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Working Group on the Universal Periodic Review

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### Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21

#### Finland\*

The present report is a summary of 11 stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Resolution 16/21 of the Human Rights Council, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

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\* The present document was not edited before being sent to United Nations translation services.

## **I. Background and framework**

### **A. Scope of international obligations<sup>2</sup>**

1. Saami Council (SM) and the Advisory Committee on the Council of Europe Framework Convention for the Protection of National Minorities (CoE-AC) recommended that Finland ratify ILO Convention No. 169 on Indigenous and Tribal Peoples in Independent Countries.<sup>3</sup>

2. Joint Submission (JS) 4 recommended the ratification and effective implementation of CRPD with full participation and active involvement of representative NGOs working on the rights of persons with disabilities.<sup>4</sup>

### **B. Institutional and human rights infrastructure and policy measures**

3. Finnish Disability Forum (FDF) welcomed the establishment of a National Human Rights Institution (NHRI), which was expected to become operational in 2012.<sup>5</sup> Amnesty International (AI), while welcoming the establishment of the NHRI, expressed concern that the NHRI might not have sufficient funding to be fully effective.<sup>6</sup> AI recommended that Finland complete the process of establishing a NHRI and ensure that it is adequately funded, independent and fully compliant with the Paris Principles.<sup>7</sup> JS4 stated that the disability specific expertise within the body must be strengthened.<sup>8</sup>

4. JS2 noted that the mandates of the Ombudsman for Minorities and the Discrimination Board included discrimination based on ethnic origin, but not on sexual orientation. The Ombudsman for Equality decided that discrimination on the grounds of gender identity and expression fall within her mandate even if not explicitly covered. JS2 stressed the importance of providing an explicit mandate for one or more Ombudsman institutions to act in cases of discrimination based on sexual orientation or gender identity.<sup>9</sup>

## **II. Cooperation with human rights mechanisms**

### **A. Cooperation with treaty bodies**

N/A

### **B. Cooperation with special procedures**

5. AI recommended that Finland fully co-operate with the United Nations Special Procedures mandate holders on the issue of secret detention in the context of counter-terrorism operations, including by providing them with relevant information on the subject.<sup>10</sup>

### III. Implementation of international human rights obligations

#### A. Equality and non-discrimination

6. JS4 indicated that the legislation concerning equality is spread and somewhat incoherent and that the scope of application and legal remedies is much more comprehensive in case of discrimination based on ethnicity than on other grounds. It stated that the Non-Discrimination Act provided different treatment in terms of different grounds of discrimination – without acceptable justification for this distinction.<sup>11</sup>

7. AI noted that a proposal for new anti-discrimination legislation put forward in 2009 had not been pursued by the Government.<sup>12</sup> AI recommended that Finland ensure that

domestic legislation effectively protects against discrimination in all forms.<sup>13</sup> JS1 made a similar recommendation.<sup>14</sup> JS4 recommended that Finland improve and strengthen the legislative framework on non-discrimination and equality on the grounds of disability.<sup>15</sup>

8. The Ombudsman for Equality (OEF) indicated that discrimination on the basis of pregnancy and family leave continued to be a concern. It referred to the Committee on the Elimination of Discrimination against Women that urged Finland to take measures to prevent the practice of illegal dismissal of women in cases of pregnancy and childbirth. OEF referred to its proposal of 2005 suggesting that the Employment Contracts Act is amended to specifically prohibit employers from not renewing fixed-term employment contracts or limiting their duration on the basis of pregnancy or family leave.<sup>16</sup>

9. In 2010, CoE-AC noted with concern the reports about the recent increase in racism and xenophobia in the society, directed in particular against Roma, Sami, Russian speakers and immigrant communities.<sup>17</sup> JS1 was concerned that racist and xenophobic attitudes had been growing and becoming harsher and more acceptable, especially on the Internet.<sup>18</sup>

10. CoE-AC stated that the increase in racism and discriminatory language against persons belonging to minority groups was particularly acute on the Internet. It called on the Government to combat the increase of racist or xenophobic language and incitement to racial hatred on the Internet.<sup>19</sup>

11. JS1, as a follow up of the recommendation regarding elimination of discrimination put forward during the UPR, noted that the greatest direct discrimination was experienced by children from various linguistic and ethnic minorities or children with disabilities. Discrimination against the Roma is often indirect and continuous. It recommended that Finland strengthen its efforts to fight against all forms of discrimination, including discrimination against children with disabilities, immigrant and refugee children, and children from ethnic minorities.<sup>20</sup>

12. CoE-AC noted that cases of alleged discrimination against Roma, particularly regarding access to housing, continued to be reported and that a majority of Roma still faced obstacles in finding formal employment.<sup>21</sup>

13. JS4 noted the lack of access to effective legal safeguards to persons with disabilities facing discrimination on the ground of their disabilities. There were no effective monitoring, sanctions or remedies available to those victims in areas other than employment and education.<sup>22</sup>

14. Mannerheim League for Child Welfare (MLCW) noted inequality in provision of services to different sections of the population and among different municipalities.<sup>23</sup>

15. While referring to the recommendations put forward to and approved by Finland in the UPR review regarding equal protection of persons based on sexual orientation and

gender identity, JS2 stated that Finland failed to a high extent to adopt comprehensive strategies on protecting the human rights of lesbian, gay, bisexual, transgender and intersex people (LGBTI), contrary to those recommendations and that specific actions taken to this end had been limited.<sup>24</sup> AI stated that transgender and intersex people faced discrimination by the authorities and by members of the public. Legislation lacked explicit reference to gender identity and expression as ground for discrimination.<sup>25</sup> OEF considered the fact that the Equality Act contained no specific mention on its application on gender minorities as a significant shortcoming in anti-discrimination legal protection.<sup>26</sup> OEF stated that persons belonging to gender minorities faced diverse problems in the attainment of equality and mentioned receiving cases of alleged discrimination including in the area of labour market, education, the provision of services, and in the gender reassignment process.<sup>27</sup> JS2 noted that LGBTI people experience discrimination in services, including social and health care services and at work.<sup>28</sup>

16. OEF indicated that transgender persons had been denied the right to physical integrity and to private and family life, as the relevant Act prescribed that the gender can be legally recognised only if the person concerned is infertile.<sup>29</sup> AI noted that legal requirements for gender reassignment to be recognized in official documentation still required that individuals be sterilized.<sup>30</sup> JS2 considered such requirement as a form of forced sterilisation.<sup>31</sup> AI recommended that Finland ensure that transgender and intersex people are effectively protected from discrimination, and amend legislation to remove the sterility requirement.<sup>32</sup>

17. JS2 referred to studies indicating cases of bullying in schools because of sexual orientation and gender identity of students.<sup>33</sup> JS2 indicated that the Criminal Code was recently amended to incorporate bias against sexual orientation as ground for increasing the punishment for common crimes. Similarly, incitement of hatred, defamation or insulting sexual minorities was specifically criminalized. Gender identity was, however, not included in these reforms. JS2 indicated that there was no systematic follow up on how hate crime cases related to sexual orientation, gender identity or gender expression were dealt with by the prosecutors or decided by courts. Moreover, there were no guidelines or instructions on how police, prosecutors or courts should handle hate crimes or other criminal offences against sexual orientation.<sup>34</sup>

## **B. Right to life, liberty and security of the person**

18. AI welcomed that a law criminalizing torture came into force in 2009. However, it was concerned that legislation still provided for statutes of limitations for the crime of torture.<sup>35</sup>

19. AI noted significant problems in relation to the administrative detention of irregular migrants and asylum-seekers, including those whose claims had been dismissed. Despite Finland's expressed commitments to end the detention of unaccompanied minors and to develop alternatives to administrative detention, AI was concerned that insufficient consideration continues to be given to the necessity and proportionality of each decision to institute and/or continue someone's detention. The only immigration detention facility has been frequently overcrowded. As a consequence, at any one time approximately 50 per cent of those detained for immigration purposes were held in police detention facilities where their contact with the outside world was restricted and men, women and children were held together. Asylum-seekers being detained included pregnant women, persons with serious medical conditions, persons suffering from mental illness or trauma related to torture or ill-treatment and women who have suffered serious violence. AI recommended that Finland reduce the resort to detention of asylum-seekers and migrants solely for immigration

purposes and end the detention of all children solely for immigration purposes and the use of police facilities for immigration detention purposes.<sup>36</sup>

20. The European Committee for the Prevention of Torture and Inhuman or Degrading treatment or Punishment (CoE-CPT) referred to information pointing to overcrowding in a number of closed prison establishments and expected that Finland will pursue its efforts to combat prison overcrowding.<sup>37</sup>

21. The CoE-CPT was concerned that little or no action has been taken regarding the detention of remand prisoners in police establishments, the legal safeguards against ill-treatment of persons in police custody, the elimination of the practice of “slopping out” in prison establishments, and the legal framework of involuntary psychiatric hospitalisation and treatment. CoE-CPT urged Finland to step up efforts to improve the situation in the light of its recommendations.<sup>38</sup>

22. AI noted some positive steps with respect to the recommendations put forward to Finland regarding violence against women. A National Action Plan to reduce violence

against women came into force in 2010. However, AI was concerned that the institutional infrastructure was not in place as the Government has yet to set up a high-level unit to coordinate measures to prevent violence against women, with sufficient personnel and funding. AI recommended that Finland allocate sufficient funds to ensure the effective implementation of the Action Plan.<sup>39</sup> In respect to the recommendations regarding domestic violence against women and children, JS1 stated that the current criminal code and sanctions prescribed insufficient means for preventing violence against the children within a family.<sup>40</sup>

23. Men’s Equality in Finland (MTAR) stated that when men complain of the domestic violence they have suffered from, the authorities did not take their claims seriously. It stated that violence against men should be taken seriously and seen as a human rights issue.<sup>41</sup>

24. AI stated that legislation pertaining to sexual offences was inadequate. For example, rape continued to be categorized according to the degree of violence used or threatened by the perpetrator rather than the sexual violation. Some acts of sexual violence were not automatically investigated by the authorities, but only if so requested by the victim.<sup>42</sup>

25. JS1, while referring to the existence of traditional honour violence in some national minority cultures and immigrant communities, stated that the police and social workers should be trained to recognize honour violence against girls and women and help the victims.<sup>43</sup>

26. JS1 stated that according to a survey, the most common reasons behind child protection measures are substance abuse of parents or children. The professionals in social welfare and health care services and at schools should be trained on how to identify and intervene in domestic violence and substance abuse in families with children.<sup>44</sup>

27. JS3 expressed concern about occurrences of sexual violence, maltreatment, and abuse experienced by juveniles that live in juvenile institutions.<sup>45</sup> JS3 indicated that while children were protected from sexual exploitation and abuse by legislation, implementation of legislation in foster care institutions was difficult because of the lack of resources. The monitoring of private and municipal foster care institutions had been limited. The professionals working in those institutions did not have enough information about sexual abuse or how to intervene in those situations.<sup>46</sup>

28. MTAR stated that circumcision of underage people for non-medical reasons should be strictly banned. The authorities strictly condemn the circumcision of baby girls, but they allow the medically unnecessary circumcisions of baby boys.<sup>47</sup>

29. AI stated that women who were victims of trafficking were not recognised as such and were not provided with adequate protection and assistance. Those women were instead treated as witnesses in cases concerning prostitution and thus, they were not advised of their right to legal assistance and were often deported. AI recommended that Finland ensure that women who are victims of trafficking are recognized as such and provided with protection and assistance.<sup>48</sup>

### **C. Administration of justice and the rule of law**

30. AI indicated that conciliation and mediation was widely used to deal with crimes of domestic violence and violence against women. The outcome of mediation was unpredictable: some prosecutors dropped charges when the case was referred to mediation; others took the outcome of mediation into account when determining the penalty in a case; while others did not allow mediation to affect the legal process in any way. AI recommended that Finland ensure that mediation is not used in cases of violence in intimate partnership or domestic violence.<sup>49</sup>

31. CoE-AC noted that, while cases of discrimination continued to be reported, actual complaints alleging discrimination are rarely brought to court.<sup>50</sup> Convictions of racist crimes remained rare. CoE-AC urged Finland to step up their efforts to combat racism and xenophobia, in particular through more stringent monitoring of actions of prosecutors and police to ensure that racially-motivated crimes were promptly detected, investigated and sanctioned.<sup>51</sup>

32. AI reported that less than 10 per cent of all rapes were estimated to be reported and of those reported less than 20 per cent resulted in a conviction. AI recommended that Finland: facilitate access to justice for victims of rape to ensure that cases of rape are reported and prosecuted in court and establish an independent monitoring mechanism to analyse all rape investigations that are closed before coming to trial.<sup>52</sup>

### **D. Right to privacy, marriage and family life**

33. JS2 stated that the privacy of transgender people was violated. There had been problems in acquiring new certificates from schools or employers after confirmation of the new gender marker. According to the population information act amended in 2010, gender reassignment was marked in the population register, causing worries that it might be possible to create a list of transgender persons and their personal data through the population register.<sup>53</sup>

34. JS3 noted that a large number of children were annually placed in substitute care in foster families or foster care institutions away from their families. Improvements in preventive care are necessary to limit the need of placement.<sup>54</sup> JS3 recommended, inter alia, that more resources are allocated to child protection to support families as early as possible to avoid having to put children and juveniles into institutional care.<sup>55</sup>

35. JS2 stated that the legal right to parental leave was not fully fulfilled for families of LGBTI people. The spouses of biological mothers or fathers were entitled to paternity leave only if second-parent adoption had been approved, which might take more than half a year since the birth of the child.<sup>56</sup>

36. JS2 stated that same sex couples living in a registered partnership were not allowed to adopt children together. Trans women can become legal parents of their biological children born after the legal gender reassignment only if living in a registered partnership with the mother of the child and even then only through internal adoption i.e. adopting

one's biological child.<sup>57</sup> MTAR stated that as surrogacy has been banned, gay couples did not have any chance of getting children of their own, which put them on an unequal position with other couples as the legislation allowed artificial insemination to be used for both heterosexual and lesbian couples.<sup>58</sup>

### **E. Freedom of religion or belief**

37. Conscience and Peace Tax International (CPTI) raised concern over the excessive length of the alternative service required of conscientious objectors and the imprisonment of conscientious objectors who refuse the alternative service available.<sup>59</sup> AI noted that the length of the civilian alternative to military service remained punitive and discriminatory. Conscientious objectors were obliged to perform civilian service, 182 days longer than the shortest and most common period of military service. As of September 2011, AI considered seven imprisoned conscientious objectors to military service to be prisoners of conscience.<sup>60</sup> CPTI indicated that no amendment to the Non-Military Service Act was reported since the first UPR cycle, and the situation, therefore, remained unchanged.<sup>61</sup> AI recommended an immediate and unconditional release of all prisoners of conscience and reducing the length of alternative civilian service.<sup>62</sup>

### **F. Right to work and to just and favourable conditions of work**

38. MLCW stated that the unemployment figures of the young have grown in recent years. In order to prevent social exclusion, the young unemployed should be offered diversified forms of support and training opportunities.<sup>63</sup>

### **G. Right to social security and to an adequate standard of living**

39. MLCW stated that child poverty has grown.<sup>64</sup> JS1 referred to a 2011 study indicating that the poverty of families with children tripled between 1990 and 2009.<sup>65</sup> JS1 stated that social exclusion of children and young people was increasing and that poverty was not the only explanatory factor. The cycle of social exclusion was linked also to decreased time spend with the family that may result in disturbed behaviour among children and young people. The current resources for school health care are not sufficient to tackle the ill-being of children and young people.<sup>66</sup> MLCW stated that reducing child poverty and social exclusion should be a key concern for policy making.<sup>67</sup>

### **H. Right to health**

40. MLCW stated that children should be protected against the negative effects of the widespread alcohol use and misuse, and that Finland needs to strengthen the regulation and undertake actions for reducing alcohol consumption and change harmful drinking habits.<sup>68</sup>

41. JS2 stated that the National Institute for Health and Welfare had maintained transsexualism as a mental disorder.<sup>69</sup>

42. JS2 reported that intersex children have been exposed to non-medically based surgery, which might cause in later serious mental or physical complications.<sup>70</sup>

43. JS2 noted that considerable local variation was found in the level and quality of treatment and support for transgender people, especially gender variant children and transgender teenagers. The services should be equally efficient and of high quality

throughout the country, but no state authority had taken adequate responsibility for ensuring this.<sup>71</sup>

## **I. Right to education**

44. MLCW stated that legislation did not provide for compulsory basic education for asylum seeking or refugee children that were not constantly living in the municipality. The law should be amended to provide equal rights and access to basic education for every child living in Finland. Specific attention should be made to make sure those children representing different ethnic backgrounds or with special needs are treated with equality.<sup>72</sup>

45. JS1, while noting the incorporation of human rights in the values of basic education and in the content of teaching of the history and philosophy, stated that teachers received no systematic training in human rights issues and lacked adequate skills to teach them. It urged Finland to introduce human rights education, including on the right of the child as a mandatory part of teachers training and other professionals working with and for children.<sup>73</sup>

46. JS1 stated that in practice the Education and Culture Act securing prerequisites for organizing education in the Sami language was not fully implemented in the whole country. While Sami homeland covered four municipalities in the Northern Finland, over 60 percent of the Sami people live already outside the homeland which brought the need for new requirements for the provision of education, service and communication in the Sami languages.<sup>74</sup> While welcoming the available funds for additional Sami language teaching, including out of the Sami Homeland, CoE-AC encouraged Finland to engage in a

dialogue with the Sami Parliament to consider available options for a comprehensive promotion of Sami language teaching throughout Finland.<sup>75</sup>

47. JS1 stated that Roma children were often moved to the special education classes and their rate of non-attendance was high and they also dropped out of school more frequently than the average.<sup>76</sup>

## **J. Cultural rights**

48. While noting a number of Finland's initiatives to support the Sami culture, CoE-AC encouraged Finland to continue to seek further resources to support the Sami culture, focusing in particular on appropriate funding to be provided for the revitalization of all three Sami languages.<sup>77</sup>

## **K. Persons with disabilities**

49. JS4 noted the Government Disability Policy Programme and active participation of disability NGOs in its development.<sup>78</sup>

50. JS4, while referring to a number of incidents of manslaughter and maltreatment including cases of deaths in the institutions in which persons with disabilities reside, stated that bodies that execute the judicial monitoring of those institutions did not have resources or the relevant expertise and that there was no special body to monitor those institutions. Furthermore, the monitoring of the use of measures against the will of the individuals such as isolation or constraints for disciplinary purposes in residential institutions remained weak. The legislation on the use of such coercive measures was old and instead of restricting or minimising the use of such measures it authorised their use.<sup>79</sup>



51. JS4 indicated that while the Municipality of Residence Act was amended to give equal rights to persons with disabilities to change their place of residence, in practice persons with disabilities were obliged to live where the local government provided the necessary services. JS4 reported that the supply of apartments that were accessible to persons with disabilities were limited despite the existence of legislation stipulating the renovation of old buildings to be accessible to them.<sup>80</sup>

52. JS1 stated that special attention should be paid to needs of children and young people with intellectual disabilities. Also, children and young people who used sign language in their daily communication often felt excluded not only in school but also within the family if the parents did not have skills to use sign language.<sup>81</sup>

## **L. Minorities and indigenous peoples**

53. SC recommended that Finland formulate, in cooperation with the Sami, a national action plan for the implementation of the UN Declaration on the Rights of Indigenous Peoples.<sup>82</sup>

54. JS1 noted that despite legal guarantees to the right to use the Sami language when dealing with the authorities, the Sami language services remained marginal and no mental health services, therapy or psychiatric care in the language was provided.<sup>83</sup> AC encouraged Finland to redouble its efforts to increase Sami language capacity among public service providers in the Sami Homeland through targeted recruitment processes and increased language training.<sup>84</sup>

55. SM, while referring to the UN treaty bodies that criticized Finland for not solving the Sami land rights issue, stated that Finland's acknowledgement of Sami's legitimate claims to have their land rights recognised has not transformed to a concrete action. SM

stated that in Finland reindeer husbandry is open to any citizen of the European Union. SM highlighted that the failure to recognise by law Sami reindeer herders' right to land, resource extraction and development projects continued to consume the reindeer pasture areas. It indicated that loss of land inevitably would lead to the destruction of the Sami culture, and eventually to assimilation.<sup>85</sup> CoE-AC stated that no progress has been made towards a solution to the dispute regarding land rights of the Sami people. It recommended measures to re-establish a constructive dialogue with the Sami Parliament to bring a solution to the legal uncertainty over land rights in the Sami Homeland.<sup>86</sup> SM recommended that Finland: enact legislation recognizing the Sami people's right to land and natural resources; introduce legislation that requires the extractive industry to obtain the free, prior and informed consent of concerned Sami reindeer herding communities before pursuing industrial activities in their areas, and provide Sami reindeer herding communities with legal aid in cases pertaining to rights to lands and natural resources.<sup>87</sup>

56. SM stated that, while the Constitution recognized the Sami's right to cultural autonomy within its homeland as indigenous people and the Sami parliament was established, in most areas, including in matters concerning lands and natural resources, decisions were still taken by the authorities and not by the Sami parliament or any other Sami authority.<sup>88</sup>

57. SC referred to the ruling of 26 September 2011 of the Finnish Supreme Administrative Court, which overturned the Sami parliament's decision not to add four applicants to the electoral register by setting aside the language criterion and relying exclusively on the self-identification criterion for determining who constitutes a Sami. The only additional objective criterion the applicants needed to fulfil was to be able to point to one ancestor being registered as "Lapp" in registers dating back to the 1700s. SC highlighted an imminent risk of mass-enrolment of Finnish persons into the electoral

register of the Sami parliament which would result in the Sami losing control over its own parliament.<sup>89</sup> CoE-AC recommended continuing an open dialogue with the Sami Parliament on all questions related to the definition of the term Sami and the requirements for belonging to the Sami people.<sup>90</sup>

58. CoE-AC encouraged the Government to increase their efforts to enable and promote minority language media. It called on Finland to review the current support system allowing only for subsidies to weekly publications of up to 40 per cent of the costs, which appeared inadequate to ensure the presence of minority language media in the public broadcasting system and which are particularly damaging to numerically smaller minorities. It further calls on the authorities to provide broader support to the Sami language media, including the two smaller Sami languages, and to ensure that subsidies for the Sami language print media are effectively used for the benefit and development of the minority languages.<sup>91</sup>

59. JS1 stated that Swedish speaking children's rights to their own language was not always realized during urgent care proceedings and open care or psychiatric care serviced for children and young people were not always available for Swedish speaking children and their families.<sup>92</sup>

60. JS1 stated that despite the legal protection for the right to maintain and develop Roma language and culture, the situation of Roma language remained challenging and called for active measures of the Government to address it.<sup>93</sup>

61. CoE-AC, while noting the involvement of Roma communities in the drafting of the National Policy on Roma, stated that no allocation of funding had yet been made for the implementation of the proposal.<sup>94</sup>

## **M. Migrants, refugees and asylum-seekers**

62. AI referred to concerns about the accelerated asylum-determination procedures. It noted that because of their expedited nature, accelerated procedures did not allow time for a thorough consideration of each asylum claim and therefore they increased the risk of asylum-seekers being forcibly returned in violation of the principle of non-refoulement. Furthermore, asylum applicants whose claims were considered in the accelerated procedures could be removed from Finland while their appeal against the dismissal of their claim was pending. AI recommended that Finland reform asylum-determination procedures to ensure that no asylum-seeker can be expelled from the country until a final determination is made of their application for asylum, including of any appeals against initial refusals.<sup>95</sup>

63. In respect to recommendations put forward during the UPR to review the procedures regarding requests for asylum, JS1 stated that the Government has started the review and aimed to finish it by the end of February 2012. In the context of this review, it has been proposed that people who have been granted international protection in Finland should be asked to prove that they have sufficient income to support their family members. The new rule would block family reunification for most of the refugees.<sup>96</sup>

64. JS1 highlighted that an amendment of the Aliens Act that came into force in 2010, weakened the child's right to family. According to the Act, issuing a residence permit to a family member of a minor applicant required the applicant to be a minor on the date of the decision of the authorities, not the date of the application. Also, as of January 2012, it would be no longer possible to leave an application for family reunification in Finland as it should be done in the family member's country of origin. In practice this change would mean that family members have to arrange several times their – often expensive and even dangerous travel – to the Finnish Embassy, often situated in another country. If they finally get a residence permit their travel costs would no longer be paid by the Government owing

to new Act on Integration of 2011. Additionally, various documents were required and the processing times of the applications for family reunification were very long.<sup>97</sup>

65. JS2 stated that, while sexual orientation and gender identity were recognised as grounds for granting residence permits on the basis of subsidiary or humanitarian reasons, in some instances the authorities decided to forcibly return to countries where LGBTI people were discriminated and persecuted and where homosexuality was illegal.<sup>98</sup>

## N. Human rights and counter-terrorism

66. In October 2011, AI published new evidence that a significant number of aircraft connected to the US rendition and secret detention programmes had landed in Finland between 2001 and 2006. AI recommended that Finland conduct an independent, impartial, thorough, and effective investigation into Finland's alleged complicity in the US-led rendition and secret detention programmes, ensure that those responsible are held accountable for any human rights violations that may have occurred; and provide effective redress for any victims who may have suffered human rights violations as a result of Finland's involvement.<sup>99</sup>

67. AI indicated that the Finnish Security Intelligence Service operated without any parliamentary oversight and that the new data on rendition flights signalled the need for Finland to bring all its intelligence activities under independent parliamentary oversight.<sup>100</sup>

## O. Right to development

68. JS1 stated that the 2012 state budget included 0,56 percent of GNI for development cooperation funds and that according to the Government Program those funds would be frozen to the level of 2012. It concluded that this might mean that the goal to allocate 0,7 percent of GNI by 2015 would not be reached.<sup>101</sup>

### Notes

<sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org).

#### *Civil society*

AI	Amnesty International (NGOs in Consultative Status with ECOSOC) (London, United Kingdom);
CPTI	Conscience and Peace Tax International, (NGOs in Consultative Status with ECOSOC), (Geneva, Switzerland);
JS1	Joint Submission 1 – by the Central Union for Child Welfare (Helsinki, Finland);
JS2	Joint Submission 2 – by: Seta ry – LGBTI Rights in Finland (Helsinki, Finland), Trasek ry (Helsinki, Finland), Sateenkaariperhee ry (Helsinki, Finland) and ILGA-Europe Aisbl (Brussels, Belgium);
JS3	Joint Submission 3 - Väestöliitto (Family Federation of Finland) (Helsinki, Finland) with the assistance of the Sexual Rights Initiative.
JS4	Finnish Disability Forum (Helsinki, Finland); with in collaboration with VIKE – The Center for Human Rights of Persons with Disabilities, (Helsinki, Finland);
MLCW	Mannerheim League for Child Welfare (Helsinki, Finland);
MTAR	Miesten tasa-arvo ry - Men's Equality in Finland – (Helsinki, Finland);
SM	The Saami Council (NGOs in Consultative Status with ECOSOC), (Utsjoki, Finland);

#### *National human rights institution*

OEF	Ombudsman for Equality in Finland (Helsinki, Finland);
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#### *Regional intergovernmental organization*

CoE	Council of Europe (Strasbourg, France):
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- CoE-CPT Report to the Finnish Government on the visit to Finland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading treatment or Punishment (CPT) from 20 to 30 April 2008;
- CoE-ESC European Committee of Social Rights, European Social Charter, Conclusions 2010, (FINLAND) Articles 2, 4, 5, 6, 21, 22, 26, 28 and 29 of the Revised Charter;
- CoE-AC Advisory Committee on the Framework Convention for the Protection of National Minorities, adopted 14 October 2010.

<sup>2</sup> The following abbreviations have been used for this document:

CRPD Convention on the Rights of Persons with Disabilities

<sup>3</sup> SM, para. 4.1, CoE-AC, para 57.

<sup>4</sup> JS4, p. 9.

<sup>5</sup> FDF, page 4.

<sup>6</sup> AI, p. 2.

<sup>7</sup> AI, p. 5.

<sup>8</sup> JS4, p. 4.

<sup>9</sup> JS2, para. 22.

<sup>10</sup> AI, p. 6.

<sup>11</sup> JS4, p. 3, see also JS1, para. 7.

<sup>12</sup> AI, p. 1.

<sup>13</sup> AI, p. 5.

<sup>14</sup> JS1, para. 9.

<sup>15</sup> JS4, p. 9.

<sup>16</sup> OEF, paras. 10, 11 and 15.

<sup>17</sup> CoE-AC, para. 76.

<sup>18</sup> JS1, para. 5.

<sup>19</sup> AC, paras. 89 and 91.

<sup>20</sup> JS1, pp. 3, 4 and 5.

<sup>21</sup> CoE-AC, para. 42.

<sup>22</sup> JS4, pp. 3-4.

<sup>23</sup> MLCW, p. 2.

<sup>24</sup> JS2, paras. 4-5.

<sup>25</sup> AI, p. 3, see also JS2, para. 4.

<sup>26</sup> OEF, para. 6.

<sup>27</sup> OEF, para. 3.

<sup>28</sup> JS2, paras. 24 and 25.

<sup>29</sup> OEF, para. 4.

<sup>30</sup> AI, p. 3.

<sup>31</sup> JS2, paras. 8.

<sup>32</sup> AI, p. 6.

<sup>33</sup> JS2, para. 26.

<sup>34</sup> JS2, paras. 16 and 19.

<sup>35</sup> AI, p. 1.

<sup>36</sup> AI, pp. 2 and 5.

<sup>37</sup> CoE-CPT, para. 60.

<sup>38</sup> CoE-CPT, p. 9.

<sup>39</sup> AI, pp. 1 and 5.

<sup>40</sup> JS1, para. 26.

<sup>41</sup> MTAR, p. 3.

<sup>42</sup> AI, p. 3.

<sup>43</sup> JS1, paras. 30 and 32.

<sup>44</sup> JS1, paras. 33 and 34.

<sup>45</sup> S1, para.8..

<sup>46</sup> S3, paras. 16, 20 and 23.

<sup>47</sup> MTAR, p. 2.

<sup>48</sup> AI, pp. 2 and 5.

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- <sup>49</sup> AI, pp. 3 and 5.  
<sup>50</sup> CoE-AC, para. 36.  
<sup>51</sup> CoE-AC, paras. 77 and 79.  
<sup>52</sup> AI, pp. 3 and 5.  
<sup>53</sup> JS2, para. 10.  
<sup>54</sup> JS3, para. 1.  
<sup>55</sup> JS3, para. 24 (b).  
<sup>56</sup> JS2, para. 27.  
<sup>57</sup> JS2, paras. 28-30.  
<sup>58</sup> MTAR, p. 3.  
<sup>59</sup> CPTI, para. 2. See also MTAR, p. 1.  
<sup>60</sup> AI, p. 4.  
<sup>61</sup> CPTI, para 9. See also MTAR, p. 1.  
<sup>62</sup> AI, p. 6.  
<sup>63</sup> MLCW, p. 3.  
<sup>64</sup> MLCW, p. 3.  
<sup>65</sup> JS1, paras. 50 and 51.  
<sup>66</sup> JS1, para. 52.  
<sup>67</sup> MLCW, p. 3.  
<sup>68</sup> MLCW, pp. 3 and 4.  
<sup>69</sup> JS2, para. 7.  
<sup>70</sup> JS2, para. 14.  
<sup>71</sup> JS2, para. 13.  
<sup>72</sup> MLCW, p. 3.  
<sup>73</sup> JS1, paras. 24-25.  
<sup>74</sup> JS1, paras. 11-12, pp. 4-5.  
<sup>75</sup> CoE-AC, para. 145.  
<sup>76</sup> JS1, para. 16, see also AC, para. 129.  
<sup>77</sup> CoE-AC, paras. 59, 60, 61 and 65.  
<sup>78</sup> JS4, p. 7.  
<sup>79</sup> JS4, pp. 4 and 5.  
<sup>80</sup> JS4, pp. 5-6.  
<sup>81</sup> JS1, para. 23.  
<sup>82</sup> SM, para. 4.2.  
<sup>83</sup> JS1, paras. 11-12, pp. 4-5..  
<sup>84</sup> CoE-AC, para. 121.  
<sup>85</sup> SC paras. 2.5-2.8, 4.3 and 4.6-4.7.  
<sup>86</sup> CoE AC, pp. 1-2.  
<sup>87</sup> SC, paras. 2.4 and 4.4-4.5.  
<sup>88</sup> SC, paras. 2.9 and 2.10.  
<sup>89</sup> SM para. 2.11.  
<sup>90</sup> AC, para. 49.  
<sup>91</sup> CoE-AC, paras. 106 and 107.  
<sup>92</sup> JS1, para. 21.  
<sup>93</sup> JS1, paras. 17-20.  
<sup>94</sup> CoE-AC, paras. 40-41.  
<sup>95</sup> AI, pp. 1-6.  
<sup>96</sup> JS1, paras. 36 and 38.  
<sup>97</sup> JS1, paras. 39-41.  
<sup>98</sup> JS2, para. 31.  
<sup>99</sup> AI, pp. 4 - 6.  
<sup>100</sup> AI, p. 4.  
<sup>101</sup> JS1, para. 55.
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