

**INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS
THE SEVENTH PERIODIC REPORT SUBMITTED BY FINLAND**

March 2020

Introduction

1. This report is submitted under article 40 of the International Covenant on Civil and Political Rights ratified by the Government of Finland on 19 August 1975. The report covers the period from July 2013 to March 2020. For the report opinions were requested from authorities, the Supreme Overseers of Legality, specialised Ombudsmen, the Government of Åland, advisory boards, churches and non-governmental organisations.

A. General information

Q1.

2. Under the Constitution of Finland, public authorities must guarantee the realisation of fundamental and human rights. Each ministry is responsible for it within its own administrative branch and ensures that the Recommendations are implemented. The Concluding Observations have been discussed by the Government Network of Contact Persons for Fundamental and Human Rights, consisting of representatives from each ministry, and used as a normative basis for projects under Finland's second National Action Plan on Fundamental and Human Rights 2017–2019.

3. The Ministry for Foreign Affairs issues a press release on the Committee's Views on an individual communication and sends them to the key authorities, courts and Parliament. The contents of the Views are discussed with the competent authorities to decide what measures to take. Each ministry is responsible for implementing the Views in its administrative branch and for ensuring that the subordinate agencies are aware of the reasoning for the Views. The implementation report submitted to the Human Rights Committee is prepared jointly with the competent authorities relevant to the communicated matter.

Q2.

4. During the reporting period Finland has had five Governments. The fundamental and human rights objectives of the Government Programmes have been implemented through legislation and several policy programmes, strategies and action plans. Prime Minister Sanna Marin's Government Programme (10 December 2019 -) is based on human rights. During the reporting period, the Government issued a Human Rights Report, describing Finland's international human rights activities and the implementation of fundamental and human rights in Finland, and carried out projects under the two National Action Plans on Fundamental and Human Rights 2012–13 and 2017–19. The third Action Plan, for 2020–2023, is being prepared and will focus on the development of fundamental and human rights indicators.

5. The measures taken to implement fundamental and human rights include the Action Plan for Gender Equality 2016–2019, the Action Plan against Trafficking in Human Beings 2016–2017, the Meaningful in Finland Action Plan to prevent hate speech and racism and to promote social inclusion, the Government Integration Programme 2016–2019, the Action Plan on Democracy Policy for 2017–2019, and the National Plan for the Implementation of the UN Guiding Principles on Business and Human Rights and the Working Plan for Social Responsibility.

6. Along with the entry into force of the new Non-discrimination Act and the amendments to the Act on Equality between Women and Men in January 2015, the former Ombudsman for Minorities was replaced with a Non-Discrimination Ombudsman, who monitors a wide range of discrimination issues. All the special Ombudsmen were organised as independent agencies subordinate to the Ministry of Justice. In 2019, an independent Intelligence Ombudsman was appointed to oversee the legality of civilian and military intelligence and the realisation of fundamental and human rights in intelligence activities.

7. The National Non-Discrimination and Equality Tribunal of Finland replaced the earlier National Discrimination Tribunal and the Equality Board. In 2014, the Parliamentary Ombudsman became the national preventive mechanism under OPCAT, and in 2016, together with the Human Rights Centre and its Human Rights Delegation, the independent national framework required by CRPD.

8. Regarding the Committee's Recommendation no. 5, the training provided to judges, public legal aid attorneys and public guardians has introduced the participants to the status, content and the interpretation of human rights treaties and fundamental rights in the administration of justice. The training provided to judges has also familiarised them with the regulation of equality and non-discrimination and the related case law.

9. The Supreme Court has in its case-law referred to the Convention at least 14 times and the Supreme Administrative Court in hundreds of decisions since 2013.

10. In March 2020, Finland faced an exceptional situation due to the COVID-19 infectious disease pandemic. On 16 March, the Government, jointly with the President of the Republic, declared emergency conditions referred to in section 3, paragraphs 3 and 5 of the Emergency Powers Act (1552/2011). Because the situation cannot be managed with the regular powers of public authorities, the Government is entitled to exercise powers under the Emergency Powers Act. The purpose of the Act is to protect the population, to secure its livelihood and the national economy, to maintain legal order and fundamental and human rights, and to safeguard the territorial integrity and independence of the state in emergency conditions.

11. Emergency conditions referred to in section 3, paragraph 3 of the Act consist of a particularly serious event or threat that affects the livelihood of the population or the foundations of the national economy and results in the vital functions of society being significantly endangered. Emergency conditions referred to in section 3, paragraph 5 consist of a very widespread outbreak of a dangerous infectious disease the effect of which is comparable to a particularly serious disaster.

12. By virtue of the Emergency Powers Act, Finland applies exceptional, fixed-term restrictions on the right of peaceful assembly and the right to liberty of movement: Finland's borders have been closed, Finns and persons permanently residing in Finland who return from abroad are directed to conditions corresponding to a two-week quarantine; movement between the densely populated Uusimaa county and the rest of Finland is restricted; public meetings are limited to a maximum of ten people; unnecessary presence in public places is to be avoided; and people over 70 have been obliged to avoid contacts with other people as far as possible. Other necessary special measures are also applied. The police monitor compliance with the movement restrictions as required by the emergency conditions, and receive executive assistance from the Defence Forces

only when their own resources prove insufficient. The restrictions protect the realisation of other fundamental rights in this completely exceptional situation.

13. Parliament passed Decrees on the use of powers under the Emergency Powers Act on 18 March and 27 March. The Government and the competent authorities will implement the decisions and recommendations in accordance with the Emergency Powers Act, the Communicable Diseases Act and other legislation. The competent authorities will issue further instructions falling under their responsibilities.

14. The Emergency Powers Act may justify derogations from human rights treaties binding on Finland, especially the European Convention on Human Rights and the International Covenant on Civil and Political Rights.

15. However, of the five emergency condition situations defined in section 3 of the Emergency Powers Act, derogation from human rights obligations is limited to the most serious military crises threatening the existence of the state: (1) an armed or equally serious attack against Finland and its immediate aftermath; or (2) a considerable threat of an armed or an equally serious attack against Finland such that preventing its effects requires the immediate use of emergency powers provided by the Act. In respect of the other emergency conditions defined in section 3, public authorities must act within the flexibility margin allowed by the human rights treaties, i.e. the so-called acceptable restrictions, temporarily and in accordance with the proportionality principle. This is the case for the COVID-19 infectious disease pandemic.

16. Because no emergency conditions referred to in section 3, paragraphs 1 and 2 of the Emergency Powers Act exist in Finland, and as powers under the Act are not used for derogating from international human rights obligations but only for imposing restrictions permitted by the treaties, the other States Parties have not been notified of the emergency conditions and the application of the Act through the Secretary General of the Council of Europe and the Secretary-General of the United Nations.

17. The Constitutional Law Committee of Parliament has stressed compliance with human rights obligations in the application of the Emergency Powers Act.

B. Specific information on the implementation of Articles 1-27

Q3.

18. The Government is of the view that the reservations to Articles 14(7) and 20(1) remain relevant and refers in this respect to the response given to the Committee in document CCPR/C/FIN/Q/6/Add.1 in 2013.

19. With reference to the reservation to Article 10 paragraphs 2(b) and 3, the Government notes that according to Finnish legislation a prisoner or remand prisoner under the age of 18 shall be confined in a prison where they can be kept separate from adult prisoners, unless it is in their best interests to do otherwise. These provisions are consistent with the Convention on the Rights of the Child. The Remand Imprisonment Act was amended in 2019 as required in the Directive (EU) 2016/800 so that a prisoner aged 18 or older may be kept in the same premises as a remand prisoner

under 18, but only if this is not contrary to the interests of the remand prisoner under 18. In practice, there are about seven prisoners and remand prisoners under the age of 18 in the entire country on any given day, and it is therefore not practically feasible to build separate institutions for underage prisoners. Because of legislation, including EU provisions binding upon Finland, and because of the small number of juvenile prisoners, Finland considers it is impossible to withdraw the reservations to Article 10 paragraphs 2(b) and 3. Efforts are made to keep juvenile prisoners at institutions other than prisons and to employ alternatives to remand imprisonment.

Q4.

20. The Council of Regulatory Impact Analysis, established in December 2015, is an autonomous and independent body that operates within the Prime Minister's Office. Its main task is to improve the quality of impact assessments of government proposals and the culture of legislative drafting in general. The Council gives statements on impact assessments concerning government proposals at the drafting stage.

21. When the guide for authoring Government proposals was revised (HELO 2019), means for improving and reinforcing the assessment of impacts on fundamental and human rights in the proposals were evaluated. The reform underlined the importance of fundamental and human rights assessment with reference to section 22 of the Constitution of Finland. Instructions on how to enter such an assessment in Government proposals were included in the guide. Training on bill drafting has focused on reinforcing the fundamental and human rights assessment. The new Government Programme also states a commitment to systematic improvement of civil servants' competence in this regard. The National Action Plan on Fundamental and Human Rights 2017–2019 focused on promoting fundamental and human rights in certain predetermined focus areas, one of which was fundamental and human rights education. Of the 43 projects included in the Action Plan, one project aimed at improving the fundamental and human rights competence of Government civil servants, and the second one at improving the assessment of impacts on fundamental and human rights in legislative projects. In the latter, Ministries focused especially on assessing and recording impacts of the pilot legislative projects on fundamental and human rights.

22. Under the Constitution of Finland, the Chancellor of Justice oversees the legality of official actions of the Government. The Chancellor of Justice is required to be present at plenary sessions of the Government and to participate in Government debates. The Chancellor of Justice reviews the judicial aspects of the matters to be decided by the Government and shall, upon request, provide the President of the Republic, the Government and the Ministries with information and opinions on legal issues.

23. In 2018, the Office of the Chancellor of Justice introduced a preliminary review procedure for Government proposals with significance for fundamental and human rights and for the rule of law.

24. The key goal in the preliminary review of significant Government proposals is to identify issues of constitutional significance in the proposal, to explain the relevant constitutional interpretative practice and to discuss transparently any critical issues that arise. These constitutional issues include issues concerning fundamental and human rights and issues of compliance with Finland's international human rights obligations and the prerequisites for said

compliance. Attention is also being paid to the appropriateness of the bill drafting process and the implementation of consultations and rights of participation in general.

25. Preliminary review can improve the quality of bill drafting and the appropriate investigation of aspects of the implementation of fundamental and human rights in Government proposals, and also of the smooth flow of decision-making implementing fundamental and human rights. Moreover, it improves the potential of the Constitutional Law Committee to focus on assessing the constitutional aspects of Government proposals, given a correct and sufficient report submitted to them. In this respect, the process is consistent with wishes expressed by the Constitutional Law Committee itself.

26. By contrast, preliminary review by the Chancellor of Justice does not limit the right or potential of the Government to seek out new interpretations of the Constitution or to propose new kinds of solution. However, in such cases the open and transparent presentation of justifications and of any new interpretations are crucial for the oversight carried out by and the advice provided by the Chancellor of Justice.

27. The preliminary review also considers, as far as possible, whether the proposed legislation is systematic and consistent and works well as a whole. Here, the focus is on the mutual compatibility of national statutes and on ensuring that legislation as a whole is understandable and predictable. The goal of systematic and effective legislation also involves implementing international obligations so as to preserve the consistency of international law and the predictability of the legal situation. At the same time, the goal is to implement the content and meaning of the obligations in international covenants as well as possible.

28. The Ombudsman for Children and NGOs have raised concerns about how identifying and assessing impacts on children is inadequate in bill drafting and in the monitoring of the enforcement of legislation. NGOs have also raised issues of gender equality assessment and equal pay. The Sámi Parliament has noted that the impacts of the legislation being prepared on the Sámi are usually not adequately explored.

Q5.

29. The new Non-Discrimination Act (1325/2014) entered into force on 1 January 2015. The Act provides broad-based protection against discrimination. The Act applies to both public and private activities, though excluding private life, family life and the practice of religion. The protection against discrimination is equally broad regardless of whether the discrimination is based on ethnic origin, age, nationality, language, religion, belief, opinion, state of health, disability, sexual orientation or any other personal feature.

30. Compliance with the Non-Discrimination Act is supervised by the Non-Discrimination Ombudsman, the National Non-Discrimination and Equality Tribunal and the occupational safety and health (OSH) authorities. The Non-Discrimination Ombudsman also has duties with regard to non-discrimination in working life, although in individual cases responsibility lies with the OSH authorities. The supervisory authorities may address any matters of discrimination falling within the scope of the Non-Discrimination Act and concerning the exercise of economic, social or cultural rights.

31. The number of contacts made with the supervisory authorities has increased since the entry into force of the new Non-Discrimination Act, demonstrating that there was a need for the reform.

SUPERVISORY AUTHORITIES	2014	2015	2016	2017	2018	2019
Non-Discrimination Ombudsman (Ombudsman for Minorities until 31 Dec 2014)	287	496	877	824	984	920
Occupational safety and health authorities (only the Southern Finland Regional State Administrative Agency for 2014–2016)	120	135	109	197	200	180
National Non-Discrimination and Equality Tribunal (National Discrimination Tribunal until 31 Dec 2014)	20	40	67	70	113	51

32. Despite the increase in contacts, under-reporting remains a challenge. Studies and reports indicate that a large number of people have experienced discrimination (10% - 15%) and that discrimination is particularly prominent against ethnic and religious minorities, sexual and gender minorities, various age groups and persons with disabilities.

33. The National Non-Discrimination and Equality Tribunal has issued some decisions pursuant to the new Non-Discrimination Act. For instance, the Tribunal has prohibited a credit company from using statistical methods that are discriminatory against credit applicants when granting consumer credit. The Tribunal has also issued several guidelines concerning the rights of persons with disabilities, for instance in issues of accessibility and availability.

34. It should also be noted that private individuals cannot bring a case of gender-based discrimination as per the Equality Act to the Tribunal; only the Ombudsman for Equality or a central labour market organisation can bring such a case to the Tribunal.

35. NGOs have noted that the current legislative framework makes it difficult to recognise multiple discrimination and that the mandate of the Non-Discrimination Ombudsman does not cover oversight of discrimination in working life.

36. Under the current Act, the Non-Discrimination Ombudsman may assist, or direct a subordinate to assist, a victim of discrimination or victimisation or potential human trafficking in order to safeguard their rights or, if necessary, to obtain legal representation for them for this purpose. Compensation as per the Non-Discrimination Act may be claimed in court by a person who considers that they have been discriminated against or victimised. The Non-Discrimination Ombudsman may thus decide whether to assist a victim of discrimination in such a case. The parties to the reconciliation acting together, or the Non-Discrimination Ombudsman acting with

the consent of the parties, may seek confirmation of reconciliation from the National Non-Discrimination and Equality Tribunal in a matter relating to actions contrary to the prohibition of discrimination or victimisation.

37. Any person who considers that they have been discriminated against or victimised may bring their matter to be handled by the Tribunal. The Non-Discrimination Ombudsman or a community fostering equality may also bring such a matter to the Tribunal, with the consent of the injured party referred to above. The Non-Discrimination Ombudsman cannot bring a matter to the Tribunal or to court without the consent of the injured party.

38. The National Non-Discrimination and Equality Tribunal cannot determine the compensation to be paid to victims of discrimination.

39. The remit of the Tribunal covers the oversight of all grounds for discrimination. The Tribunal operates independently handling and resolving matters that fall into its purview pursuant to the Non-Discrimination Act and the Equality Act. The Tribunal may issue decisions containing prohibitions or obligations and can confirm conciliation between parties. The Tribunal may impose a conditional fine to enforce prohibitions and obligations. The Tribunal does not supervise compliance with the Non-Discrimination Act in working life. The Tribunal may issue an opinion on a matter of importance for the interpretation of the Non-Discrimination Act if so requested by a court, by the Non-Discrimination Ombudsman or by another authority, or by an organisation promoting non-discrimination, unless that matter falls within the competence of the occupational safety and health authorities or concerns interpretation of a collective agreement. The occupational safety and health authorities may request an opinion from the Tribunal in certain cases.

40. As regards partial reform of the Non-Discrimination Act in the Government Programme, the Tribunal considers that the Government should rectify the shortcomings in the remit of the Tribunal and allow private individuals to bring cases of gender discrimination to the Tribunal.

41. A study was launched in January 2019 on the effects of the new Non-Discrimination Act, on the legal protection of victims of discrimination, the prevention of discrimination and the promotion of non-discrimination. The purpose of the study is to provide a comprehensive review of the effectiveness of the Non-Discrimination Act from the perspective of various grounds for and forms of discrimination in the context of access to justice. The study will produce a cross-section of how non-discrimination is effected in society at large, recommendations for further development of non-discrimination legislation and guidelines for promoting non-discrimination. The study is to be completed in November 2020 and its findings can be leveraged in the partial reform of the Non-Discrimination Act, as decided upon in the Government Programme.

42. NGOs have drawn attention to the fact that under current law, the Non-Discrimination Ombudsman cannot bring a case of discrimination to the Tribunal for processing without naming the victim. NGOs consider this problematic, as certain kinds of discriminatory acts may not be targeted at a specific person but rather at a group of people as a whole and as the threshold for individual victims to agree on their case to be taken to the Tribunal may also be high due to stress and fear of retaliation.

43. As to the Committee's Recommendations Nos. 6 and 8, the Act on Equality between Women and Men (609/1986, Equality Act) was reformed in 2014 and 2016, now also intended to prevent discrimination based on gender identity or gender expression.

44. The obligation for a gender equality plan was extended to comprehensive schools and regulations regarding employer's gender equality plans and pay surveys were made more precise. If an employer regularly has a personnel of at least 30 employees working in employment relationships, the employer shall at least every two years prepare a gender equality plan dealing particularly with pay and other terms of employment, according to which the gender equality measures are implemented.

45. The Ombudsman for Equality may now also take measures to reconcile a discrimination matter referred to in the Act.

46. The gender pay gap in men and women is 16 percent throughout the labour market (Statistics Finland, 2018, all labour sectors included).

47. The Government and the social partners have since 2006 been carrying out Equal Pay Programme in order to bridge the gender pay gap. The Equal Pay Programme 2016 - 2019 included the most important factors pertaining to equal pay and measures to amend these issues. The purpose of the Programme is also to implement the principle of equal pay laid down in the Equality Act.

48. The Equal Pay Programme carried out a research project Breaking down the barriers: Reasons for young people's educational choices and ways of reducing gender segregation in educational and occupational fields (2017-2019).

49. The Government aims to carry out a study of employer's equality plans and pay surveys in 2020 to get information on the implementation of the equal pay.

50. In 2018 the Ombudsman for Equality published a new study on pay openness which evaluates the legislation and gives recommendations on how to develop legislation relating to pay openness.

51. According to the Government Programme, the elimination of unjustified pay disparities and pay discrimination will be promoted through statutory measures to improve pay transparency. Further, discrimination on the grounds of pregnancy will be prevented and legislation will be clarified to ensure that pregnancy and use of family leave may not affect the continuation of temporary employment.

Q6.

52. The Government Programme contains a number of measures against hate crimes and hate speech, such as cross-sectoral measures to address systematic harassment, intimidation and targeting, to promote monitoring of the non-discrimination and hate crime situation, and to prepare an action plan against racism and discrimination. Enhanced intervening in gender-based hate speech and crime is also specified in the Government Programme and gender will be added to the hate speech grounds for increasing the punishment in Chapter 6, section 5 of the Criminal Code.

53. The Ministry of Justice is preparing a government proposal to amend the Criminal Code. According to the draft proposal, the provision on the right to bring charges for menace should be amended so as to make the offence of menace subject to public prosecution if the act is directed against a person because of his or her work duty or public position of trust. The intention is to have menaces based on such motives brought to prosecution more efficiently.

54. The National Action Plan on Fundamental and Human Rights 2017–2019 included a project to launch cooperation among authorities, providers of community services and NGOs to step up efforts to address hate speech. Underlying this is the aim to implement in Finland the Code of Conduct published by the EU Commission and certain information technology companies in 2016. Led by the Ministry of Justice, various ministries and authorities have discussed the combating of unlawful hate speech, including discussing the Code of Conduct, the Communication from the Commission Tackling Illegal Content Online, Commission Recommendations, international collaboration on the subject, moderating practices and current legislation.

55. On 14 November 2018, the Ministry of the Interior, the Ministry of Justice and the Ministry of Education and Culture launched a project to draft proposals for the more effective curbing of hate speech punishable under the Criminal Code and unlawful harassment. The working group also addressed hate campaigns and targeting. The working group report, published in May 2019, gives 13 recommendations to combat hate speech and online bullying. The working group noted that hate speech is a problem so serious that it requires policy initiatives at the Government Programme level and the preparation of an action plan against hate speech.

56. From 1 December 2017 to 30 November 2019, the Ministry of Justice coordinated the ‘Against hate’ project aimed at stepping up efforts to combat hate crime and hate speech. The project focused on improving reporting of hate crimes and the operating capacity of the authorities – particularly the police, prosecutors and judges – with regard to hate crime and hate speech, and on supporting the victims of hate crimes. The project received funding under the EU’s Rights, Equality and Citizenship Programme (2014–2020).

57. The project involved actions such as surveying measures against hate crime and hate speech, training professionals, organising a campaign to identify punishable hate speech, publishing a memo on improving reporting of hate crimes and statistics and summaries of judgments, publishing a report on experiences of victims of hate crimes, and producing material for journalists about being targeted by hate campaigns.

58. Training for professionals was provided in the ‘Against hate’ project (hate crime training for judges in autumn 2018 and joint training for police officers, prosecutors and judges at five locations in May 2019). Also, the Office of the Prosecutor General organised training on hate crimes for prosecutors in May 2018.

59. A follow-up project Facts against Hate, coordinated by the Ministry of Justice and running from 1 December 2019 to 30 November 2021, aims at improving the effectiveness of work against hate crime and hate speech. The project develops data collection and local cooperation practices related to hate crime and hate speech, produces material to support work against these phenomena, and provides training to potential victims and local politicians. The project will create a network of organisations for shadow reporting, to conduct a study on the progress of hate crime cases to

prosecution and courts, to develop an artificial intelligence tool to detect hate speech spread online, and to train the local police to deal with hate crime.

60. The ‘Proximity’ project involved authoring a guide titled Local Action Plan: Addressed to local authorities and proximity police for tackling racism, xenophobia and other forms of intolerance through reinforcing and enhancing the operations and collaboration of community police and local authorities.

61. The 2017 Equality Barometer, implemented by Statistics Finland on commission from the Ministry of Social Affairs and Health revealed that 15% of women and 8% of men had experienced gender-based hate speech. The Barometer also showed that experiences of hate speech, like experiences of sexual harassment, were the most common among young women and women belonging to minority groups.

62. NGOs have expressed concern about the increase of hate speech in society and on how common it is for children and adolescents to encounter hate speech and experiences of discrimination. Social media have made hate speech and intolerance increasingly visible in Finnish society at large. NGOs have noted that more research on hate speech is needed and that the research and reporting must be gender-aware. Operators in the private sector must be involved in collaboration to combat hate speech. NGOs have drawn attention to the fact that the Government has not introduced a definition of anti-Semitism in legislation or appointed a national coordinator for combating anti-Semitism.

63. Combating hate speech has been specified as a priority area for the police which have invested in hate crime training and investigation of cases brought to their attention. In 2017, the police collaborated with the OSCE in organising TAHCLE training (Training Against Hate Crimes for Law Enforcement). The Police University College initially held a one-day workshop for 20 senior officers, followed by two training sessions for 34 police officers to qualify them as hate crime instructors. These officers then held training sessions at all of Finland’s police departments, training a total of about 900 police officers. The Police University College holds a yearly continuing education course on the discovery and investigation of hate crimes. In autumn 2019, the Police University College organised a hate crime course in English within the ERASMUS programme which was open to participants from outside the College as well. Hate crimes are also covered in basic and further training for police officers.

64. Additional funding granted by the Ministry of the Interior allowed the Helsinki Police Department between 2017 and 2019 to set up a team for discovering and investigating punishable hate speech online. Police departments have ‘Internet cops’ whose work relates to hate speech online and hate crimes.

65. The police pursue a preventive strategy to intervene in hate crimes and to lower the threshold for reporting them. The Strategy on Preventive Police Work 2019–2023 and the action plan for the strategy prepared by the National Police Board include several measures addressing hate crimes. Interaction with minority groups will be further increased. The police continue to combat punishable hate speech and hate crime. Police officers will be provided with more knowledge and understanding of the particular nature of hate crimes and their impacts on victims, the victims’ communities and society at large.

66. In December 2019, the Government issued a resolution on the National Action Plan for the Prevention of Violent Radicalisation and Extremism 2019–2023. The Action Plan, according to which hate speech and racism create a breeding ground for violent radicalisation, includes measures to combat terrorist propaganda and punishable hate speech, and to raise awareness of and provide information on the narratives of violent extremist groups.

67. The National Police Board has issued a guideline for its administrative branch concerning the identification and recording of hate crimes and another guideline on how to refer victims to assistance services.

68. The Ministry of the Interior and the Ministry of Justice are preparing a joint project to combat anti-Semitism and Islamophobia and related hate speech. The aim is to increase awareness of anti-Semitic hate speech among both the general public and professionals, such as the police.

69. The Ministry of the Interior will set up a project to combat hate campaigns and targeting and to improve the position of the victims, which supports legislative amendments under preparation at the Ministry of Justice. From the perspective of the aforementioned issues, it is challenging that although a campaign as a whole may be massive, all individual acts do not necessarily fulfil the elements of a crime or amount to more than petty offences under criminal law. The project will strengthen the capacity of the police to identify crime related to organised hate campaigns, to deal with it, and to improve the position of the victims.

70. The Police University College has since 2009 conducted an annual study of hate crimes that have come to the attention of the police. The statistics are based on crime reports retrieved from the National Police Information System.

Hate crimes	2014	2015	2016	2017	2018
Verbal insults, threats, harassments	338	552	411	582	419
Other hate crimes	484	698	668	583	491
Total	822	1250	1079	1165	910

71. For prosecutors and courts, compiling statistics on hate crimes is a challenge. Because any offence can constitute a hate crime, statistics based on types of offence is insufficient for monitoring hate crimes except for a few specific offences (such as ethnic agitation). In the reporting, statistics and archiving system of the judicial administration, it is possible to search for cases for which the police have entered a hate crime code. In 2019, District Courts issued 22 judgments for which the police entered a hate crime code. The number of judgments issued by District Courts in cases where the police used hate crime classification was 24 in 2013, 31 in 2014, 35 in 2015, 50 in 2016, 62 in 2017 and 55 in 2018.

72. In 2019, 29 judgments were issued where ethnic agitation was the principal offence. The defendants apart from one were convicted guilty as charged. In the clear majority of these cases, the offence was committed on Facebook. The number of judgments issued involving ethnic

agitation has increased over the years, having been 4 in 2013, 3 in 2014, 1 in 2015, 5 in 2015, 5 in 2016, 13 in 2017 and 31 in 2018.

73. In 2020, the Police University College will launch a pilot study to follow the progress of cases involving hate crimes in 2017 from the initial report of an offence to the police to prosecution and to trial.

74. At Southern Finland prosecution district, certain designated prosecutors handle cases involving freedom of expression offences. The Office of the Prosecutor General collaborates with this prosecution team and with prosecutors dealing with freedom of expression matters at other prosecutor districts as well as with the police.

75. The Prosecutor General has made public statements emphasising criminal liability for hate speech while also upholding respect for freedom of expression.

76. The Office of the Prosecutor General organises training in freedom of expression offences for prosecutors, the next one in 2021.

77. The National Police Board, the Office of the Prosecutor General and the Chief Judges of District Courts submitted a joint proposal to the Ministry of Justice on 17 June 2019 concerning needs for legislative amendments to allow the authorities to address targeting.

78. The table below shows statistics on cases brought to prosecutors for consideration of charges and charges brought. These are mainly cases involving ethnic agitation and breach of the sanctity of religion, *i.e.*, cases under the sole discretion of the Prosecutor General.

Year	Investigations	Charges brought
2012	11	8
2013	8	3
2014	7	5
2015	23	18
2016	24	18
2017	60	36
2018	32	35
2019	29	8

79. One of the measures entered in Finland’s National Roma Policy 2018–2022 is monitoring at the annual level the number of reported racist hate crimes against Roma and the nature of the acts.

80. In accordance with the aforementioned measure in the National Roma Policy, from 2017 the annual study on hate crime included an analysis of how many of the hate crimes due to ethnicity or nationality were committed because of a Roma background. The study also analysed the types of offence and incident situations in cases of hate crimes against Roma. The study found that among hate crimes due to ethnicity or nationality in 2017 there were 81 reports of an offence

involving hate crimes against Roma. The majority of these offences against Roma occurred in public buildings. In 2018, there were 74 reports, thus 9 percent less.

81. The National Roma Policy also includes an action to implement national information campaigns targeted against anti-Roma prejudice as part of project work. Another action is increasing information and training against ethnic profiling; the Ministry of Justice and the National Police Board are responsible for this.

82. As to the Committee's Recommendation No. 17, in the beginning of 2011, major amendments concerning special needs classes were made to the legislation on basic education. Roma pupils attend inclusive education and are offered general, intensified and special support, according to their individual needs.

83. As a result of an amendment to the Basic Education Act (1040/2014), pre-primary education is now obligatory. This can be seen to support the positive development of Roma children at the beginning of their learning path. The Basic Education Decree (section 23a) requires that persons who have custody of a child apply for a place in pre-primary education for the child. They may also decide not to apply for such a place. In that case, section 26a of the Basic Education Act obligates them to ensure that their children participate in other activities that achieve the objectives of pre-primary education.

84. In 2008–2015, special discretionary government transfers were allocated for supporting Roma pupils' basic education. Over that period, the National Board of Education granted transfers totalling approximately 2.5 million euros to 38 education providers. During the last ten years, the attendance of Roma children in early childhood education and basic education has been increased successfully.

85. As part of the National Roma Policy, the Ministry of the Environment carried out a follow-up study on Roma housing in 2018. The study showed an increase in the equality of Roma in relation to the majority population in terms of applying for housing. The increased level of education of Roma and the resulting improved rate of employment among them have contributed to this positive development.

Q7.

86. In the Action Plan for Democracy Policy 2017–2019, one of the focus areas was equal opportunities for participation. The Ministry of Justice, working with other Ministries and NGOs, organised targeted campaigns coinciding with elections, the aim being to boost social participation by immigrants and other vulnerable groups. These information campaigns received positive feedback in their evaluations. Information on elections is available in the 20 languages most commonly spoken in Finland, on plain language, on video and in Braille. Special attention has been given to obstacle-free polling stations and accessible online democracy services. The new Government Programme includes a cross-sectoral democracy programme that will focus among other things on equal opportunities for participation and inclusiveness for those who perceive themselves as outsiders.

87. Finland's disability policy is governed by the principle that all persons with disabilities are entitled to equal treatment, participation and non-discrimination and to vital services and support

measures. The Ministry of Social Affairs and Health coordinates disability policy, but all administrative sectors are responsible for implementing it.

88. Finland ratified the Convention on the Rights of Persons with Disabilities and its Optional Protocol in 2016. The first Action Plan on the implementation of CRPD was published in 2018. According to the monitoring report on the Action Plan, published in September 2019, the obligations of the Convention are being increasingly considered in decision-making. Awareness of the importance of increasing participation by persons with disabilities and of accessibility has increased. Preparations for the second Action Plan have begun.

89. In the administrative sector of social welfare and health care, various policy measures and legislative initiatives are employed to provide a framework within which persons with disabilities can participate in political and public life. The means used include services for housing, assistive devices, transport and interpretation, personal assistance, adaptation training, rehabilitation coaching and various disability benefits such as disability allowance and care allowance. All the aforementioned means are intended to support the working capacity and functional capacity of persons with disabilities and to uphold their right to lead an independent life.

90. According to the National Roma Policy 2018–2022, the social status of Roma women is substantially weaker than that of women on average, and in many cases weaker than that of Roma men. They have a higher employment threshold and poorer health. Combating multiple discrimination is mainstreamed through all policies in the National Roma Policy. One of the actions in the National Roma Policy is drawing up a national implementation plan for the Phenjalipe Strategy on the advancement of Roma women and girls and launching its implementation and annual monitoring as part of the other yearly monitoring exercises.

91. A national meeting of Roma women was held in spring 2019 as part of the Words to Deeds 2 -project organised by the Ministry of Social Affairs and Health and funded out of the EU Rights, Equality and Citizenship Programme. One of the topics at this meeting was social influence and participation of Roma women and girls.

92. Empowering Roma women is also one of the focus areas in the international efforts described in the National Roma Policy. In 2013, Finland organised an International Conference of Roma Women whose purpose was to promote the development of a European strategy on Roma women. Finland has supported further work on the strategy. Finland organised the Seventh International Conference of Roma Women in spring 2019. Debate there covered topics such as discrimination and hate speech against Roma women and Roma women's exercising of their rights.

93. Many municipalities with a high number of migrants and with high positive net migration have set up advisory multicultural committees or delegations as channels for influence and participation by migrants. These are forums where local residents with migrant backgrounds can express their views on how the municipality and local services should be improved. Migrant women are involved in these bodies.

94. Inclusive planning fosters new residents' interest in local affairs. Residential panels or other forms of inclusive planning are also a tool for getting people to vote. Local authorities also support activities of migrants' organisations, for instance with operating grants.

95. According to data published by Statistics Finland, in the most recent municipal elections in 2017, 66 local councillors whose native language was a foreign language (other than Finnish, Sámi or Swedish) were elected: 28 women and 38 men.

96. In 2019, the Parliament of Åland adopted a new Election Act for Åland where accessibility and non-discrimination are key features. The Government of Åland has also appointed a Council for Persons with Disabilities, which serves as a coordination mechanism for implementation, monitoring and reporting of CRPD.

97. An election school, particularly aimed at migrants, recently arrived residents, refugees and other first-time voters such as young persons and persons with disabilities, is arranged to raise awareness of the political system in general and for elections and voting in particular. The Government of Åland has an integration coordinator and a project-based democracy coordinator who are actively engaged with these issues and work with other key operators in the Government of Åland, in the third sector and in society at large.

98. The Government of Åland maintains the Kompasset information office for migrants and provides advisory services through the project Show the Way. Targeted investments in services for refugees and other migrants are undertaken through the project Safe Port and the website www.integration.ax. The Government of Åland also finances a project through Save the Children providing free-access preschool where parents are welcome to participate too. Training for social welfare and health care communicators started within the project Safe Port in autumn 2019, the purpose being to train immigrants to become instructors for other immigrants in their native languages concerning Åland and its society.

99. NGOs have expressed concern for the potential of migrant women to take part in public, social and political life and for discrimination against persons with disabilities on the labour market, particularly in the case of developmental disabilities.

Q8.

100. A ban on discrimination based on sexual identity and gender expression and an obligation to prevent such discrimination were added to the Act on Equality between Women and Men (609/1986) with an amendment (1329/2014) that entered into force on 1 January 2015.

101. According to the Government Programme, an Act on the legal confirmation of gender respecting the right of self-determination is to be enacted. The current requirement of sterilisation will be eliminated, and medical treatments will be separated from the legal confirmation of gender. As a result, any adult who presents a justified motivation for experiencing that they are permanently of the gender that they wish to confirm will be granted legal confirmation of their gender on application. A reflection period will be specified for legal confirmation of gender. A Government proposal is to be submitted to Parliament in autumn 2020.

102. The Council for Choices in Health Care in Finland (COHERE) is preparing a recommendation on medical examinations and treatments for gender variations. This recommendation concerns transgender and othergender persons.

103. Between 2017 and 2019, the Ministry of Justice ran a project named Rainbow Rights – Promoting LGBTI Equality in Europe. The purpose of the project was to improve the social

acceptability of LGBTI groups, to support the authorities in promoting gender equality and to raise awareness of how multiple discrimination can manifest itself. The project resulted in a variety of materials, particularly on the discrimination experienced by gender minorities, including a guide for promoting non-discrimination of sexual and gender minorities, particularly in the operations of local authorities. Multiple discrimination experienced by LGBTI groups was also investigated in the project.

104. In 2019, the Ministry of Justice published a study No information and no options on the rights and experiences of intergender persons.

105. In August 2019, the Government of Åland launched a reform of Åland's discrimination legislation and adopted an Action Plan (2019–2025) for achieving equal opportunities for LGBTI persons in Åland society. Physicians in Åland's health care and hospital service have the possibility to refer patients to gender confirmation procedures either in mainland Finland or in Sweden.

106. The Ombudsman for Equality has published statements relating to the equality of transgender individuals, touching upon subjects such as transgender people in relation to gender quotas, the gendered Finnish personal identity numbers and the revised Names Act.

107. The Ombudsman for Children has raised the need to amend the legislation concerning transgender persons. The legislation should be reformed to ensure that the rights of the child are not compromised, particularly the right of the child to self-determination regarding their own body. It should be possible for children to be granted legal gender confirmation. Also, children should be allowed to be given medical treatment that would ease their conflicting experiences of their own bodies. NGOs have also criticised the adulthood criterion in the legislation and have demanded that legal confirmation of gender should be done simply on the basis of a notification by the individual, respecting their right of self-determination.

Q9.

108. According to the Government Programme, the right of self-determination of intersex children will be reinforced, and cosmetic, non-medical genital surgery for small children will be discontinued. Children belonging to gender minorities and their families will be supported with customised and timely services.

109. In 2016, the National Advisory Board on Social Welfare and Health Care Ethics (ETENE) issued an opinion at its own initiative on treatment practices for intersex children in public health care. ETENE recommends that measures to modify external gender characteristics should not be taken until the child himself/herself can define his/her gender and form a position on his/her sexuality, with the exception of situations where the child's health is in immediate danger.

110. The Ombudsman for Children has considered that treatments for intersex children do not necessarily have to be given until the child is old enough to give their consent, and that this should be addressed in legislation. NGOs have emphasized that it is essential that the ban should cover all kinds of nonconsensual, medically unnecessary medical interventions such as hormonal treatment, and not only genital surgery, and that changing treatment practices and reinforcing the human rights of intersex individuals also requires that information on intersex persons be added to

the basic training and continuing education of professionals in the health care and education sectors.

111. As part of the National Action Plan on Fundamental and Human Rights, the Ministry of Justice and the Ministry for Foreign Affairs commissioned a qualitative study of the rights and experiences of intersex persons in 2019. The purpose of this study was to investigate how the decisions concerning intersex children made at birth and the treatments given to them in childhood and adolescence have affected their lives. The study examines the experiences of intersex persons and of their parents in Finnish health care and society at large. It also examines what kind of information and support have been offered to the parents of intersex children, and what information and support they feel they need. The study describes best practices for taking intersex children into account in daycare, at school, in leisure activities and in health care. The study recommends, inter alia, that medically unnecessary surgery to ‘normalise’ genitals and any other measures undertaken without the informed consent of the child shall be prohibited. Except for situations where the child’s health is in immediate danger, no action should be taken to modify gender characteristics until the child is able to decide for himself/herself.

112. According to the Hospital District of Helsinki and Uusimaa (HUS), corrective surgery on genitals is at the moment basically only performed on those patients whose gender has been confirmed as male or female. In unclear cases, an endocrinological team will determine the gender. If the gender is unclear, the principle is that no surgery will be performed. If the patient or family demands an operation which can be considered medically feasible and which is consistent with international treatment practices, then the surgery is provided as far as possible. According to a report compiled at HUS on the basis of the Care Register, university hospitals perform about 5 to 40 operations on the genital area in boys per year, most of them having to do with a congenital malformation. The average number of corrective operations on the external genitalia of girls in the 2000s has been 0 to 1 per year.

113. The Action Plan of the Government of Åland for equal opportunities for LGBTI persons in Åland society contains a proposal whereby the Åland Health Care Service (ÅHS) should prepare an internal plan for LGBTI affairs and report to the Government of Åland under the Åland accessibility programme.

114. NGOs have expressed concern that Finland does not have a Current Care Guideline for the treatment of intersex persons and have noted that intersex identity should be considered as a possibility also in connection with the medical and informal care of the elderly, because the issue may be a traumatic one for the patient.

Q10.

115. Between 2015 and 2018, amendments adding punishable offences to Chapter 34a of the Criminal Code (‘Terrorist offences’) were enacted due to international obligations; these new terrorist offences included training for the commission of a terrorist offence (section 4b), financing a terrorist group (section 5a), travel for the commission of a terrorist offence (section 5b) and promoting travel for the commission of a terrorist offence (section 5c). These are actions that facilitate the committing of the offences referred to in sections 1 and 1a of the same chapter (‘offences made with terrorist intent’). In drafting these amendments, as is typical for bill drafting in Finland, special attention was paid to the specificity of the essential elements of these offences

as per the legality principle. For this reason, the Bill with the amendments was reviewed by the Constitutional Law Committee when it was submitted to Parliament.

116. Inevitably, there are challenges involved in discovering cases of terrorist offences and in proving that an offence was committed with terrorist intent. Regarding the processing of suspected terrorist offences, attention has been drawn in bill drafting documents and training sessions to the fact that people are not designated suspects or charged unless there are substantial grounds for doing so. The same thresholds regarding criminal investigation, bringing of charges and conviction apply for terrorist offences as for any other offences. Under the Criminal Investigation Act (805/2011), a preliminary inquiry shall be held if necessary before starting the criminal investigation. Under Chapter 4 of the Criminal Investigation Act, the principles of criminal investigation include neutrality, the presumption of innocence and the right against self-incrimination. The prosecutor participates in the criminal investigation in the context of the cooperation referred to in Chapter 5 of the Criminal Investigation Act. Under Chapter 34a section 7 of the Criminal Code, the Prosecutor General decides on the bringing of charges for terrorist offences. It has also been stressed that the intent and purpose of the perpetrator cannot be determined by any individual circumstance but is evaluated on the basis of an overall evaluation of all facts discovered in the investigating of the suspected offence and in subsequent criminal proceedings.

117. There is also reason to assume that the criminal law system is working appropriately. Although Chapter 34a of the Criminal Code has been amended on many occasions, increasingly in recent years, to include offences facilitating the committing of terrorist offences, it is not possible to draw conclusions from case history (e.g. on the basis of the number of cases) that suspicions of terrorist offences ended up being subjected to a criminal investigation on insubstantial grounds. If anything, judging by the low number of cases, the situation is exactly the opposite. So far, only one person has been convicted with a judgment that has acquired legal force of murder and attempted murder committed with a terrorist intent.

118. As noted above, enacting legislation to render offences committed to facilitate terrorist offences punishable is based on international obligations and commitments, including Resolution 2178 of the UN Security Council on Foreign Terrorist Fighters (2014) and Directive (EU) 2017/541 of the European Parliament and of the Council on combating terrorism. As also noted above, the specificity requirement for provisions on punishable offences was also particularly taken into account when enacting these amendments. The Constitutional Law Committee of Parliament evaluated the Bills from the perspective of fundamental and human rights as well. On several occasions when discussing legislative amendments pertaining to terrorist offences, the Committee has stressed that terrorism is a form of crime that jeopardises the fundamental functions of society, the rule of law and the health, life and security of people and that from the viewpoint of the fundamental rights system this constitutes an acceptable and highly weighty justification for curtailing fundamental rights, and that amendments to criminal law concerning terrorist offences are intended to enhance the protection of life, personal liberty, integrity and security guaranteed in section 7(1) of the Constitution of Finland.

119. The Acts concerning the oversight of intelligence operations (Act on the Oversight of Intelligence Gathering 121/1019 and amendment to the Rules of Procedure of Parliament 123/2019) entered into force on 1 February 2019. These Acts established the position of Intelligence Ombudsman to oversee the legality of civilian and military intelligence work, and the

Intelligence Oversight Committee to ensure parliamentary oversight of civilian and military intelligence work. The first Intelligence Ombudsman took office on 1 May 2019, and the Intelligence Oversight Committee held its first meeting on 26 June 2019.

120. The intelligence and crime prevention operations of the civilian intelligence authority (Finnish Security Intelligence Service) and the military intelligence authorities (Defence Command Finland and Finnish Defence Intelligence Agency) are also overseen by the Parliamentary Ombudsman, the Chancellor of Justice and the Data Protection Ombudsman.

121. The Acts concerning intelligence (Chapter 5a of the Police Act 581/2019, Act on Telecommunication Intelligence in Civilian Intelligence 582/2019 and Act on Military Intelligence 590/2019) and the Decrees complementing them (709/2019, 711/2019 and 712/2019) entered into force on 1 June 2019. The authority of the Finnish Security Intelligence Service to undertake criminal investigations was terminated at the same time.

Q11.

122. The Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention) entered into force in Finland in August 2015. The Committee for Combating Violence against Women and Domestic Violence (NAPE) is a cross-sectoral coordinating body responsible for the coordination, monitoring and impact assessment of measures required for the implementation of the Istanbul Convention. NAPE began its work at the beginning of 2017, and at the end of the year, completed the Action Plan for the Istanbul Convention 2018–2021. The Action Plan specifies 46 actions in various administrative sectors.

123. According to the Government Programme, a programme for combating violence against women will be prepared, including added resources to victim support services, more beds and resources for shelters to bring them up to the standard required by the Council of Europe, and a new, independent rapporteur on violence against women will be appointed.

124. NGOs have expressed concern that NAPE has no representatives from NGOs and that the body does not have adequate resources.

125. The Government of Åland, working with Statistics and Research Åland, performed a survey of intimate couple violence in 2017 in accordance with the Istanbul Convention, because awareness of how people are exposed to various kinds of violence must be increased in order to achieve change. The goal of the Government of Åland in the Action Plan Agenda for equality 2019–2030 is zero tolerance to violence.

126. According to the 2019 School Health Survey conducted by the Finnish Institute for Health and Welfare (THL), 9.7% of girls in grades 8 and 9 of basic education, 10.2% of girls in years 1 and 2 of upper secondary education and 13.1% of girls in vocational education and training had experienced sexual violence during the year. The figures for boys were around 3% to 4%.

127. Of pupils in grades 4 and 5 of basic education, 4% had encountered sexual comments, propositions or images; there was no difference here between girls and boys. By contrast, girls in grades 8 and 9 of basic education, in years 1 and 2 of upper secondary education and in vocational education and training had had clearly more such experiences than boys.

128. Of pupils in grades 4 and 5 of basic education, 12% reported having experienced a physical threat at least once in the past year. The incidence of physical threats was the highest among pupils in grades 8 and 9 of basic education (17%) and among vocational education and training students (16%). Boys had a slightly higher incidence of experiences of physical threat than girls in grades 8 and 9 of basic education and in upper secondary education.

129. Physical violence on the part of parents or other caregiver adults had been experienced by 13% of pupils in grades 4 and 5 (15% of boys and 11% of girls), 12% of pupils in grades 8 and 9, and 7% of students in years 1 and 2 of both upper secondary education and vocational education and training. The figures were higher for girls than for boys.

130. The Ombudsman for Children has raised the issue of revising the legislation concerning background checks of employees and volunteers working with children. Children and adolescents have reported sexual abuse in leisure activities in particular.

131. NGOs have expressed concern over the continuation of honour-based violence and other harmful traditions among migrant families, stressing that the lower limit of punishments for rape and related offences should be reviewed when the Criminal Code is reformed. NGOs have further expressed concern over occurrences of rape at institutions for persons with disabilities.

132. According to the Government Programme, the definition of rape in the Criminal Code will be amended so as to be based on lack of consent, with a view to legal protection of the victim. In spring 2019, the Ministry of Justice launched an overall reform of Chapter 20 of the Criminal Code, which deals with sexual offences. One of the purposes of this is to frame the definition of rape so that is based principally on lack of consent, without a requirement of a threat of or actual violence; the reform will also increase the punishments for offences against children and adolescents.

133. According to the Government Programme, the legislation on restraining orders will be revised so as to better safeguard the rights of the victim. In March 2020, the Ministry of Justice appointed a working group to examine means to improve the efficiency of restraining orders. The objective is also to reduce non-compliance with restraining orders and improve the safety of especially victims of intimate partner violence. The need for electronic supervision of the compliance, its feasibility and impacts on the fundamental rights of those supervised as well as a cost-benefit analysis concerning electronic supervision and the safety devices for the victims will be assessed. The working group will also review the preconditions for imposing a restraining order. The mandate of the group expires on 30 June 2021.

134. NGOs consider that charging a fee for restraining orders makes getting help more complicated and has a negative impact particularly on low-income victims of domestic violence and women from migrant backgrounds. NGOs propose that the fee be eliminated.

135. In 2019, the number of shelters increased to 28, and the number of family beds in shelters increased to 202. Funding for shelters has increased by EUR 2 million per year, to EUR 19.55 million in 2019.

136. In 2017, the SERI support centre for victims of sexual violence was set up at the HUS Women's Hospital. Similar centres were set up in Turku, Tampere and Kuopio in 2019 and in Oulu in 2020. The aim is to achieve a nationwide network of support centres, initially at all five

university hospitals and then satellite centres for these because of the great geographical distances in Finland.

137. Support centre operations will be extended to children and adolescents in the form of a child-friendly Children's House following the Nordic 'Barnahus' model. The project to achieve a nationwide network was granted central government funding for the years 2019 to 2023. The project was launched as a regional cooperation project with the five university hospitals, coordinated by the Finnish Institute for Health and Welfare.

138. Training sessions on how to deal with victims in the criminal justice process have been held for judges, public and private legal counsels, public guardians, prosecutors and police officers. The purpose of these sessions is to raise awareness of victims' needs and to provide tools for dealing professionally with vulnerable victims so as to promote the victim's recovery and to expedite the criminal justice process. The sessions focus on matters such as the Victims' Rights Directive, key legislation, the impact of trauma on victim behaviour, how to encounter victims sensitively, best practices and victim support services.

139. Statistics Finland has been publishing annual statistics on cases of domestic and intimate partner violence that have come to the attention of the police since 2014.

140. According to the 2017 Equality Barometer, 38% of women and 17% of men had experienced sexual harassment over the previous two years.

141. The Åland Act on Shelters (2015:117), which entered into force in January 2016 in the Province of Åland, is intended to ensure high-quality and comprehensive shelter services for persons who are victims of threatened or actual intimate partner violence. The Government of Åland ensures access to shelter services for residents of the entire province and the availability of sufficient services related thereto. In the Bill for new legislation on social welfare that the Government of Åland submitted to the Parliament of Åland in April 2019, it is proposed that provisions should be incorporated in the Social Welfare Act guaranteeing that persons requiring special support shall be supported so that they will not be at risk of not obtaining the services and support that they need.

142. The Government of Åland offers, in cooperation with the National Centre for Knowledge on Men's Violence against Women in Uppsala, a helpline for victims who have been subjected to physical, psychological or sexual violence or the threat thereof.

143. NGOs have expressed concern about the small number of beds at shelters, the lack of a shelter for women only, access by women with disabilities to shelters that do not have fully obstacle-free access, the problems of Roma women in gaining access to services, the lack of shelters in the Sámi homeland, the problems of women from migrant backgrounds in gaining access to services, and the unavailability of EXIT support services for prostitutes.

144. According to the Government Programme, efforts to prevent violence will be targeted at everyone who identifies violent tendencies in themselves, irrespective of gender.

145. Åland has been developing a programme named Alternative to violence with Norway since 2004. The programme is aimed at men who have problems with violence and aggression. It takes the form of group therapy and seeks to achieve a change in behaviour.

146. According to the Government Programme, forced marriages will be annulled and their criminalisation reviewed.

147. Forced marriage is comprehensively and effectively a punishable act in Finland. Forced marriage may be punished under the Criminal Code as human trafficking (Chapter 25, section 3), aggravated human trafficking (Chapter 25, section 3a) or coercion (Chapter 25, section 8). Criminal liability is broad, because in a case of forced marriage if the essential elements of human trafficking are fulfilled, then simply transporting or accommodating the person being forced into marriage is a punishable offence. Criminal liability may also be extended pursuant to Chapter 3, section 3 of the Criminal Code to the parent of the person being forced into marriage or to an official who failed to take sufficient action to prevent the forced marriage.

148. Under the Marriage Act, no person under the age of 18 may marry. The exemption procedure for allowing marriages of persons under 18 was discontinued as of 1 June 2019.

149. In March 2020, the Ministry of Justice published a guide for public authorities to raise their awareness of the punishability of forced marriage and to help them identify its possible victims. The guide included practical instructions on how to proceed with actual or potential victims of forced marriage.

150. The Ministry of Justice has launched a project to enact the necessary legislative amendments concerning the dissolution of forced marriage. In that context, the need to amend the regulation of the recognition of marriage concluded abroad by a minor will be examined.

151. The Ministry has prepared an assessment report on the procedure for dissolving a marriage that has been forced or concluded despite impediments. The report also discusses the needs to revise the legislation on the recognition of a marriage concluded abroad by a minor and proposes improvements to it. The assessment report was circulated for comments this year. A related report by the Ministry of Justice published on 14 June 2019 describes the current legal status and compares the relevant legislations of the Nordic countries.

152. The need to clarify the regulation of the punishability of forced marriage is being examined separately.

153. In September 2019, the Finnish League for Human Rights, commissioned by the Ministry of Justice, provided training on honour-related violence including forced marriage for 145 judges and legal assistants at District Courts.

154. Regarding the Committee's Recommendation No. 9, women victims of pandering are treated as witnesses in criminal proceedings unless they qualify as complainants as a result of any damage or other detrimental consequences that the offence has caused to them.

155. In 2015, the provisions on pandering and trafficking in human beings in chapter 20, section 9 and chapter 25, section 3 of the Criminal Code (39/1889), respectively, were amended to clarify the demarcation between pandering offences and trafficking offences and to make the penal provisions for trafficking offences better comply with international obligations. On that occasion, pressure as a means of committing the criminal act was transferred from the constituent elements of pandering defined in the Criminal Code to those of trafficking in human beings. In addition, in the penal provision for trafficking in human beings, the previous wording denoting the capture of

another person as a means of committing the act was replaced by the wording ‘takes control over another person’, to emphasise that mental control over the person suffices to make the act punishable. Physical restrictions on freedom are no longer required for punishability. The purpose of these legislative amendments was to ensure that cases of trafficking in human beings are treated as trafficking offences in criminal proceedings, which also entitles the victim to the status of a complainant.

156. On the same occasion, the Criminal Procedure Act (689/1997) was amended to include a new section 3(a) in chapter 2. Section 3(a), subsection 1 provides that a court may, also for a victim of pandering referred to in chapter 20, section 9 or 9(a) of the Criminal Code who is not a complainant, appoint a trial counsel for the criminal investigation, unless for a special reason this is deemed unnecessary, and a support person for the criminal investigation and the criminal proceedings, if the person who is the subject of the offence is to be heard in person for the clarification of the case and it can be assumed that he or she may need support. This provision safeguards the position of the victim of pandering in situations where he or she is considered as a witness in criminal proceedings.

157. In March 2018, the Office of the Non-Discrimination Ombudsman published a report entitled ‘An unknown future: A report on the effectiveness of legislation concerning assistance for victims of human trafficking’. The report showed that especially those victims of trafficking who were municipal residents had difficulties in gaining access to the assistance they needed and were entitled to.

158. On 2 May 2019, the Ministry of Social Affairs and Health and other ministries issued together instructions to municipalities on the right of victims of trafficking to access special support and services in Finland.

159. The Government Programme envisages the enactment of an act on assistance to victims of trafficking. The aim of the act will be to ensure that municipalities can assist the victims. In addition, references to victims of trafficking will be added to acts on healthcare and social welfare. The Act on the Reception of Persons Applying for International Protection and on Identifying and Assisting Victims of Trafficking in Human Beings will be updated so that it will no longer be so closely connected to the criminal procedure, as required by international obligations. Another purpose of the update is to provide for and ensure safe and supported housing services for victims of trafficking in the manner required by EU legislation. The position of victims of trafficking will also be improved regardless of the progress of the criminal proceedings in their trafficking cases.

Q12.

160. In Finland, public trust in the police is extremely high. This demonstrates that, among other things, the police are seen as reliable and safe authorities who do not employ coercive measures against individuals unnecessarily or without cause, and never inappropriately.

161. According to section 4 of the Decree of the Ministry of the Interior on Use of Force and Stopping a Vehicle by the Police (245/2015), the police have the right to carry and use only those instruments of force for which they have received training, participated in refresher training and practice, and passed a level test. Police officers take refresher training and level tests and practise regularly. This is recorded in the service weapons register of the police.

162. For the most part, no significant changes have occurred in statistics on the use of coercive measures by the police. Cases where the police have threatened a suspect with a firearm have increased in recent years, but this reflects the changing operating environment very well. The persons susceptible to the use of coercive measures by the police are well equipped for these measures these days, and this has led to the police having to be better equipped and prepared.

163. The number of cases of Taser use has also increased, which is because more Tasers have been acquired and more personnel have been trained to use them. It should be noted that the use of a Taser may make the use of a firearm unnecessary.

164. One of the Deputy Parliamentary Ombudsmen investigated a case where a police officer fired a Taser. In his decision of 31 August 2016 (Reg.no. 1187/2/15), the Deputy Parliamentary Ombudsman ruled that a Taser, when used appropriately, is a useful and acceptable coercive implement usable by the police. The decision encouraged the National Police Board to draft a guideline on Taser use. The guideline was prepared, and it entered into force on 1 January 2018.

165. The use of force by the police is being monitored in accordance with the instructions issued by the National Police Board on 1 March 2020. The monitoring data makes it possible to develop the training, tactics and equipment for the use of force.

166. According to statistics concerning Taser use by the police, Taser was used 249 times in 2014, 305 times in 2015, 342 times in 2016, 386 times in 2017, 434 times in 2018 and 218 times in January - July 2019.

Q13.

167. The Government notes that there has not been any legislative change in that regard and refers to aspects presented before.

168. According to Chapter 3 section 4 of the Coercive Measures Act (806/2011), the request for remand of a person under arrest shall be made to the court without delay and at the latest before noon on the third day from the day of apprehension. Furthermore, according to section 5 in the same Chapter, a request for remand shall be taken up by the court for consideration without delay. A request regarding a person under arrest shall be taken up for consideration within four days of the apprehension.

169. It should be highlighted that the time limits in question are maximum limits. In practice, arrested persons are often released during the first two days of the detention without the need to make a request for remand. If the time limit for bringing the person before a judge were shorter than it is now, it could cause unnecessary requests for remand. This would then cause unnecessary remand decisions and lengthen deprivation of liberty. Because of this, it is necessary for the provisions in question to be somehow flexible in an appropriate manner.

170. Furthermore, new alternatives to remand imprisonment and the holding of remand prisoners in detention have recently been introduced (101/2018, in force since 1 January 2019), in order to reduce the use of remand imprisonment. These include a travel ban enforced with electronic surveillance and house arrest pending investigation.

Q14.

171. According to the Government Programme, legislation will be enacted to reinforce the right of self-determination of users of social welfare and health care services.

172. The new legislation is to contain provisions more comprehensive than at present on the prerequisites for restricting the right of self-determination. The legislation is intended to apply to a variety of types of care and services and to cover various client groups broadly. A draft of the new legislation was circulated for comment in summer 2018, and on the basis of the statements returned it was decided to continue with the drafting.

173. Following the entry into force of CRPD, provisions were added to the Act on Special Care for People with Intellectual Disabilities (519/1977) on the reinforcing of the right of self-determination and on the use of restrictive measures in special services for people with intellectual disabilities. However, the legislation is still lacking provisions on restricting the right of self-determination in services for people with memory disorders and in acute and emergency care situations in somatic care. The aim is to create these provisions in the legislative reform project. The Government notes that restrictive measures have been considered acceptable in certain situations by virtue of necessity.

174. Mental health legislation and practices have been developed. Involuntary psychiatric medical treatment is provided for in the Mental Health Act (1116/1990). The Act provides inter alia for procedures, decision-making and appeals in evaluating whether a person should be committed to involuntary care. The amendment of provisions concerning involuntary treatment in the Mental Health Act entered into force on 1 January 2014 as a result of the judgment issued in 2012 by the European Court of Human Rights in the case of X v. Finland (34806/04). The Mental Health Act was amended to include provisions on the possibility of a consultation with a third-party physician at the patient's request. More specific provisions entered into force at the beginning of 2016 concerning the continuation or discontinuation of involuntary treatment of a forensic psychiatry patient in cases where the six-month limit specified in law has been exceeded for exceptional reasons. The purpose of these legislative projects is to improve the legal protection of patients.

175. In 2016, the Finnish Institute for Health and Welfare (THL) published the discussion paper Reducing coercion and improving safety and security in psychiatric care, the purpose of which is to help hospitals and wards providing involuntary psychiatric care to reduce the use of coercion against patients and to increase occupational and patient safety. Also, THL maintains a network for hospital districts responsible for this care, dedicated to reducing the use of coercion for instance through the dissemination of best practices. The National Supervisory Authority for Welfare and Health (Valvira) has published a brochure titled Information on involuntary psychiatric treatment and patients' rights (most recently updated in 2017).

176. A new National Mental Health Strategy and Suicide Prevention Programme for 2020–2030 was published in February 2020. The starting point is the comprehensive approach of mental health in society and its different sectors and levels. The strategy has five priority areas: mental health as capital, mental health of children and young people, mental health rights, services and mental health management.

177. The Parliamentary Ombudsman, being the National Preventive Mechanism for OPCAT, has in recent years performed several inspections at child welfare institutions housing children taken into care and placed pursuant to the Child Welfare Act (417/2007). The Parliamentary Ombudsman has reported for instance on measures restricting the freedom of movement and other fundamental rights of children. The Parliamentary Ombudsman has noted that appealable decisions have not been issued to children regarding such measures, and children have not been aware of their rights or legal protection measures available to them.

178. The Ombudsman for Children emphasises that although the giving of information on the legal protection of children on a placement will be more stringently provided for by law as of the beginning of 2020, practical oversight must also be arranged to ensure compliance. This applies particularly to social workers managing the affairs of children in local authorities and Regional State Administrative Agencies.

179. The Church Council of the Evangelical Lutheran Church has noted that there have been positive developments in providing church social services, and more generally in ensuring the right to practice a religion, in involuntary institutional care.

180. In Åland, the right of self-determination insofar as it is not within the competence of the legislation of mainland Finland, has been strengthened through an amendment of the Act for Åland (1978:48) on the Application of the Act on Special Care for People with Intellectual Disabilities. Chapter 3 of said Act, 'Strengthening the right of self-determination and use of restrictive measures in special services', was rendered applicable in Åland in its entirety with the Act for Åland (2017/144) Amending the Act for Åland on the Application of the Act on Special Care for People with Intellectual Disabilities.

181. The Government of Åland submitted a bill for an Act for Åland on services for the elderly to the Parliament of Åland in May 2019. The Act includes provisions for actively facilitating and reinforcing the right of self-determination of the elderly, for instance through participation in the planning of care and services.

Q15.

182. Following the amendment of the Remand Imprisonment Act that entered into force on 1 January 2019, the principle is for remand prisoners to be placed in a remand prison after being imprisoned. However, a court may decide to place a remand prisoner in a police custody facility if this is necessary for isolating the remand prisoner, for security reasons or for purposes of investigating an offence. The isolation justification may be relevant for instance in cases where several persons are suspected in an offence subjected to a criminal investigation. It is usually easier to prevent communication between remand prisoners in a police custody facility than in prison. The security reasons justification generally involves safeguarding both the security of the remand prisoner and the security of others. The criminal investigation justification becomes relevant for instance in cases involving a widespread and complicated series of offences with multiple suspects.

183. However, it should be noted that a remand prisoner may not be kept in a police custody facility for more than seven days except in rare and extraordinary circumstances having to do with the security of the remand prisoner or some other weighty reason for isolating the remand prisoner,

the latter generally being the security of the remand prisoner or of another person, or the risk of the criminal investigation being compromised.

	2018	2019
Number of remand prisoners	2,023	1,990
Remanded, days in custody	26,385	18,166
Days in custody on average per remanded	13.043	9.129

184. The number of remand prisoners accommodated in facilities of the Criminal Sanctions Agency has increased since the legislative reform entering into force on 1 January 2019, and correspondingly the number of remand prisoners held in police custody facilities has decreased. From January to August in 2019, there was an average of 626 remand prisoners in prisons; 1,361 remand prisoners were received in prisons, the total being 1,975 remand prisoners. The figures for remand prisoners in January–August in preceding years were: in 2018, average 527, received 1,184, total 1,768; in 2017, average 593, received 1,264, total 1,877; and in 2016, average 573, received 1,204, total 1,785 remand prisoners. The number of remand prisoners held in police custody facilities has decreased: from January to August in 2019, there were on average 41 such remand prisoners, compared with 63 on average in the same period in 2018, 70 in 2017 and 72 in 2016.

185. As to the Committee’s Recommendation No. 12, the number of prisoners in Finland has declined in recent years and, on average, prison overcrowding has decreased. The occupancy rate in prisons is affected not only by the overall number of prisoners but also by the number of prisoner places in use. Vantaa Prison, which is the largest remand prison in Finland, is most overcrowded. An enlargement of Vantaa Prison is being planned.

186. Last cells without appropriate toilet facilities were decommissioned in autumn 2018.

187. Restrictions on communications by remand prisoners placed in prisons have increased. In the period January–August 2019, there were 681 isolated remand prisoners, compared with 525 in the same period in 2018, 315 in 2017 and 312 in 2016. There have been challenges in enforcing restrictions on communications in prisons, particularly since the closure of the women’s wards at Hämeenlinna Prison following indoor air problems and pending the completion of a new women’s prison, as a result of which women prisoners have had to be transferred to other prisons. The situation will improve with the completion of the new Hämeenlinna Women’s Prison in autumn 2020. Following the said amendment, the police have been able to request that a remand prisoner be transferred to a police custody facility for a period of 12 hours. In January–August 2019, 211 such transfers were made, compared with 130 in the same period in 2018, 199 in 2017 and 205 in 2016.

188. An enhanced travel ban was imposed 51 times in January–August 2019. As of 5 September 2019, there were 18 enhanced travel bans in force. The projected level of 10 to 15 enhanced travel bans being in force on any given day has been attained. The Criminal Sanctions Agency is responsible for the technical surveillance of enhanced travel bans, while the police are responsible for their enforcement. There have been as yet no court decisions imposing the new measure of

house arrest pending investigation. This is estimated to be because of the low maximum punishment: a remand prisoner may be placed on house arrest pending investigation if their punishment in the judgment preceding an appeal is less than two years imprisonment.

Q16.

189. Under Chapter 3, section 1, subsection 1 of the Act on the Treatment of Persons in Police Custody (841/2006), a person under the age of 18 subject to loss of liberty shall be kept separate from other persons subject to loss of liberty placed in police custody facilities.

190. This provision is identically given in the guideline issued by the National Police Board of 1 April 2014 on the treatment of persons in police custody.

191. By law, imprisonment is a last resort, and imprisoning underage persons shall in particular be avoided. Prisoners and remand prisoners under the age of 18 shall be placed in a prison where they can be kept separate from adult prisoners, unless it is in their best interest to do otherwise. Not only the prisoner's age but also their gender and status (remand prisoner vs. convicted prisoner) shall be taken into account regarding placement and isolation. Because the number of underage prisoners is low, observing the provision on isolation by placement would lead to solitary confinement for an underage prisoner, and this cannot be regarded as being in the best interests of a child. Therefore, placement of underage prisoners in facilities other than such institutions must be developed.

192. The Ministry of Justice has arranged targeted training for judges and prosecutors for instance concerning remand imprisonment options for keeping underage prisoners out of actual prisons. The Criminal Sanctions Agency is exploring possibilities for placing underage prisoners at facilities other than prisons and for increasing the use of such facilities.

193. It is also recommended, circumstances permitting, that criminal investigation restriction and restorative justice for underage persons and supervised conditional sentences for young offenders be applied.

194. The Criminal Sanctions Agency issued a guideline on young offenders in 2017. According to the statistics by the Criminal Sanctions Agency, annually there are on average less than 10 remand and convicted prisoners between the ages 15 and 17 in Finland. In 2018, the corresponding number was 5.

Q17.

195. According to the Government Programme, the Government will reinforce the legal protection of asylum seekers by enabling the use of a counsel at asylum interviews. In addition, hourly rates for the counsels will be introduced and the general appeal periods applicable in the administrative courts will be taken into use in the asylum procedure. The provision of general legal advice to asylum seekers will be improved, the quality of the asylum procedure and the pursuit of the best interests of the child will be assessed, and the competence and diligence of lawyers assisting asylum seekers will be ensured.

196. Following a legislative reform in 2016, public legal aid shall not include the attendance of legal counsel in an asylum interview unless necessary for particularly weighty reasons. If the

asylum seeker is a person under the age of 18 who is in Finland without a guardian, public legal aid does include the attendance of legal counsel in an asylum interview. Public legal aid does still cover the entire process, from filing an asylum application to processing by the Supreme Administrative Court. Only the attendance of legal counsel at an asylum interview was made discretionary. This amendment brought public legal aid for asylum seekers onto a par with public legal aid for other persons. It has been possible for an asylum seeker not to be provided with the legal counsel needed in an asylum interview if the aforementioned particularly weighty reasons have not been identified.

197. A legislative amendment is being prepared that would remove the requirement for particularly weighty reasons for the attendance of legal counsel at an asylum interview. The aim is for this amendment to enter into force in 2020.

198. On 12 September 2019, a Government proposal was submitted to Parliament on the Personal Data Act in the Field of Immigration Administration, whereby the Finnish Immigration Service would be charged with steering, planning and supervising public legal aid in this respect. A similar amendment is to be made to the Personal Data Act and the Act on the Reception of Persons Applying for International Protection and on the Identification of and Assistance to Victims of Trafficking in Human Beings.

199. The update of the Aliens Act (301/2004) that entered into force on 1 June 2019 is based on the Asylum Procedures Directive (2013/32/EU). The Aliens Act was updated because the previous version of the Aliens Act did not include provisions for all of the criteria for considering a repeat application that were included in the Directive or the possibility to derogate from the applicant's right to remain in the area in connection with a repeat application. The purpose of the amendment was to harmonise the practice in applying the legislation and to reduce the potential for abusing the international protection repeat application procedure. Another aim of the amendment was to enhance the enforcement of removal from the country in the context both of the first repeat application and of the second and subsequent repeat applications. A first repeat application no longer prevents the enforcement of a previously made decision of removal from the country that has acquired legal force, if the purpose of the repeat application is simply to prevent or delay the immediate enforcement of said decision. A second repeat application no longer prevents the enforcement of a previously made decision of removal from the country, irrespective of in which procedure the previous application was resolved.

200. The amendment does not restrict the ability of applicants to submit repeat applications and to present new explanations of their case. A repeat application must always be given a preliminary examination to establish whether it fulfils the criteria for consideration. Under the amendment, taking a repeat application under consideration requires that new circumstances or justifications have emerged or are presented in the repeat application that significantly increase the likelihood that the applicant must be regarded as a person subject to international protection. Another requirement is that it was not possible for the applicant, for reasons not due to the applicant, to present such new justifications when the first application was processed.

201. The purpose of the amendment is to reduce the potential for abusing the repeat application procedure but without compromising the legal protection of applicants or compliance with the principle of non-refoulement. Complying with the principle of non-refoulement requires that a decision may only be enforced in situations where a preliminary examination indicates that there

are no grounds for considering the application. The Aliens Act also specifically stipulates that a decision must not be enforced if returning a foreign national would place them at risk of a violation of the principle of non-refoulement.

202. It is the duty of the authorities to ensure that the legislative amendment concerning repeat applications does not lead to applicants suffering a curbing of their rights because of not being aware of their rights and responsibilities in the procedure. The amendment introduced a need to supplement official guidelines in the matter and to provide training in how to apply the new provisions in practice. The guidelines issued by both the Finnish Immigration Service and the police stress the absolute nature of the principle of non-refoulement. The discretion exercised by the Finnish Immigration Service concerning new explanations presented and whether not presenting them earlier was because of reasons not due to the applicant, and how this affects whether the repeat application should be taken under consideration, is all done on a case-by-case basis. In Finland, the police are responsible for enforcing removal from the country. It is specifically stated in police guidelines that it must always be ensured before enforcing removal from the country that doing so will not violate the principle of non-refoulement. The role of the authority receiving a repeat application in recording the grounds for that application is thereby heightened: the circumstances and justifications given in support of the application must be more thoroughly recorded. This is also considered in the guidelines. The importance of the on-call system available outside office hours that the Finnish Immigration Service has already implemented will be heightened.

203. During spring 2020, the Finnish Immigration Service will update and enhance its practices and instructions for the processing of subsequent applications, in response to the judgment of the European Court of Human Rights of 14 November 2019 against Finland.

204. Under an amendment to the Aliens Act that entered into force on 1 July 2016, the income requirement was extended, basically, to the family members of persons under international protection. Only family members of persons granted asylum or accepted as quota refugees may apply for family reunification within three months without an income requirement if the family ties were established before the asylum seeker entered Finland or the quota refugee was accepted for Finland's refugee quota. The income requirement applies to the family members in any other situation under international protection. However, the income requirement may be waived in individual cases if there are particularly weighty reasons for doing so or if doing so is in the best interests of a child.

205. There are no statistics available on how the decision-making of the Finnish Immigration Service has been affected by the more stringent income requirements. Most of the family members of sponsors granted refugee status have been able to file an application based on family ties within three months of the sponsor being notified of their positive refugee status decision.

206. Statistics show that of the applications filed by family members of persons granted international protection, 1,035 (49%) were rejected and 1,094 accepted in 2014; 406 (25%) were rejected and 985 accepted in 2015; 283 (19%) were rejected and 1,179 accepted in 2016; 619 (23%) were rejected and 2,080 accepted in 2017; 757 (30%) were rejected and 1,755 accepted in 2018 and 619 (23%) were rejected and 2,080 accepted in 2019. The year 2016 seems to have been anomaly, and the number of rejections returned to the level of the preceding years thereafter,

though being substantially lower than in 2014, for instance. In other words, the number of rejected applications did not increase as a result of the 2016 legislative amendment.

207. The Ministry of the Interior is preparing a project to amend the provisions in the Aliens Act so that applying the income requirement to family members of underage sponsors under international protection would be discontinued.

208. The purpose of the income requirement is to satisfy the principal rule of the Aliens Act that a person must have a secured income to be granted a residence permit, so that the residence of a foreign national and their family member(s) in the country will not place an undue burden on the public finances. The level of income required in EUR is thus not a political decision but is derived from an estimate of the level of income required for a family living in Finland not to have to rely on social assistance. The income limits have remained the same since they were last reviewed in 2013. The Administrative Courts have accepted the current level of secured income.

209. The Ombudsman for Children points out asylum seeker children arriving in the country without a guardian are at a particularly high risk of falling victim to human trafficking.

210. NGOs have expressed concern over the potential for family reunification of underage persons under international protection or being granted a residence permit for humanitarian reasons and have stressed that the income requirements can be regarded as especially restrictive to refugees with disabilities due to their poor prospects on the Finnish labour market.

211. Humanitarian protection was removed from the Aliens Act in spring 2016. This was a category exclusive to Finnish legislation. It was added to the Aliens Act with the implementation of the Qualification Directive. It was considered at the time that subsidiary protection could not be granted in a situation where the reason for potentially being subjected to a violation of rights was not directly due to the person himself/herself. Actually, at the moment residence permits on the basis of subsidiary protection are granted in some of the situations that the concept of humanitarian protection was intended by legislators to cover. Even if the criteria for international protection are not fulfilled, a residence permit may nevertheless be granted for individual humanitarian reasons.

212. The repeal of the provisions on humanitarian protection has affected foreign nationals who already have a valid residence permit on grounds of humanitarian protection. With the elimination of this category, it is no longer possible to grant an extended residence permit on the grounds of humanitarian protection. For such persons, continuing residence in Finland depended on them being eligible for a residence permit on other grounds provided for in the Aliens Act. The Finnish Immigration Service directed persons with residence permits granted on humanitarian grounds to consider whether they would be eligible for a residence permit on some other grounds. Every extended permit application is dealt with individually, on the basis of the situation at the time of the decision, and the overall situation of the applicant is taken into account as per the principles given in section 146 of the Aliens Act concerning removal from the country. Applicants must fulfil the requirements for an extended residence permit in some other way, e.g. employment or family ties. In individual cases, persons originally granted a residence permit on grounds of humanitarian protection have been granted continuous residence permits on the basis of ties to Finland or of section 52 of the Aliens Act, if it was ruled after overall consideration that denying a residence permit would be unreasonable.

Q18.

213. According to the Government Programme, a legislative project will be launched to amend the Aliens Act to provide for technical surveillance of persons whose residence permit applications are rejected, as an alternative less restrictive measure and more feasible for society at large than detention or directed residence.

214. Detention of a foreign national is only indicated if other security measures are not sufficient for establishing their eligibility to enter the country or reside in the country, or to prepare a decision concerning their removal from the country, or to safeguard the enforcement of such a decision, or if (considering the personal circumstances of the foreign national and other circumstances) there is just cause to assume that they would hide, flee or otherwise substantially complicate decision-making concerning themselves or enforcement of a decision to remove them from the country.

215. In the National Police Board guideline for the police titled “Enforcement of a decision on refusal of entry and removal from the country”, it is also stated that detention is a last-resort precautionary measure. Detention shall be decided on by the senior investigating officer on a discretionary basis. Basically, asylum seekers are not detained in the course of the asylum process. Detention is indicated when an asylum seeker’s application has been rejected and they have failed to comply with the decision of removal from the country and have demonstrated with their actions that they do not intend to comply with it.

216. Precautionary measures that are alternatives to detention – obligation to report, taking temporary possession of travel documents, location reporting or giving a security – always take precedence over detention.

217. Amendments to the Aliens Act concerning directed residence and directed residence of a child entered into force on 1 February 2017. A foreign national applying for international protection may be directed to reside at a specific reception centre, being obliged to report there from 1 to 4 times a day, if this is necessary for establishing their eligibility to enter the country or reside in the country and if the aforementioned less restrictive precautionary measures have proved insufficient. The key goal with the concept of directed residence is to reduce the number of cases of detention. Directed residence must be regarded as a restriction on the freedom of movement provided for in section 9 of the Constitution of Finland. However, as a precautionary measure it would restrict the rights of a foreign national less than detention, which is tantamount to a loss of liberty. The decision to apply a precautionary measure must always be taken on a case-by-case basis and exercising overall discretion. Directed residence must be terminated immediately when it is no longer necessary to safeguard decision-making or enforcement.

218. Directed residence and the related obligation to report have been used very seldom. For the police, the obligation to report pursuant to section 118 of the Aliens Act is the precautionary measure most frequently used.

219. Directed residence and the related obligation to report are not in practice a real alternative to detention, because these precautionary measures allow the person in question free movement, and they can easily disappear from the process of they so choose. Detention is a last-resort measure in a situation where it is necessary for ensuring the enforcing of a decision of removal from the country when the person subject to the decision is resisting the enforcement or hiding from it.

220. A detention decision is made by a police officer authorised to detain individuals, at their case-by-case discretion. The decision must be processed by a District Court no later than four days afterwards. The District Court decides whether to continue the detention. Detention lasting several months is extremely rare. The police continue to evaluate at their own initiative whether the detention is necessary and reasonable throughout the duration of the detention and will free detainees as soon as there is no further reason to keep them in detention.

221. Detention capacity has improved considerably since the beginning of 2018. During 2019, detainees were not kept in police custody facilities except in exceptional circumstances. Custody facilities managed by the Border Guard are, because of their standard and equipment, only used for short-term accommodation (maximum 12 hours) until the detainee can be transferred to a detention unit, a reception centre or a police custody facility.

222. Since the legislative amendment that entered into force on 1 July 2015, it has not been permissible to place children in police or Border Guard custody facilities. They must always be placed in a detention unit, even when they are in the country with their guardian.

223. Detaining children aged 15 to 17 is extremely rare and is only undertaken after serious case-by-case deliberation by the senior investigating officer. In such a case, the detainee aged 15 to 17 must be the subject of an enforceable decision of removal from the country, and the detention may not last more than 72 hours except for particularly weighty reasons. There were three decisions to detain a person aged 15 to 17 in Finland in 2018 and none in 2019.

224. Under section 122 of the Aliens Act, a child may be placed in detention if all other precautionary measures related to removal from the country have been deemed insufficient and detention, as a last-resort measure, has been deemed necessary. A child under 15 may not be detained if they do not have a guardian. A child may be detained alone. Under the aforementioned provision, a representative of the social welfare authorities shall be consulted before the detention decision is made.

225. Under section 120b of the Aliens Act, directed residence of a child may be imposed as a precautionary measure on a minor aged 15 or above who has applied for international protection, entered the country alone and received an enforceable decision of removal from the country (section 120b). The Act on the Treatment of Aliens Placed in Detention and in Detention Units (116/2002) contains provisions on the treatment of minors.

226. Placing a child without a guardian in detention is an exceptional measure. Children under the age of 15 without a guardian may not be placed in detention at all. However, the option of placing a minor aged 15 or above in detention has been considered justifiable for instance in a situation where the child has been continuously committing offences while in Finland and their removal from the country is being prepared for.

227. The best interests of the child are taken into account in the detention procedure. The special needs of children are catered to in the circumstances of detention. Some of the instructors at detention units are trained in child welfare issues and have prior work experience in child welfare services. Care is always on offer for families with children, in accordance with the age and developmental attainment of the child. The aim is to identify and accommodate the special needs of minors as well as possible during their brief detention.

228. Instead of prohibiting the taking into custody, Finland tried to reduce it in respect of minors by introducing a new alternative. In 2017, the Aliens Act was supplemented with a new precautionary measure, a child's residence obligation, applying to unaccompanied minor asylum seekers who are being removed from Finland. This has estimated to have a positive impact on the status of children and the exercising of the rights of the child. For minors aged 15 or over who have no guardian and who have had their asylum application rejected and are the subject of an enforceable decision of removal from the country may be subjected to directed residence of a child if the criteria for detention of a child are fulfilled. Instead of a detention unit, the child would then be accommodated for the directed residence at a group home, sheltered housing or other accommodation meant for children.

229. The procedures for deciding on detention and how the matter is to be processed in court also apply to directed residence of a child. Directed residence is a less restrictive option than detention, as the child is not accommodated in a locked space but is free to move about in the grounds of the reception centre, for instance. The Act states that the child must be released no later than one week after the imposition of the directed residence. Directed residence of a child may be extended by no more than one week if necessary for safeguarding enforcement of removal from the country.

230. According to the Government Programme, alternatives to detention for minors aged over 15 will be explored.

231. NGOs have noted that detention is never in the best interests of the child and that children should never be placed in detention, with or without their guardian.

232. The provisions on detention are based on current EU legislation. With the amendments to the Aliens Act that entered into force on 1 September 2016, the evaluation of the justification for detention by District Courts was further specified. The provisions in the Aliens Act on the review of the case of a detainee were based on the earlier provisions entered in the Act on Coercive Measures. It was thus considered necessary to update the Aliens Act to make it consistent with current provisions in the Act on Coercive Measures.

233. In the provision on the evaluation of the legality of detention, it is noted that a District Court must review a case of detention at the detainee's request. The matter must be taken up for consideration immediately, no later than four days after receiving the request.

234. The amendment to the Aliens Act that entered into force on 1 July 2015 allowed the use of video conferencing in detention hearings. It may be considered that ensuring the legal protection of the detainee does not always require an absolute right to be physically present at the District Court hearing. Video conferencing is motivated not only by cost and feasibility aspects but also by security. The legal protection of detainees in detention proceedings can be considered to be ensured even though it is not automatically subject to judicial review. Detainees can receive a statement on the legality of their detention to review on request, with support from a lawyer or legal counsel. Detainees are provided with up-to-date information on their situation. In addition to the Finnish Immigration Service and national and international legality oversight bodies, other authorities can, within their powers, perform oversight of detention units. Moreover, the Finnish Red Cross is engaged in a less formal monitoring of detention units by an agreement made in 2019.

235. In 2019, the Finnish Immigration Service began to prepare a monitoring programme for detention operations. This programme includes the means and actions with which the Finnish Immigration Service will monitor detention units and which the detention units will use for self-monitoring. The aim is to complete the setup of the monitoring programme in spring 2020.

236. A system for generating statistics on detainees already exists to a certain extent. The POLSTAT system provides data, in chart format, on the gender, age and nationality of persons detained by decision of the Border Guard. Data on ethnic origin can be obtained from other documents when necessary. The total annual number of detention decisions made by the police was 1,234 in 2017, 1,287 in 2018 and 1,080 in 2019.

237. For a precautionary measure to be used, it must be essential for establishing the eligibility of a foreign national to enter the country or reside in the country, for preparing a decision of their removal from the country, for safeguarding the enforcement of such a decision, or for otherwise monitoring their departure from the country.

238. Detention is a coercive measure undertaken on administrative grounds pursuant to the Aliens Act to restrict the liberty of a foreign national by placing him/her in a closed unit. Detention is the most effective of all precautionary measures but also the most restrictive of the rights of the individual. Accordingly, the criteria for detention are specifically outline in law and will only be considered if the general criteria for using precautionary measures are satisfied.

Q19.

239. Under the Act on the Oversight of Intelligence Gathering (121/2019), the legality of intelligence operations is overseen by the Intelligence Ombudsman. It is the task of the Intelligence Ombudsman to oversee the legality of intelligence-gathering methods used by civilian and military intelligence and the respecting of fundamental and human rights in intelligence operations. Actions that constitute a serious threat to national security are comprehensively defined in the legislation on civilian and military intelligence. The intelligence-gathering powers available to the intelligence authorities are also specified in detail in the relevant legislation. General, comprehensive and untargeted surveillance of telecommunications is prohibited.

240. The Intelligence Ombudsman has considerable powers for overseeing legality, including broad rights of access to information and of inspection, real-time monitoring and the power to order the suspension or discontinuing of a particular intelligence-gathering method if the Intelligence Ombudsman considers intelligence operations to have been unlawful. The Intelligence Ombudsman may also report a matter to the authorities that decide on criminal investigations if he considers that the party under surveillance has committed unlawful acts.

241. The Intelligence Ombudsman may inspect the premises of the authorities and other public administration bodies and has the power to issue a caution to a party under surveillance and to order unlawfully obtained information to be destroyed immediately. The Intelligence Ombudsman submits a report on oversight operations to the Intelligence Oversight Committee of Parliament on an annual basis. The Intelligence Ombudsman may also issue a separate report on any matter that he considers important. The Intelligence Ombudsman is also obligated to submit any significant oversight findings to the Intelligence Oversight Committee for further action. The Intelligence

Ombudsman oversees all operations of the Finnish Security Intelligence Service (not just intelligence operations).

242. Parliamentary scrutiny of intelligence operations and of other operations of the Finnish Security Intelligence Service is exercised by the Intelligence Oversight Committee of Parliament. The Committee has the right of access to information held by the authorities and other public bodies, including the Intelligence Ombudsman, notwithstanding any confidentiality provisions, free of charge insofar as necessary for carrying out their oversight duties. The Committee may consult experts and request reports from the authorities and other public bodies.

243. The Intelligence Ombudsman is overseen by the Supreme Overseers of Legality, the Parliamentary Ombudsman and the Chancellor of Justice. In addition to these Supreme Overseers of Legality, there are external bodies that oversee the legality of the operations of the intelligence authorities from their particular perspectives, such as the Equality Ombudsman, the Non-Discrimination Ombudsman and the Data Protection Ombudsman.

244. Situations that constitute a threat to national security are specified in a list of 11 points in Chapter 5a of the Police Act and in the Act on Telecommunication Intelligence in Civilian Intelligence and in a list of 7 points in the Act on Military Intelligence.

245. A court order must be obtained in advance for any intelligence-gathering operations that constitute a gross breach of privacy. Intelligence operations must also comply with the principle of respect for fundamental and human rights, the principle of proportionality, the principle of least harm and principle of purposefulness (cf. Chapter 1 of the Police Act and sections 5–9 of the Act on Military Intelligence).

246. The Intelligence Ombudsman may lodge a complaint against a permit decision for an intelligence-gathering method by a court with a higher court. Complaints about the unlawfulness of intelligence operations may be lodged with the Intelligence Ombudsman, who may also be requested to inspect the legality of an intelligence-gathering method. The Intelligence Ombudsman has the power to order the suspension or abandonment of an intelligence-gathering method, to issue a caution to an intelligence authority or to file a report of an offence to submit the actions of an intelligence authority to a criminal investigation.

247. There are effective legal remedies available to private individuals by law, including the right to lodge a complaint concerning legality issues in intelligence operations in general with the Intelligence Ombudsman and the right to submit an investigation request to the Intelligence Ombudsman, asking him to investigate the legality of intelligence activities against a specific individual. Such a request may concern a situation where an individual learns of intelligence operations by the authorities against him/her after the intelligence-gathering method is no longer being applied. Ex-post notifications are issued to intelligence targets concerning certain intelligence-gathering methods such as monitoring of telecommunications. However, an individual who merely suspects having been the target of intelligence operations may also request an investigation. Also, the Intelligence Ombudsman has the right, with no statute of limitations, to lodge a complaint on a permit decision by a District Court to a Court of Appeal and to notify the criminal investigation authorities of any breach of the law.

Q20.

248. Finnish legislation allows the choice of non-military service instead of military service. The Non-Military Service Act (1466/2007), which entered into force at the beginning of 2008, reduced the duration of non-military service to 362 days. The duration of non-military service is the same as of military service for conscripts trained for demanding duties. The Non-Military Service Act also acknowledges the right to conscientious objection during times of crisis.

249. Aside from their respective durations, any comparisons of military service and non-military service must also consider the overall burden of each form of service, their differences in principle, and their manner of implementation. Conscripts undergo military service in a closed garrison and must apply for leave of absence to leave the garrison, even during their free time. Non-military service is performed under civilian conditions in accordance with normal working hours (not exceeding 40 hours per week), and the individuals in this service may spend their free time as they choose. Their freedom of movement is not restricted in any way. The Ministry of Economic Affairs and Employment is responsible for the supervision and development of non-military service.

250. The Government is constantly developing non-military service. Equality of persons in non-military service on the one hand and persons in military service on the other is a key element of legislation on non-military service. Organisations representing persons liable for non-military service participate actively in developing non-military service.

251. The duration of military service is 165, 255 or 347 days, depending on the duties trained for. Skills learned in military service are reviewed and updated at refresher courses, in which 18,000 reservists take part each year.

252. The duration of non-military service is 347 days, consisting of a basic training period of 28 days and about 10.5 months of labour service. The latter is to be performed at non-military service locations approved by the Civilian Service Centre; there are about 2,000 of these around Finland. There is no obligation to attend refresher courses.

253. The duration of non-military service was reduced from the former 362 days to 347 days with an amendment to section 4 of the Act on Non-Military Service (717/2012). Its duration is thus currently the same as the longest period of military service.

254. The Act Repealing the Act on the Exemption of Jehovah's Witnesses from Military Service in Certain Cases (330/2019) entered into force on 1 April 2019. Its purpose is to bring the provisions concerning the exemption from military service on grounds of conscience into line with the Constitution of Finland and, specifically, to ensure that all religious and other convictions are treated equally in law in this respect. The Act is thus consistent with the provisions on equality and non-discrimination in section 6 of the Constitution.

255. Jehovah's Witnesses have stated that they do not generally have a religious objection to performing genuine alternative civilian service where it is available and are glad to make a meaningful contribution to the community.

Q21.

256. Slaughter without stunning has been prohibited in Finland since 1996 except for poultry. Under section 33b of the Animal Welfare Act (247/1996), a special method of slaughter where bleeding is started simultaneously with stunning is permitted for religious reasons. However, poultry animals except for ratites may be slaughtered by swift decapitation with an edged weapon. The slaughter method referred to in this section is only permitted at a slaughterhouse in the presence of an inspecting veterinarian.

257. Members of religious communities wishing to conform with the dietary requirements of their religion have had to rely on imported foods in this respect in Finland. The exemption to the stunning requirement described above has in practice not been used in recent years. Some halal slaughtering is practiced, but even there the animal is stunned before bleeding. The kosher slaughter method has not been used during the validity of the current Act.

258. Religious communities and NGOs consider it important that religious minorities can obtain food products that are compatible with their religious dietary restrictions.

Q22.

259. The current provision in the Criminal Code on the breach of the sanctity of religion was enacted in 1998 and has not been changed since then.

260. This provision is not considered to protect God or comparable concepts in other religions but instead the religious convictions and feelings of persons and the sanctity of religion in society at large. Sanctity of religion and the right to practice religion are considered components of social peace, which in turn forms part of public order.

261. Actions punishable as a breach of the sanctity of religion include public blasphemy against God or the public defaming or desecration of what is otherwise held to be sacred by a church or religious community. What constitutes 'sacred' varies from one religious community to another but in every case is determined by current opinion within the religious community itself, not by the understanding of outsiders.

262. Rational criticism of a religious community, even if exacerbated, does not fulfil the essential elements of a breach of the sanctity of religion. Even sarcastic criticism does not cross this line, as long as there is a rational basis to it. For an action to constitute a criminal offence under this provision, a person must have uttered an opinion on something held sacred such that the opinion is likely to demean the object of the opinion in the eyes of another person. It is also required that this action was performed with the specific intent of insulting the other person. Offensive and demeaning utterances are likely to constitute a breach of public order and of the social peace.

263. The other defined form of a breach of the sanctity of religion is making noise, acting threateningly or otherwise disturbing worship, ecclesiastical proceedings or a funeral.

Q23.

264. Under section 9 of the Act on the Sámi Parliament, the authorities shall negotiate with the Sámi Parliament in all far-reaching and important measures, which may directly and in a specific

way affect the status of the Sámi as an indigenous people. This obligation to negotiate covers all matters pertaining to the Sámi language, to Sámi culture or to the status of the Sámi. To fulfil this obligation, the relevant authority must provide the Sámi Parliament with an opportunity to be heard and to engage in discussions on the matter.

265. In 2017, the Ministry of Justice worked with the Sámi Parliament to draft a memorandum of best practices in complying with the negotiation obligation. The purpose of the negotiation procedure is to generate genuine, timely and consensus-seeking dialogue. The purpose of the memorandum was to give practical examples of how the negotiation obligation can be acted upon. Several Acts, for instance on land use, contain more detailed provision on how the rights of the Sámi as an indigenous people are to be taken into account in various processes.

266. The Ministry of Agriculture and Forestry has applied the obligation to negotiate under the Act on the Sámi Parliament by providing the Sámi Parliament with an opportunity of participating in the preparation of matters already at an early stage by, for example, selecting a representative of the Sámi Parliament for preparatory working groups. The working groups have discussed proposals made by the Sámi Parliament and, if necessary, consulted experts on Sámi affairs. The Ministry seeks to achieve consensus with the Sámi Parliament already before the actual negotiations. This was the case when the maximum allowed number of reindeer was confirmed under the Reindeer Husbandry Act (848/1990). Determining the number of reindeer was prepared in a working group whose term expired in December 2019.

267. According to the Government Programme, the system of assistance for reindeer husbandry will be improved, and investment grants for reindeer husbandry will be safeguarded. Reindeer husbandry will be supported as a profitable, sustainable and culturally significant livelihood. Conflicts between reindeer husbandry and other forms of land use will be mitigated. Legislation concerning the evaluation of and compensation for damage caused by reindeer will be revised.

268. According to the Government Programme, the Government respects and promotes the enjoyment of language and cultural rights by all Sámi groups, with reference to international treaties. The Government will examine the possible ratification of the ILO Convention No. 169.

269. Prime Minister Juha Sipilä's Government (2015-2019) decided, in cooperation with the Sámi Parliament, to launch a reconciliation process. A Truth and Reconciliation Commission will be appointed in spring 2020.

270. In 2014, the Government submitted a proposal to Parliament (HE 167/2014 vp) to revise the Act on the Sámi Parliament. The Government withdrew its proposal in March 2015 because the bill had been amended in Parliament to such an extent that it was no longer acceptable to the Sámi Parliament.

271. On 8 November 2017, the Ministry of Justice appointed a committee to prepare an amendment to the Act on the Sámi Parliament. Its term expired on 30 August 2018. The committee consisted of representatives of the Government parties and the Sámi Parliament and experts from the Ministry of Justice and the Sámi Parliament.

272. The committee was charged with preparing the necessary amendments to the Act on the Sámi Parliament. The key proposal by the committee was that instead of the current definition of the Sámi in the Act, it should be more clearly specified that this provision is about the right to vote

in elections for the Sámi Parliament, i.e. the right to be entered in the electoral roll of the Sámi Parliament, and not about the issue of the rights due to the Sámi under the Constitution of Finland as an indigenous people and how those rights should be developed. According to the proposal, the right to vote in elections for the Sámi Parliament would require, as at present, consent to be added to the electoral roll, but the provision would also incorporate objective criteria in addition to this subjective consent. The fundamental requirements by law would be that the persons themselves or at least one of their parents, grandparents or great-grandparents had learned the Sámi language as their first language, or that at least one of their parents is or has been entered in the electoral rolls for elections for the Sámi Delegation or the Sámi Parliament.

273. This proposed provision would represent a step towards consistent Nordic criteria for being entered in the electoral rolls and is largely consistent with the similar provision in the Nordic Sámi Convention provisionally approved in 2017. The new provision was to enter into force after the 2019 Sámi Parliament election. According to the proposal, the negotiation obligation in section 9 of the Act on the Sámi Parliament would be expanded into a cooperation and negotiation obligation.

274. This proposal was never submitted to Parliament, because the Sámi Parliament rejected it on 24 September 2018.

275. The Government continues its work, in close cooperation with the Sámi Parliament, to reform the Act on the Sámi Parliament. A preparatory working group was appointed in January 2020 with the task of assessing the need for amendments.

276. A report on the Arctic railway by a Finnish-Norwegian working group was published in February 2019. It does not present any further measures for promoting the railway project at this time. During the assessment, the Ministry of Transport and Communications and the Sámi Parliament of Finland conducted negotiations in accordance with section 9 of the Act on the Sámi Parliament concerning the work of the working group.

277. The Sámi Parliament has criticised that consultations are often carried out mainly to fulfil the formal duty of the authorities to conduct the consultation. The amendment would have somewhat strengthened the position of the Sámi and the Sámi Parliament.

278. The Sámi Parliament has stated that the definition corresponded in practice to the definition contained in the initialed text of the Nordic Sámi Convention. However, there was no assurance that the definition would have enjoyed the support of the broader Sámi community.

279. The Sámi Parliament emphasizes that it is of paramount importance that the Sámi can genuinely exercise their right to self-determination in their own internal affairs, including the criteria for determining membership in the electoral roll of the Sámi Parliament.