process, evaluating human rights impacts, the protection of human rights defenders, and the promotion of democratic space. Around 30 specialists from various National Human Rights Institutions attended the training. The Academy's main organisers were the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and ENNRHI, the European Network of National Human Rights Institutions. The HRC supported the organisation of the training in Helsinki.

### **Info event on the UN's simplified periodic reporting procedure 8 October 2018**

Finland has adopted the simplified procedure as regards the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The simplified system means that a country's report will be a response to the Committee's List of Issues Prior to Reporting (LOIPR). This will serve as the Government report. Civic society and independent actors must aim at influencing the themes in the list when it is being drawn up. The event included discussion of the new reporting process and consideration of the topical themes that would be brought to the attention of committees with respect to reports on the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. The event was organised in collaboration with the Ministry for Foreign Affairs.

### **Expert seminar on Finland's forthcoming presidency of the Council of the European Union and fundamental rights 29 November 2018**

Finland's presidency of the Council of the European Union begins in July 2019. An expert seminar focusing on topical EU fundamental rights issues was organised in connection with preparations for the presidency and the visit by Michael O'Flaherty, Director of the European Union Agency for Fundamental Rights (FRA). The seminar was organised in collaboration with the Ministry of Justice and the FRA.

**The HRC plans and organises events in collaboration with other actors.**

# 3 Monitoring the implementation of fundamental and human rights

## 1. Monitoring is necessary for promoting fundamental and human rights<sup>11</sup>

In this context, monitoring means collecting information on the implementation of fundamental and human rights and maintaining up-to-date knowledge of the situation. The information collected is used to develop and allocate measures to promote the implementation of rights. Monitoring data helps determine how the rights of different persons and groups are respected formally and in practice. Monitoring will largely be based on cooperation and the use of existing reliable information. The HRC will conduct its own surveys and studies where necessary. Read more about monitoring in the theme article in Part V of the annual report.

Between 2018 and 2019, the HRC will, in cooperation with the Ministry of Justice and the European Union Agency for Fundamental Rights, implement a national fundamental rights barometer to explore the level of general awareness of fundamental rights in Finland, views on how important different rights are and experiences on how they are realised in everyday life. Finland will also be the first EU country to introduce an additional component for persons with disabilities and language minorities (speakers of Swedish, Russian and Arabic).

### Monitoring themes in 2018

- Themes and rights not promoted or monitored by a special delegate or other supervisory body.
- Implementation of the rights of those in a particularly vulnerable position, including immigrants, asylum seekers and sexual and gender minorities.
- Multiple discrimination.
- Implementation of the National Action Plan as an independent expert of the fundamental and human rights network with regard to chosen themes.
- Important themes not included in the National Action Plan, such as the reform of the Transgender Act.
- Measures related to violence against women.
- The rights of indigenous peoples and minorities, including language rights.

<sup>11</sup> <https://www.ihmisoikeuskeskus.fi/seuranta/>

### **The HRC's contribution to periodic reports by the Council of Europe and UN human rights treaties<sup>12</sup>**

- Statement to the Council of Europe's European Commission against Racism and Intolerance (ECRI) on the need to reform the Transgender Act and participation in the Commission's country visit.
- Statement to the Council of Europe GREVIO delegation on the implementation in Finland of the Istanbul Convention on preventing and combating violence against women and domestic violence as well as participation in the delegation's visit.
- Statement to the Ministry for Foreign Affairs on the draft periodic report on the implementation of UN Convention on the Rights of Persons with Disabilities (CRPD).
- Statement to the UN Human Rights Committee on the flaws perceived in the implementation of the International Covenant on Civil and Political Rights.
- Statement to the UN Human Rights Committee on the flaws perceived in the implementation of the International Covenant on Economic, Social and Cultural Rights.

## **2. Monitoring activities by the HRC**

The HRC is involved in the periodic reporting procedure for the human rights treaties, issuing statements and attending consultation events. It provides information about the recommendations of the treaty bodies and monitors their implementation. In 2018, the HRC attended national consultation events run by the Ministry for Foreign Affairs related to the Council of Europe Framework Convention for the Protection of National Minorities (FCNM) and the Convention on the Rights of Persons with Disabilities (CRPD), and participated in the country visits by the ECRI and GREVIO delegations.

The HRC encouraged NGOs to participate in periodic reporting by submitting their own statements and organising, for example, an information and discussion event on the revamped and simplified reporting procedure for the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

The HRC issued broad statements on the periodic reporting processes and on individual and collective complaints, and, as a member of the ENNHRI Legal Working Group, participated in the European Court of Human Rights development process and amicus curiae activities in connection with complaints.

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<sup>12</sup> <https://www.ihmisoiikeuskeskus.fi/?x5984785=Select/List>

### 3. Monitoring the implementation of international human rights treaties

In 2018, Finland received recommendations for the implementation of the UN International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and the Council of Europe European Charter for Regional or Minority Languages (ECRML). Periodic reports submitted to the UN late from schedule include those on the Convention on the Rights of the Child (UNCRC) (19 July 2017), the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) (1 February 2018) and the Convention on the Rights of Persons with Disabilities (CRPD) (10 June 2018).

Herewith are the recommendations made to Finland in 2018 on the implementation of international human rights conventions and treaties.

#### UN International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)

In 2017, Finland received recommendations from the Committee on the Elimination of Racial Discrimination (CERD)<sup>13</sup>. In 2018, Finland reported on the implementation of the recommendations where requested by the Committee. The request for a report concerned the revitalisation of the Sámi languages, the availability of social welfare and healthcare services in the Sámi languages, and discrimination against foreign nationals on the grounds of race, colour or ethnic or national origin in cases of deportation, legal remedies against removal, conditions at reception centres, and healthcare services for undocumented immigrants.<sup>14</sup>

The Committee asked Finland for additional information on the promotion of training in the Sámi languages and the availability of social welfare and healthcare services in the Sámi languages, the statistics by nationality on applications for unconditional non-refoulement,

healthcare services for undocumented immigrants, and the defects in the national reception system detected by the monitoring and evaluation programme. These questions will be addressed in Finland's next periodic report in 2021.

#### Council of Europe European Charter for Regional or Minority Languages (ECRML)

In 2018, the Committee of Ministers of the Council of Europe adopted its resolution on the protection of regional and national minority languages in Finland as part of the periodic report on the Council of Europe European Charter for Regional or Minority Languages (ECRML)<sup>15</sup>.

#### The resolution recommends that the authorities urgently:

1. continue to endorse teaching in the Sámi languages even outside the Sámi native region of Finland, particularly by granting permanent funding to 'language nests' and for adult education;
2. take additional measures to ensure accessibility to social welfare and healthcare services in the Swedish and Sámi languages;
3. improve and increase the amount of training for Romani-speaking teachers, expand production of study materials in the Romani language and increase the amount of teaching available in the Romani language;
4. take measures to raise awareness of Finland's regional and minority languages and improve tolerance towards them.

<sup>13</sup> <https://bit.ly/2HelINF>

<sup>14</sup> <https://www.ihmisoikeuskeskus.fi/?x5822114=7066552>

<sup>15</sup> [https://www.coe.int/en/web/european-charter-regional-or-minority-languages/reports-and-recommendations#{"28993157":{7}}](https://www.coe.int/en/web/european-charter-regional-or-minority-languages/reports-and-recommendations#{)



The report by the committee of experts serving as the basis for the resolution also contains other recommendations, which aim to improve the implementation of the rights of the users of different languages. For instance, the report notes that while the status of Swedish is strong as the second national language, its use in contexts such as in courts and by the administrative authorities, and in healthcare and social services, is not always satisfactory, owing to poor language skills of staff or officials.

Progress has been made with the Sámi languages as regard the development of study materials and language nest activities. However, there are still problems associated with the use of these languages, especially in the area of healthcare and social services. The committee of experts also recommends that teaching in the Sámi languages should be also extended to the area outside the traditional native Sámi region as this is where more than 60 per cent of the Sámi live.

The status of the Romani language is poor and a programme to promote it would be sorely needed. While the Romani language can now be studied at university, there are very few opportunities to study it in the compulsory education system.

Although a programme to promote the Karelian language was launched in 2017, for instance, there is generally room for improvement in raising awareness of minority languages in education and the media.

The Charter came into force in Finland in 1998. It applies to the following languages: Swedish, Inari Sámi, Northern Sámi, Skolt Sámi, Romani, Russian, Tatar, Yiddish and Karelian. The next report on the Charter will be published in 2020 and, starting in 2023, every five years in conjunction with that on the Council of Europe Framework Convention for the Protection of National Minorities (FCNM).

#### 4. Complaints to international judicial and investigating bodies

Human rights complaints are handled by judicial and investigating bodies operating under the UN and the Council of Europe. These are the European Court of Human Rights (ECHR), the European Committee of Social Rights (ECSR) and the seven committees overseeing the implementation of the rights conferred by various treaties of the United Nations.

Herewith are statistics and additional details regarding the individual and collective complaints related to the implementation of international human rights.

##### European Court of Human Rights (ECHR)

- The European Court of Human Rights (ECHR) did not deliver any judgements concerning Finland in 2018.
- In 2018, 174 complaints were brought against Finland in the ECHR. A total of 170 complaints were declared inadmissible or dismissed.
- Five complaints were referred to the Government for comments.
- At the end of the year, 20 complaints against Finland were pending at the ECHR.
- One implementation ban was granted to prevent the deportation of an individual back to Iraq.

The subjects of five complaints communicated to the Government in 2018 were additional tax on pension income and the return of foreign nationals to Iraq and Afghanistan.

The implementation of rulings by the European Court of Human Rights is overseen by a Council of Europe department responsible for monitoring the execution of ECHR judgements<sup>16</sup> and ultimately by its Committee of Ministers, whose resolution can end the handling of

<sup>16</sup> <https://www.coe.int/en/web/execution/home>

a single ruling. The process ends when it can be demonstrated that all aspects of the judgement (financial compensation, adjustments, amendments to the law, etc.) have been exhausted. With respect to Finland, at the end of 2018, 29 rulings were still being monitored<sup>17</sup>. The number of the cases still open is mainly due to the backlog of cases processed by the Committee of Ministers.

### European Committee of Social Rights (ECSR)

- Two new complaints were filed with the European Committee of Social rights.
- Previously, there had been two pending cases under investigation.
- The Committee investigated the implementation of five previously issued rulings.

A new case pending was , **No. 163/2018 AT-TAC ry, Globaali sosiaalityö ry and Maan ystävät ry v. Finland**, which concerns the effects of the negotiations concerning the free trade agreement between the European Union and Canada (CETA) on the rights enshrined in the European Social Charter in Finland.<sup>18</sup> Also pending is complaint **no. 172/2018 Finnish Society of Social Rights v. Finland**, where it is alleged that Finland is in breach of the provisions of the Charter by keeping social security and benefits at an inadequate level. No decision has yet been taken on whether this is admissible.

Cases **No. 139/2016 Central Union for Child Welfare (CUCW) v. Finland** and **No. 129/2016 University Women of Europe (UWE) v. Finland** were declared admissible. They concern the

restrictions on early childhood education and care introduced in 2016 and the gender pay gap. The latter complaint was lodged by an umbrella organisation against 15 Member States.

Because of a change in procedure introduced by the Committee in 2014, Finland did not submit a periodic report in 2018. Instead, the Committee examined the execution of five rulings given earlier<sup>19</sup>. These were in respect of the following cases: **Association of Care Giving Relatives and Friends v. Finland**, complaints 70/2011 and 71/2011 (decision of 4 December 2012), **Finnish Society of Social Rights v. Finland**, complaints 88/2012 (9 September 2014), 106/2014 (8 September 2016) and 108/2014 (8 December 2016).

As regards execution, the cases dealt with concerned support for informal carers, assisted living, customer service/bank charges, income support, social security, labour market support, illegal dismissal and reinstatement. In all of these the Committee had found that the rights enshrined in the European Social Charter had been infringed. In all the cases the Committee found that execution hitherto had been unsatisfactory<sup>20</sup>.

### Individual complaints to the UN are investigated by the treaty bodies

- The UN treaty bodies gave one judgement concerning Finland in 2018.
- The Committees submitted four new individual complaints to the Government for comment.
- At the end of the year, 13 complaints were pending.

17 <https://rm.coe.int/1680709748> and

18 Complaint found inadmissible in January 2019.

19 <https://rm.coe.int/findings-2018-on-collective-complaints/168091f0c7>

20 <https://www.ihmisoikeuskeskus.fi/?x5822114=7412163>

In March 2018, the Committee on the Elimination of all Forms of Discrimination Against Women (CEDAW) adopted the view in case J.I. (No. 103-2016), that there were no grounds for transferring the custody of a child from

the mother to the father and that the courts had taken insufficient account of the domestic violence experienced by the mother or a judgement against the father as a perpetrator of violence.

**At the end of 2018, the following 13 complaints in respect of Finland were pending<sup>21</sup>:**

- Committee on the Elimination of Racial Discrimination (CERD)
  - Nuorgam and others, decision of the Supreme Administrative Court on the approval of the electoral roll for the Sámi Parliament of Finland
- Human Rights Committee (CCPR)
  - Näkkäljärvi and others (no. 2950/2017) and Sanila-Aikio (no. 2668/2015), decision of the Supreme Administrative Court on the approval of the electoral roll for the Sámi Parliament of Finland<sup>22</sup>
  - S.H., custody of a child and visitation rights
  - A.R., repatriation to Pakistan
- Committee on the Elimination of all Forms of Discrimination Against Women (CEDAW)
  - M.M. and others (No. 111/2017), violence against women and domestic violence
- Committee against Torture (CAT)
  - P.A. (repatriation to Sri Lanka), M.H.J. (repatriation to Iraq), D.M. (repatriation to Afghanistan)
- Committee on the Rights of the Child (CRC)
  - E.J. and M.J. (No. 6/2016), custody of a child and visitation rights
  - M.H. (No. 23/2017), circumcision of boys
  - A.B. (No. 51/2018), return to Russia of parents of the same gender and their child
- Committee on the Rights of Persons with Disabilities (CRPD)
  - S.K. (No. 46/2018) personal assistance and independent living.
- Committee on Economic, Social and Cultural Rights (CESCR)
  - has never been asked to respond to a complaint against Finland

<sup>21</sup> Details obtained from the Unit for Human Rights Courts and Conventions at the Ministry for Foreign Affairs and the UN website

<sup>22</sup> The committee found a violation in both these cases in the decisions published 1 February 2019.

# 4 Special task: promoting and monitoring the implementation of the UN Convention on the Rights of Persons with Disabilities

## 1. The national mechanism under the Convention on the Rights of Persons with Disabilities and inter-authority cooperation<sup>23</sup>

According to Article 33(2) of the UN Convention on the Rights of Persons with Disabilities (CRPD), States Parties (states ratifying the Convention) shall designate or establish an independent mechanism to promote, protect and monitor the implementation of the Convention. In Finland, the tasks of this independent mechanism have been assigned to an NHRI consisting of the Human Rights Centre (HRC) and its Human Rights Delegation together with the Parliamentary Ombudsman.

The HRC and the focal points within the government referred to in Article 33(1) of the UN Convention on the Rights of Persons with Disabilities (Ministry of Social Affairs and Health and Ministry for Foreign Affairs) met three times during the year under review. The purpose of the meetings is to keep officials up to date on each other's plans and activities, and to strengthen inter-authority cooperation in the promotion and monitoring of the national implementation of the Convention on the Rights of Persons with Disabilities.

A specialist from the HRC was selected as an expert member of the Advisory Board for the Rights of Persons with Disabilities. The Advisory Board acts as the coordination

mechanism as referred to under Article 33 of the Convention. This improved the monitoring of the measures for implementing the Convention at the national level across administrative boundaries.

The HRC, together with the Ombudsman, began preparations for an educational project to strengthen the right to individual autonomy of persons with intellectual disabilities in housing services. Experts from the HRC took part in inspections conducted by the Ombudsman as part of the project in housing units for persons with intellectual disabilities. The purpose of participating in the inspections was to determine the views and experiences that housing services staff and management had of the right to individual autonomy among those with intellectual disabilities. Meetings were also held with the Aspa Foundation, which produces

### Priority areas in the HRC's work in the area of persons with disabilities 2016-2019

- promotion of social inclusion,
- promotion of non-discrimination,
- promotion of participation in decision-making
- promotion of the right to self-determination, and
- gathering of monitoring data on the rights of persons with disabilities.

<sup>23</sup> <https://www.ihmisoikeuskeskus.fi/vammaisten-henkiloiden-oikeudet/>

housing services, the Association of Finnish Local and Regional Authorities, the Regional State Administrative Agency for Southern Finland, the National Supervisory Authority for Welfare and Health Valvira and the Service Foundation for People with an Intellectual Disability. At the meetings, there was discussion about key problems and the flaws perceived in the implementation of the right to individual autonomy and possible approaches to strengthening competence in housing services.

## 2. Promoting the social inclusion of persons with disabilities

One priority of the HRC in work with persons with disabilities is to promote the social inclusion of persons with disabilities and raise public awareness of their rights.

The HRC took part in the Yhdenvertaisena työelämässä ('Non-discrimination at work') event at Messukeskus Helsinki, Expo and Convention Centre. The event covered topical questions on the subject of the inclusion in working life of persons with disabilities. Obstacles to non-discrimination at work were seen to include a lack of knowledge and poor attitudes. Changes in working life were seen to pose more challenges. A need for awareness raising emerged as the focus of the promotion of the employment and self-employment of persons with disabilities.

The HRC launched the media campaign 'Monday belongs to everyone' in collaboration with the Non-discrimination Ombudsman. The aim of the campaign was to change attitudes in society towards persons with disabilities and to increase their inclusion in working life. Campaign videos and materials were shared in social media channels over a period of three weeks. In connection with the campaign launch, a guest column on the employment of persons with disabilities written by Sirpa Rautio, Director of the Human Rights Centre, and Non-Discrimination Ombudsman Kirsi Pimiä, was published in the national newspaper Helsingin Sanomat.

### Special themes in 2018

The inclusion of persons with disabilities in working life and in decision-making that concerns them.

On 10 December 2018 the HRC, together with the Advisory Board for the Rights of Persons with Disabilities, ran an information session for the members of the Municipal Councils on Disability. The event dealt with the inclusion of persons with disabilities and their empowerment at the municipal level. A new perspective was brought to the discussion in a speech by a representative of the Swedish Agency for Participation (Myndigheten för delaktighet) concerning the social inclusion of persons with disabilities in Sweden. Participants were keen to share their experiences of success just as much as the challenges they had faced in their work at the disability advisory council. They said it was important that the general comments on inclusion made by the Committee on the Rights of Persons with Disabilities should be communicated widely.

To celebrate the UN's international Human Rights Day and the International Day of Persons with Disabilities, the HRC provided 'info triangles' on the tables in the Parliament restaurants, reminding everyone of the 70th anniversary of the Universal Declaration of Human Rights as well as issues such as the right to accessibility of persons with disabilities. With the latter issue in mind, we encouraged everyone to ensure that their parliamentary election campaigns are fully accessible.

### 3. Monitoring the implementation of the rights of persons with disabilities

An online survey was conducted to determine the experiences of persons with disabilities related to the implementation of their rights. Around 2,000 persons with disabilities from all over Finland responded.

The main focus of measures relating to monitoring has been the undertaking of two surveys. The HRC and the Finnish Disability Forum (Vammaisfoorumi) carried out an online survey on the rights of persons with disabilities. Compiling and interpreting the results was started at the end of the year. The findings will be used for purposes such as the promotion work carried out by the HRC and, in particular, in the training materials used in connection with the rights of persons with disabilities.

The HRC, together with the Ministry of Justice, laid the groundwork for a fundamental rights barometer research project. The project will represent an additional national sampling exercise for the FRA's Fundamental Rights Survey. The sample will be concerned with persons with disabilities and selected language minorities (speakers of Swedish, Russian and Arabic). The research project will help to obtain information about the situation of persons with disabilities and language minorities in the context of certain fundamental rights compared to the majority population.

### 4. The Disability Rights Committee and the Disability Team of the Office of the Parliamentary Ombudsman

According to Article 33(3) of the CRPD, States Parties shall fully involve persons with disabilities and their representative organisations in the monitoring process.

The Human Rights Delegation has a permanent sub-committee, the Disability Rights Committee. The Committee may submit proposals and express its views to the Parliamentary Ombudsman and the HRC on how they could improve the implementation of the rights of persons with disabilities and implementation of the Convention. The Committee can also propose disability rights issues for the Human Rights Delegation to address.

The Disability Rights Committee met six times in 2018. It produced its own statement for the Finnish Government's periodic report for the CRPD Committee. In addition, the Disability Rights Committee, at the HRC's request, produced an expert statement in response to a request for a statement by the Chancellor of Justice concerning measures related to personal hygiene in housing services for persons with disabilities.

The Committee also contributed to the work of the Human Rights Delegation, producing a summary of the fundamental and human rights problems that persons with disabilities were facing at the time. Following the September 2018 death of Kalle Könkkölä, Deputy Chairman of the Human Rights Delegation and Chairman of the Disability Rights Committee, the Committee put forward a proposal to the HRC and the Ombudsman for an annual Kalle Könkkölä symposium.

During the year under review, the disability team convened five times. The meetings dealt with plans for the content of a web page on the rights of persons with disabilities on the HRC

and Ombudsman websites, the selection of sites for inspections, and the implementation of the inspections. The disability team's strategy was updated and plans were put in place for a joint training project to strengthen the right to individual autonomy of persons with intellectual disabilities in housing services. During the period under review, the disability team organised a training session on current state of services for persons with disabilities. The justice secretary of the Supreme Administrative Court gave a talk on the practical application of services for persons with disabilities in the light of the case law of the Supreme Administrative Court. A lawyer from the Finnish Association of People with Physical Disabilities also described the status of services for persons with disabilities from the perspective of a lawyer working for an organisation.

## 5. Involvement in international work related to the rights of persons with disabilities

The HRC seeks added value to its activities from NHRI cooperation and through involvement in the work of international organisations and the EU in the promotion of the rights of persons with disabilities.

The HRC engages in international cooperation in order to develop greater core competence and identify best practices. One of the themes at the annual Global Alliance of National Human Rights Institutions (GANHRI) conference was the role of national human rights institutions in the promotion of the rights of persons with disabilities. The conference was organised in collaboration with the Committee on the Rights of Persons with Disabilities (CRPD).

The HRC attended a Conference of States Parties to the CRPD and a Day of General Discussion that dealt with a draft for a General Comment on Articles 4(3) and 33(3) produced by the CRPD Committee. The HRC, ENNHRI CRPD working group and GANHRI drew up a general statement on the Draft General Comment. The HRC also spoke on the main areas of the draft that needed working on from the national perspective. At the meeting, the HRC took part in a panel discussion on the monitoring of implementation in a GANHRI side event.

The HRC also took part in the ENNHRI CRPD working group training seminar. The theme of the seminar was cooperation with the CRPD Committee. Other participants included members of the CRPD Committee and its secretariat. The meeting raised the matter of good practices with regard to how national human rights institutions can work closely with the Committee in the area of national periodic reporting.

# 5 Theme article: Monitoring the implementation of international human rights treaties and new aspects of the reporting procedure

## 1. Monitoring and protection of the implementation of the human rights treaties

The government has an obligation to respect, protect and fulfil fundamental and human rights. It has to implement its international commitments and promote the implementation of fundamental and human rights equally for all individuals that are affected.

In order to determine the extent to which the government has succeeded in this task, continuous and comprehensive monitoring is required of the level of the implementation of an individual's fundamental and human rights. Indeed, monitoring, or follow-up, also means collecting data on a regular basis on the implementation of rights and maintaining up-to-date knowledge of the situation regarding the implementation of rights. This requires, for example, improvements to the way in which national data is collected to ensure that the information on fundamental and human rights is relevant and sufficiently broken down (by gender, age, native language, nationality, etc.) If the monitoring data is of good quality, sufficiently comprehensive and adequately broken down, it will help determine how the rights of people in different groups are being fulfilled both formally and in practice. Gaps in the

"Follow-up activities aim at ensuring that recommendations and decisions by human rights mechanisms and bodies are implemented so as to improve respect, protection and fulfilment of all human rights for all."

How to follow up on United Nations Human Rights Recommendations, A Practical Guide for Civil Society, 2013

knowledge base can be filled through research and by means of surveys. On the basis of all the available information the promotional work can be developed and targeted properly.

At national level, monitoring is carried out by the state itself, various official bodies (including the HRC), independent actors specially authorised, NGOs, the private sector and even private individuals. Monitoring data is obtained through means such as questionnaires, surveys and various studies, but also as a result of supervision carried out by the national authorities. Furthermore, Finland has two supreme overseers of legality, the Parliamentary Ombudsman and the Chancellor of Justice, who monitor



### Themes of data collection

- Progress in the implementation of the agreed obligations (baseline situation - current situation)
- Defects in the implementation of the agreed obligations (current position - target)
- Challenges in the implementation of rights (formal legal protection - actual legal protection)

the legality of the work and activities of the authorities and officials and at the same time the implementation of fundamental and human rights in an official context.

The international mechanisms for monitoring the implementation of international human rights treaties are generally stated in the treaties themselves. A specific monitoring body has been established for most treaties. At the international level, monitoring is the responsibility of, inter alia, the UN, the Council of Europe and the treaty bodies that report to these. The tasks of the treaty bodies include the processing of the periodic reports on the national implementation of the treaties submitted regularly by states and making recommendations for the purpose of improving the implementation of the treaties. The treaty bodies also give expert opinions on how to interpret the treaties, and examine individual and collective complaints related to some of them.

However, there is also a need for an independent and impartial domestic assessment of the implementation of rights. The monitoring role of the NHRI plays a part in this assessment.

## 2. The Human Rights Centre: monitoring and reports

- Monitoring data enables targeting strategic planning and prioritising measures.
- It serves as the basis for measures put in place by the HRC (initiatives, statements, periodic reports, etc.) to promote the implementation of fundamental and human rights.
- If there is a lack of monitoring data on an issue, that might be sufficient reason for it to make its own enquiries to obtain the information.
- Monitoring data helps assessing the impact of the measures and policy actions by various actors and action programmes on the implementation of an individual's rights.

### Selecting monitoring themes

The main tasks of the Human Rights Centre include monitoring of the implementation of fundamental and human rights. The aims of the HRC's monitoring exercise are specified in its strategy. The short-term goals, priorities and planned actions are recorded in an action plan that is adopted annually. The plan covers monitoring at the national level, participation in international monitoring and follow-up processes, the use of databases and indicators, the expansion of networks and processes, and selected topical priorities.

The HRC mainly monitors developments in fundamental and human rights in Finland. International developments in fundamental and human rights are particularly monitored when they have points in common with the fundamental and human rights work at the national level. The HRC endeavours to foster discussion and find possible solutions to domestic problems in the implementation of rights.

When selecting themes, special attention is paid on issues for which there is a dearth of research data or which, for one reason or another, call for special attention because of the inadequacies and shortcomings that have come to light in, say, legislative projects, international developments, the timeliness of periodic reporting or otherwise in the implementation of fundamental and human rights. Furthermore, multiple discrimination and cross-cutting themes related to fundamental and human rights that are linked to several branches of government or that concern several different fundamental and human rights make suitable priority areas for the HRC.

Attention is given to themes or rights that are not promoted or monitored by a special ombudsmen or other overseers of legality. The choice of themes also depends partly on the special statutory task given to the National Human Rights Institution as an independent mechanism under Article 33 of the CRPD to promote, protect and monitor the implementation of the Convention. Moreover, for 2019, the Parliament has provided the Office of the Ombudsman and the HRC with an additional appropriation especially for the promotion and monitoring of the implementation of the rights of older people.

### **The acquisition and use of monitoring data**

The HRC surveys the monitoring needs and studies reliable and independent sources to acquire information. If there is insufficient data, the HRC may conduct its own investigations and enquiries, and produce reports on the implementation of fundamental and human rights, potential problem areas and the need to change structures. The content of the recommendations and decisions made by various judicial and investigating bodies in respect of Finland and their national implementation constitute an important part of the monitoring data.

Independent and impartial monitoring data helps improving the HRC's own measures for promoting the implementation of fundamental and human rights (initiatives, statements, periodic reports, etc.). Monitoring data helps assessing the impact of the measures and policy actions on the part of various actors and action programmes on the implementation of fundamental and human rights.

Monitoring data can also be used to foster appropriate, fact-based discussion on fundamental and human rights and their implementation. Up-to-date monitoring data helps raise awareness among societal actors of the phenomenon of fundamental and human rights. It also enables citizens and NGOs to have a more effective role in the work aiming to promote fundamental and human rights.

### **Cooperation and the promotion of effectiveness**

The HRC's monitoring work depends on cooperation between reliable and proficient actors. To enhance its effectiveness, the HRC encourages different actors to both collaborate as well as to independently submit periodic reports and engage in related activities at the national and international levels. The HRC aims at promoting skills and competence in this area.

### 3. Periodic reporting on the implementation of the international human rights treaties

#### Periodic reporting<sup>24</sup>

Finland is a signatory to seven human rights treaties of the United Nations, compliance with which in States Parties is overseen by its own treaty body. Finland has an obligation to submit periodic reports to the bodies on compliance with the provisions of these treaties. Finland has an obligation to report to the Council of Europe on compliance with four treaties on human rights.

The times for submitting reports are generally specified in the treaty in question. The reporting period varies between one year and five years. In addition to the periodic reports, most treaty bodies have the right to additional information on the application of a treaty upon request.

The periodic reports are reviewed by the committee responsible for the monitoring of the treaty in question. For most treaties, an oral government hearing is organised with the representative of the unit responsible for reports from the Ministry for Foreign Affairs, representatives of other ministries, and frequently also a member of Parliament's Constitutional Law Committee. The National Human Rights Institution also submits reports and takes part in consultations independently.

After reviewing the report, the Committee draws its conclusions and makes recommendations, whose implementation the government reports on at the latest in its next periodic report. The Committee's recommendations, periodic reports and related materials are trans-

lated into Finland's national languages (selectively in the case of the reports), published on the website of the Ministry for Foreign Affairs, among others, and distributed widely across central and local government as well as other actors, such as NGOs.

With regard to some treaties, periodic information on the implementation of recommendations is delivered to the Committee before submitting the following report, usually within 6-12 months of the time the recommendations were made. The other treaties are reported on in the next reporting cycle in accordance with the timetable.

#### The participation of NGOs in reporting

The Government of Finland encourages NGOs to actively participate in human rights reporting. This is by far not at all the case in all countries. In Finland, when the preparatory work for a report begins, NGOs are requested to provide statements on the themes highlighted in the report. During the drafting stage, representatives of NGOs are invited to discuss and comment on the report's content before it is finalised. NGOs are also encouraged to submit their parallel reports to the supervisory treaty bodies.

The HRC, meanwhile, promotes the involvement of NGOs by providing information on timetables and organising events and training in the reporting processes as necessary.

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<sup>24</sup> <https://www.ihmisoikeuskeskus.fi/seuranta/maaraaikaisraportointi-yk-en/> and <https://um.fi/ihmisoikeussopimukset-ja-raportit>

### **The human rights treaties on which Finland files reports to the UN**

- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) (1965)
- International Covenant on Civil and Political Rights (ICCPR) (1966)
- International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966).
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1979)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) (1984)
- Convention on the Rights of the Child (CRC) (1989) and its Protocols
- Convention on the Rights of Persons with Disabilities (CRPD) (2006)
  
- The UN Human Rights Council Universal Periodic Review (UPR) (appearing periodically)

### **The human rights treaties on which Finland files reports to the Council of Europe**

- Framework Convention for the Protection of National Minorities (FCNM) (1995)
- European Charter for Regional or Minority Languages (ECRML) (1992)
- The revised European Social Charter (ESC) (1996)
- Convention on preventing and combating violence against women and domestic violence (2011) (Istanbul Convention)
  
- The European Commission against Racism and Intolerance (ECRI) monitors the member states of the Council of Europe by theme periodically

#### 4. The revised periodic reporting procedure and improved monitoring

##### Monitoring trends

- better availability of the results of monitoring (new databases, cross indexing, etc.)
- combined reporting cycles
- revised reporting procedures
- more focused recommendations

Improvements are being made to the periodic reporting procedure employed by the UN and the Council of Europe. For a long time now, member states have suffered from reporting burnout and a generally more negative or apathetic attitude towards human rights, the obligations associated with these under international law, and reporting on their implementation. Reports come late or are not submitted at all. This in turn undermines the treaty bodies' ability to examine the work of the countries in a timely manner. The viability and credibility of the monitoring system are suffering. As a result, different actors have been forced to consider new approaches.

With some of the Council of Europe treaties, the reporting cycle is so short that previous recommendations have barely arrived by the deadline for a new report. In 2018, the reports for the Framework Convention for the Protection of National Minorities (FCNM) and the Charter for Regional or Minority Languages (ECRML) were integrated. As a result, for example Finland reports on these at the same time every five years starting from 2023.

Traditionally, reports to the UN from member states, national human rights institutions and NGOs were submitted to a committee at a specific time. This was followed by the committee examining the reports and any other materials, and drawing up a list of issues to be put before the Government at a consultation event based on the materials. The Government and other national actors could reply in writing,

and the Government and the NHRI could also respond verbally before the committee.

In recent years, some of the committees overseeing the implementation of UN treaties have adopted a 'simplified' reporting procedure. Here, the committee submits to Government a list of issues prior to reporting (LOIPR), and the Government's responses to it form the periodic report. This allows the committee to control the themes dealt with in the report in advance. The NHRIs and NGOs can make statements to try and influence both the LOIPR as well as the issues raised at the consultation event itself after the report has been submitted. The reformed reporting system is easier for the Government and provides the committee with information about the topical issues it wishes to know about, even though the process increases the committee's workload. Finland has adopted the simplified procedure for the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The committees are developing and standardising their procedures to obtain a better overall picture and to facilitate more up-to-date processing of reports. This is aided by various technological solutions such as the Universal Human Rights Index<sup>25</sup>, the databases of the CCPR info organisation<sup>26</sup> and, for example, the currently developed National Recommendation Tracking Database (NRTD) from the office of the UN Commissioner for Human Rights<sup>27</sup>, and the European Union Agency for Fundamental Rights European Fundamental Rights Information System (EFRIS) that also covers the recommendations of the UN bodies<sup>28</sup>. As a result of the currently implemented Treaty Body Reform

25 <https://uhri.ohchr.org/en/summary/country>

26 <http://ccprcentre.org/country/finland>

27 [https://www.ohchr.org/Documents/HRBodies/UPR/National\\_Mechanisms\\_Reporting\\_Follow-up.pdf](https://www.ohchr.org/Documents/HRBodies/UPR/National_Mechanisms_Reporting_Follow-up.pdf)

28 <https://fra.europa.eu/en/project/2018/eu-fundamental-rights-information-system-efris/monitoring-mechanisms>

2020<sup>29</sup>, cooperation between committees will also increase and have a clearer focus<sup>30</sup>.

## 5. UPR (Universal Periodic Review)<sup>31</sup>

Besides periodic reporting, since 2006, the sessions of the UN Human Rights Council have undertaken a Universal Periodic Review (UPR). The process is an intergovernmental 'peer review' mechanism and as such incomparable with the monitoring carried out by the treaty bodies. The review is based on the national report submitted by the member state, data received from the UN's human rights mechanisms, and reports from the national human rights institution, NGOs and other actors.

The UPR process is one where every four and a half years all UN member states can ask questions of a specified member state about the human rights situation in that country, and make recommendations to safeguard and promote human rights there. The member state in question can either accept or note the recommendations. The Ministry for Foreign Affairs coordinates the production of Finland's national report and the preparations for Finland's review.

The third round of the UPR process started in May 2017 and will conclude in 2021. The human rights situation in Finland was under review for the third time at the 27th session of the UPR Working Group of the UN Human Rights Council in Geneva in May 2017. Finland received a total of 153 recommendations from 70 member states.<sup>32</sup> Finland will submit its mid-term report in November 2019. Points of

contact between the recommendations and the goals of sustainable development can be browsed, for example, in the UPR-SDG Data Explorer database.<sup>33</sup>

As the representative of Finland's national human rights institution (NHRI), the Human Rights Centre made its first submission for Finland's Universal Periodic Review in 2017<sup>34</sup>.

## 6. Individual and collective complaints to international judicial and investigating bodies

If the activities of a Finnish authority violate a person's human right as enshrined in a treaty and all domestic remedies have been exhausted (generally the case has either been resolved or no leave to appeal has been granted by the Supreme Court of Finland or the Supreme Administrative Court), a private individual or legal person can file a human rights complaint against the Finnish state.

Human rights complaints are handled by judicial and investigating bodies reporting to the UN and the Council of Europe. Their competence is based on international human rights treaties that Finland has signed and that have come into force there. The Ministry for Foreign Affairs represents Finland in international judicial and investigating bodies dealing with human rights.

The decisions issued by international judicial and investigating bodies in response to individual and collective complaints and the work of the bodies overseeing their implementation cover not just the resolution of individual cases but also more generally important principles and interpretations.

Individual complaints<sup>35</sup> about infringements of the European Convention on Human Rights

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29 <https://www.geneva-academy.ch/tb-review-2020>

30 <https://www.ohchr.org/EN/HRBodies/HRTD/Pages/TBStrengthening.aspx>

31 <https://www.ihmisoikeuskeskus.fi/seuranta/upr-yk-yleismaailmallinen-maaraa/>, <https://um.fi/suomi-yk-n-ihmisoikeustarkastelussa-2017> and <https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>

32 <https://www.upr-info.org/en/review/Finland>

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33 <http://upr.humanrights.dk/taxonomy/term/414>

34 <https://bit.ly/2TyRbBN>

35 <http://www.finlex.fi/fi/sopimukset/sopsteksti/1999/19990063>

are investigated by the European Court of Human Rights (ECHR). The European Committee of Social Rights (ECSR)<sup>36</sup> deals with collective complaints made pursuant to the revised European Social Charter.<sup>37</sup> These can come from social partners or NGOs, but not from private individuals.

The final judgement of the European Court of Human Rights is legally binding on the respondent state. In the event of a violation of the European Convention on Human Rights, the Court has the power to order the country to award the complainant compensation, which can include, for example, damages and legal costs. These decisions cannot directly amend or rescind a decision taken domestically. In the case of other treaty bodies, decisions are in the nature of recommendations and morally binding.

In Finland, violations of rights defined in the UN human rights treaties are handled by the seven committees reporting to the UN<sup>38</sup>.

- Committee on the Elimination of Racial Discrimination (CERD)
- Human Rights Committee (CCPR)
- Committee on Economic, Social and Cultural Rights (CESCR)
- Committee on the Elimination of all Forms of Discrimination Against Women (CEDAW)
- Committee against Torture (CAT)
- Committee on the Rights of the Child (CRC)
- Committee on the Rights of Persons with Disabilities (CRPD)

In addition to the treaty bodies, human rights violations are handled by a few other bodies in the UN. Their main task, however, is not to deal with complaints but make known the situation in the country concerned and general trends there. There are only very rarely matters pending with respect to Finland in these working groups and on the committees.

In recent years, there has been a growing serious debate in many countries on the significance and relevance of the decisions by the international treaty bodies, and especially the extent to which decisions of the ECHR are binding nationally. This is a worrying trend used in attempt to break the international monitoring system. This in turn will possibly undermine the rule of law and hamper the implementation of national human rights. Finland strongly supports the work of the ECHR, is involved in making internal changes to its activities, and does everything possible to promote the continuance of its legally binding effect.

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36 <https://www.coe.int/en/web/turin-european-social-charter>

37 <https://www.finlex.fi/fi/sopimukset/sopsteksti/2002/20020080>

38 <https://www.ohchr.org/EN/HRBodies/Pages/TreatyBodies.aspx>

## Annex 1.

# Human Rights Centre's personnel in 2018

### Director

**Sirpa Rautio**, Chair of the Human rights Delegation (2012-2016, 2016-2020)

### Experts

**Mikko Joronen**, Rights of People with Disabilities (2016-)

**Kristiina Kouros**, Human Rights Education and Training, Corporate Social Responsibility (2012-)

**Leena Leikas**, Secretary of the Human Rights Delegation, Monitoring (2012-)

### Associate Experts and Trainees

**Elina Hakala**, Temporary Associate Expert (1 December 2013-31 October 2017)  
and Coordinator for International Affairs (1 November 2017- 31 October 2019)

**Emilia Hannuksela**, Trainee (12 December 2016-12 March 2017)  
and Temporary Associate Expert (13 March 2017-31 March 2018)

**Tuija Kasa**, Trainee (1 May -31 October 2017)  
and Associate Expert, FTA (1 November-30 June 2018)

## Annex 2.

# Members of the Disability Rights Committee

1. **Kalle Könkkölä**, Chair, Kynnys - the Threshold Association (d. 11 September 2018)
2. **Elina Nieminen**, Vice-chair, Finnish Association of People with Physical Disabilities
3. **Markku Jokinen**, Member, Association of the Deaf
4. **Antti Teittinen**, Member, Finnish Association on Intellectual and Developmental Disabilities
5. **Riku Virtanen**, Member, Åbo Akademi Institute for Human Rights

In March 2018, the Disability Rights Committee was supplemented with further five members not in the Human Rights Delegation

6. **Sanna Ahola**, External Expert, National Institute for Health and Welfare
7. **Milla Ilonen**, External Expert, ASPA Foundation
8. **Tommi Kivimäki**, External Expert, Me itse ry (Finnish Self-Advocacy Society of Persons with Learning Disabilities)
9. **Pirkko Mahlamäki**, External Expert, Vammaisfoorumi ry (Finnish Disability Forum)
10. **Tytti Matsinen**, External Expert, Felm (a religious organisation)
11. **Mikko Joronen**, Member, Human Rights Centre
12. **Minna Verronen**, Member, Office of the Parliamentary Ombudsman



## Annex 3. Members of the Human Rights Delegation 2016-2020

1. **Reijo Aarnio**, Data Protection Ombudsman
2. **Kimmo Hakonen**, Secretary General, Office of the Chancellor of Justice
3. **Tuomas Kurttila**, Ombudsman for Children
4. **Jukka Maarianvaara**, Ombudsman for Equality
5. **Kirsi Pimiä**, Non-Discrimination Ombudsman
6. **Maija Sakslin**, Deputy Parliamentary Ombudsman
7. **Tiina Sanila-Aikio**, Chair, Sámi Parliament
  
8. **Pentti Arajärvi**, Professor (2016- emeritus), University of Helsinki, Docent, University of Eastern Finland
9. **Niklas Bruun**, Professor, Hanken School of Economics
10. **Elina Castrén**, Executive Director, Finnish Refugee Advice Centre
11. **Elina Grundström**, Chair, Council for Mass Media
12. **Leena Heinämäki**, Senior Researcher, Northern Institute of Environmental and Minority Law, Arctic Centre, University of Lapland
13. **Inka Hetemäki**, Director of Advocacy and Programs, UNICEF Finland
14. **Juha Hänninen**, Director, Chief Physician, Terhokoti
15. **Esa Iivonen**, Leading Expert, Mannerheim League for Child Welfare
16. **Markku Jokinen**, Executive Director, Association of the Deaf
17. **Arto Kallioniemi**, Ph.D., M.Sc. (Econ.), B.A., Professor of Didactics, University of Helsinki
18. **Antti Karanki**, Chair, Trasek
19. **Kalevi Kivistö**, Minister, Association of Pensioners interest groups EETU ry
20. **Eija Koivuranta**, Managing director, Family Federation of Finland
21. **Kristiina Kumpula**, Secretary General, Finnish Red Cross
22. **Kalle Könkkölä**, Executive Director, Kynnys - the Threshold Association (d. 11 September 2018)
23. **Niina Laajapuro**, Policy Director, Amnesty International, Finnish section
24. **Heli Markkula**, Expert, Finnish Youth Cooperation - Allianssi
25. **Kaari Mattila**, Secretary-General, Finnish League for Human Rights
26. **Petri Merenlahti**, Theological Advisor for the Archbishop, Evangelical-Lutheran Church of Finland
27. **Elina Nieminen**, Lawyer, Finnish Association of People with Physical Disabilities
28. **Eeva Nykänen**, LL.D., Chief Specialist, National Institute for Health and Welfare
29. **Paula Paloranta**, LL.Lic., LL.M., Secretary General, Chamber of Commerce Finland
30. **Elina Pirjatanniemi**, Director, Professor of Constitutional Law and International Law, Åbo Akademi Human Rights Institute
31. **Pauli Rautiainen**, Ph.D., Professor of Public Law, Docent in Constitutional Law, University of Tampere
32. **Antti Sajantila**, Ph.D., Professor, Specialist in Forensic Pathology, University of Helsinki
33. **Kimmo Sasi**, Economist, LL.M., Advisor
34. **Shafae Hamed**, Service Advisor, City of Helsinki
35. **Ida Sulin**, LL.D., LL.M., Lawyer, Association of Finnish Local and Regional Authorities
36. **Antti Teittinen**, Head of Research, Docent, Finnish Association on Intellectual and Developmental Disabilities
37. **Jarkko Tontti**, Author, LL.D., LL.M
38. **Riku Virtanen**, Independent Researcher, Student

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