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**Human Rights Committee**

**Information received from Finland on follow-up to  
the concluding observations on its seventh periodic  
report\***

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\* The present document is being issued without formal editing.



1. The Human Rights Committee has requested Finland to provide, by 26 March 2023, information on the implementation of the recommendations in paragraphs 15, 19 and 43 of the concluding observations (CCPR/C/FIN/CO/7).
2. The Government of Finland hereby submits its follow-up information.

## **Hate speech and hate crimes**

### **Information on the implementation of the recommendations of paragraph 15 (a) of the concluding observations**

3. An illegal threat directed at a person due to their work duties or fiduciary position became subject to public prosecution at the beginning of October 2021. This statutory amendment (698/2021) sought stronger intervention in cases of systematic harassment, threats and shaming that jeopardises freedom of speech, official activities, research and dissemination of information.
4. Parliament approved a statutory amendment (HE 7/2021) in November 2022 whereby motivation by gender in committing a criminal offence was added to the grounds for increasing the punishment. The new grounds for increasing the punishment apply to the commission of all criminal offences with the said motive. The criminal liability of a legal person was also enlarged to include certain offences after they have been committed for a motive based on gender (public incitement to certain criminal offences, aggravated defamation and illegal threat).
5. The question of whether shaming should be made punishable as a separate criminal offence is currently under consideration. This concerns systematic harassment in the form of collective action over an electronic information network based on the working duties or social functions of a targeted individual (such as journalists, political policymakers, and practitioners of science and art).
6. The Government Action Plan for Combating Racism and Promoting Good Relations between Population Groups (<https://julkaisut.valtioneuvosto.fi/handle/10024/163737>) considers curbing hate speech and hate crime, anti-Semitism and Islamophobia.
7. The EU-funded “Capable” project (2021–2022) sought to develop comprehensive and strategic work to combat hate-motivated acts and discrimination by conceptualising and piloting a national centre of expertise against hate-motivated acts and discrimination. The piloting work is currently continuing at the Ministry of Justice.
8. A follow-up survey on the impacts of hate speech and harassment on minority groups was published in summer 2022 (<https://julkaisut.valtioneuvosto.fi/handle/10024/164248>).
9. Some reports have also been published to support systematic monitoring of the phenomenon, including a report on the use of artificial intelligence in monitoring hate speech (<https://julkaisut.valtioneuvosto.fi/handle/10024/163022>) and a report on the processing of hate crimes in the criminal justice system (<https://julkaisut.valtioneuvosto.fi/handle/10024/163254>).

### **Information on the implementation of the recommendations of paragraph 15 (b) of the concluding observations**

10. The Ministry of Justice and the Non-Discrimination Ombudsman jointly planned and implemented the “I am antiracist” media campaign to increase awareness of structural racism and the attitudes and perceptions behind the phenomenon. The campaign was implemented in two campaign periods in September 2021 and January 2022 (<https://yhdenvertaisuus.fi/en/iamantiracist.fi>). UNESCO implemented a global version of the campaign in autumn 2022: <https://www.unesco.org/en/articles/iamantiracist-are-you-join-our-social-media-campaign>.

### **Information on the implementation of the recommendations of paragraph 15 (c) of the concluding observations**

11. To facilitate the identification of hate crimes and improve classifications, the National Police Board has implemented some technical improvements to electronic transactions with the police. In the context of offences against life, health or personal reputation, an informant in such a transaction is now asked whether they suspect that they have been the target of an offence because of their ethnic or national background, religion or belief, sexual orientation, gender expression, gender identity or disability. If the informant responds affirmatively, the police information system directs the person processing the criminal offence report to classify the report correctly.

### **Information on the implementation of the recommendations of paragraph 15 (d) of the concluding observations**

12. The National Prosecution Authority has arranged training on cases of hate crime. Public prosecutors have also been training police officers on this theme. The Office of the Prosecutor General maintains statistics on orders for criminal prosecution that it has issued and on the convictions issued in these cases in order to ensure effective realisation of criminal liability and consistency of prosecutorial practice.

13. National training of judges in 2023 is to include a special “Hate crimes as phenomena and their treatment in criminal proceedings” module. The European Programme for Human Rights Education for Legal Professionals (HELP) arranged a course for judges on hate speech in 2021–2022. HELP courses are regularly advertised to judges.

14. The EU project “Facts Against Hate” arranged mandatory online training on hate crimes, equality and meeting clients for all police officers and police department public servants, and for staff of the Police University College. The training will be supplemented with indicators for identifying hate speech and hate crimes based on religion, and Islamophobia and anti-Semitism.

15. The “Capable” project coordinated by the Ministry of Justice provided training for mediators and police officers on the subject of hate speech and hate crimes.

## **Violence against women**

### **Information on the implementation of the recommendations of paragraph 19 (a) of the concluding observations**

16. Finland has reformed legislation governing restraining orders. The statutory amendments (HE 1443/2022) seek to make restraining orders more effective, reduce infringements and improve the safety of victims of intimate partner violence in particular. An electronically supervised restraining order will be introduced as a new means of protecting individuals whose lives or health are at risk. Electronic monitoring will be possible only where it is necessary to combat the threat of a crime against life, health or liberty. Applications for a restraining order will also always be free of charge in future. No fee will be charged, even if the application is turned down or the case lapses. The police will also be required to issue a temporary restraining order on their own initiative in future where there is a risk of violence, even if the person to be protected by the order could file an application of their own. These statutory amendments will take effect in October 2023.

17. The threshold laid down in the Criminal Investigation Act (805/2011) for the duty to record a criminal offence report is quite low for all criminal offences, also for crimes of violence against women. Chapter 3, section 1 of the Act requires a pretrial investigation authority to record a report of all criminal offences or incidents that the informant suspects to be a criminal offence. The duty to record also applies to suspected criminal offences that have come to the notice of the pretrial investigation authority in other ways. Chapter 11, section 9a of the Act provides for personal assessment of an injured party: The criminal investigation authority shall assess without undue delay whether an injured party is in need of special protection while the case is heard in the criminal investigation or legal proceedings, and shall assess whether the measures referred to in subsection 2 are necessary. The

evaluation shall consider, in particular, the personal circumstances of the injured party and the nature of the criminal offence. The injured party's perception of the need for a measure shall be considered when making an evaluation.

18. In 2021, the National Police Board issued instruction, which seeks to support both intervention in intimate partner violence and risk assessment. The Board has also issued restraining order guidelines specifying police operations and measures in cases involving restraining orders.

19. The multi-agency MARAC risk assessment method is applied for interdepartmental cooperation in victim safety and risk evaluation related to cases of intimate partner violence.

#### **Information on the implementation of the recommendations of paragraph 19 (b) of the concluding observations**

20. The National Police Board has issued numerous guidelines to guide police operations in investigating cases of violence against women. The police must give individual and comprehensive consideration in cases of domestic and intimate partner violence and violence against women.

21. The Supreme Court has called attention in several of its preliminary rulings to the fact that national case law has considered domestic and intimate partner violence on an individual case basis as an indication of the greater damaging character and hazardous nature of an act, and of the greater culpability of the perpetrator, which factors have favored the levying of penalties that are more severe than the general penal practice.

#### **Information on the implementation of the recommendations of paragraph 19 (c) of the concluding observations**

22. Victim Support Finland is a general support service for victims of crime under the EU Victims' Directive (2012/29/EU). The service operates nationally, with access channels including 31 service points in various parts of Finland. A large proportion of the clients are women who have been victims of violent or sexual offences.

23. From 2015 to 2021, the number of shelters has increased from 19 shelters to 29 shelters, and family places in shelters have been increased from 114 family places to the current 228 family places. One shelter on the metropolitan area is for women only; others serve regardless of sex or gender. According to the Finnish Institute for Health and Welfare's (THL) estimate, the actual need for family places in shelters in Finland will be between 262 and 367 family places. The aim is to have at least 240 shelter places at the beginning of 2024. Currently, there is one remote shelter in Kainuu. With regard to the Sámi Homeland, the northern-most shelter is currently in Rovaniemi. The number one priority is to expand shelter services further north in the Sámi Homeland. However, the client can go to any of the shelters regardless of her/his home municipality.

24. Seri Support Centres offer low threshold services for victims of sexual violence. The centres provide *i.a.* medical and legal examinations, trauma support and guidance. The total number of Seri support centres is 21. By the end of 2023, the number will increase to 24.

25. Nollalinja, a 24/7 national helpline and was established in 2016 in accordance with the Istanbul Convention, for those who have experienced psychological, physical or sexual violence or threat of violence in close relations. The helpline also provides help and support for family members of victims of violence, and professionals and officials who need advice in their work can contact Nollalinja. Calling Nollalinja is free of charge, callers can remain anonymous and discussions are confidential. The persons answering calls are social and health sector professionals. Nollalinja is a low threshold service where callers are listened to and given referrals to further assistance and services. In the beginning of 2023, Nollalinja started providing help in eight languages.

26. In 2019, THL published an online training on domestic violence and violence against women ("Create trust – Stop the violence") for social and healthcare and police. Over 8 000 professionals have finished the training.

### **Information on the implementation of the recommendations of paragraph 19 (d) of the concluding observations**

27. New legislation on sexual offences took effect on 1 January 2023. The reform adjusts the definition of rape in the Criminal Code (39/1889) to one based on lack of consent (<https://oikeusministerio.fi/en/sexualoffenceslaw>).

28. Forced marriage is currently punishable under the Criminal Code as trafficking in human beings, aggravated trafficking in human beings, or coercion. The Ministry of Justice published a memorandum in November 2021 on the criminality of forced marriage. This report evaluated the prospects for clarifying the provisions of the Criminal Code. The Ministry of Justice is preparing to appoint a working group to consider penal provisions on forced marriage.

29. Legislation on restraining orders is discussed in the response to point 19a.

### **Information on the implementation of the recommendations of paragraph 19 (e) of the concluding observations**

30. The authorities arranged training events of their own, focusing on themes related to violence against women. Basic police training includes a course module focusing on recognising and intervening in intimate partner violence. The specialisation training of junior police officers and a course module for the senior police officer qualification include a similar focus on recognising and intervening in intimate partner violence.

31. For example, a training event aimed at police officers, prosecutors, judges and legal advisers shared practical information on the dynamics of intimate partner violence and special issues related to gender-based violence.

32. The Ministry of Justice arranged two training sessions in 2021 with the same content for public legal aid attorneys together with the Programme for combating violence against women. A total of 54 people from legal aid offices including 25 public legal aid attorneys took part in these sessions.

33. The Police University College arranges an optional course for police personnel on recognising and intervening in honour-based violence.

34. Prosecutors actively participate in training events arranged by the National Prosecution Authority and in training arranged through such initiatives as the Council of Europe's HELP.

35. Training on the comprehensive reform of legislation on sexual offences has been arranged for judges, both by appeal court district and on a national basis. Training events on "Trafficking in human beings" are also linked to themes that consider intimate partner violence. The National Courts Administration actively shares information about events arranged by other stakeholders, such as training events of the Programme for combating violence against women. A HELP course entitled "Violence against Women and Domestic Violence" was provided for judges in 2022.

## **Rights of the Sami indigenous people**

### **Information on the implementation of the recommendations of paragraph 43 (a) of the concluding observations**

36. A committee was appointed for the period 1 December 2020–15 May 2021 to prepare an amendment of the Act on the Sámi Parliament. The committee included representation from the Sámi Parliament and governing political parties, and its report was completed on 11 May 2021. This report includes a dissenting opinion from one governing political party representative, but the proposal was unanimous in other respects. The committee's work was based on fundamental rights and other obligations imposed by the Constitution of Finland (731/1999), international human rights treaties that are binding on Finland, and the UN Declaration on the Rights of Indigenous Peoples. The committee also considered the initialled Nordic Sámi Convention and the ILO 169 Convention.

37. A government proposal to Parliament to amend the Act on the Sámi Parliament and chapter 40, section 11 of the Criminal Code was submitted to Parliament on 18 November 2022. The decision on the submission of the government proposal was not unanimous (vote 11-3), one of the governmental parties voted against. A plenary meeting of the Sámi Parliament approved the Government proposal by 15 votes to 3 with one abstention on 29 November 2022. The Sámi Parliament decided to suggest one amendment to the proposal regarding provision 10 on the composition of the Sámi Parliament.

38. The general aim of the proposal is to ensure the realisation of the right of Sámi people to self-determination and to improve the operating conditions for autonomy and the Sámi Parliament with respect to Sámi language and culture.

39. The most urgent goal is to rectify the current situation with regard to section 3 of the Act, because the Human Rights Committee has found that Finland is infringing obligations under the Covenant and the Committee on the Elimination of Racial Discrimination has found a violation in regard of the Convention on the Elimination of All Forms of Racial Discrimination. A further objective is to take into account the requirements of the principle of free and informed prior consent. Provisions on a negotiation and cooperation procedure would be added to the Act to ensure implementation of the FPIC principle. The implementation of the proposal would harmonise legislation with international human rights treaties and the developments in public international law.

40. The proposal was discussed in various parliamentary committees in 2023, but there was no plenary decision taken. According to the statement on the protocol made on 24 February 2023, the Constitutional Law Committee, which served as the Committee for reports, considers it unfortunate that the Government has reserved little time for the consideration of the proposal in Parliament in view of its significance. The Committee further stated that the appropriate consideration of the proposal in the Committee requires a period that is significantly longer than the time available to Parliament. Therefore, due to time constraints, the Committee does not have the prerequisites to draw up an appropriate report on the matter. The Committee considers it important that the Government submits a new proposal on the matter immediately at the beginning of the next parliamentary term in order to safeguard the provisions on the status and rights of the Sámi in section 17, subsection 3 and section 121, subsection 4 of the Constitution and to fulfil Finland's international human rights obligations.

41. The suggestion made by one representative in the Committee, that the Committee does not have the prerequisites to draw up a report on the matter, was supported by the opposition parties and the party that had voted against giving the proposal to Parliament, vote 9-7 (1 empty).

42. Parliamentary elections will be held on 2 April 2023. The new government will need to decide on the matter.

#### **Information on the implementation of the recommendations of paragraph 43 (b) of the concluding observations**

43. The new Climate Change Act (423/2022) that entered into force in July 2022 includes provisions that take the rights of the Sámi people in national climate policy processes into account for the first time. The aim of the reformed Act and the climate policy planning system is to ensure conditions for the Sámi people to maintain and develop their own language and culture. The means of consolidating this aim include a requirement for negotiation with the Sámi Parliament when preparing climate policy plans.

44. The Climate Change Act also provides for a Sámi climate council appointed to support the preparation of climate policy plans from the perspective of promoting Sámi culture. The Sámi climate council will be an independent specialist body with representation of traditional Sámi knowledge holders and representatives from key disciplines. The climate council would promote consideration of Sámi traditional knowledge when preparing measures for Climate Change Act plans, and strengthening of dialogue between public authorities, the scientific community and the Sámi people.

45. The new Nature Conservation Act (9/2023) reinforces realisation of international human rights obligations concerning the rights of indigenous peoples and section 17, subsection 3 of the Constitution of Finland concerning the rights of the Sámi people. One key change in the Nature Conservation Act is an independent provision concerning the protection of Sámi culture. This section prohibits public authorities from compromising Sámi culture, and the provision guides the planning of decisions and measures by the authorities and the choice of implementation method to ensure that they do not, either individually or in combination with other activities, cause any non-trivial deterioration in the conditions for practising Sámi culture.

46. Management and use plans for State nature reserves in the Sámi Homeland must also be prepared in dialogue with the competent Sámi communities and in cooperation with the Sámi Parliament. Traditional knowledge of the Sámi people would be taken into account as part of the planning materials.

47. The Ministry of Education and Culture has appointed a working group to prepare a reform of the Antiquities Act (295/1963) and a monitoring group to support these preparations. One special issue in the reform is implementation of autonomy with respect to the language and culture of the Sámi people, and their rights as an indigenous people. A separate report on realising the rights of the Sámi people in the conservation of antiquities was published on 22 June 2021 in the context of this project.

48. Amendments made to provisions of the Mining Act (621/2011) concerning the rights of the Sámi as an indigenous people will include clarifications concerning the investigative duties of a permit applicant and a cooperation procedure regarding investigation of the case. The investigation of a case under the Mining Act and the cooperation procedure will serve as the basis for assessment by the licensing authority of whether a licence can be granted under section 50. The amendments enter into force on 1 June 2023.

49. The Ministry of Agriculture and Forestry has an ongoing development project entitled “the future of reindeer husbandry” that is due to release its final report in spring 2023. The working group is preparing a recommendation to strengthen traditional Sámi production methods in reindeer husbandry. A representative of the Sámi Parliament has participated in meetings of the working group, and has been involved in preparing the recommendation.

#### **Information on the implementation of the recommendations of paragraph 43 (c) of the concluding observations**

50. Based on an entry in the Government Programme, a memorandum will be prepared on the conditions for ratification, updating the situation in the light of such factors as the statutory amendments that have already been made.

#### **Information on the implementation of the recommendations of paragraph 43 (d) of the concluding observations**

51. In cooperation with the Ministry of Justice, the Sámi Parliament arranged a training event on 3 November 2022 on accommodating the rights of the Sámi people in practical official work, especially in the land use sector. The training was part of the implementation of the Action Plan for Combating Racism and Promoting Good Relations between Population Groups prepared by the Ministry of Justice. The training session discussed manifestations of structural discrimination and sought to give participants concepts and tools for anti-discrimination work.

52. While there has been no more extensive training of prosecutors on the rights of Sámi people during the current year, they are already essentially well versed in such instruments as the Sámi Language Act (1086/2003). Prosecutors from the Northern Finland Prosecution District have participated in related training arranged by the Sámi Parliament. Following the recommendation, one deputy chief from the Northern Finland Prosecution District represented the National Prosecution Authority in the Mii ovttas project, which is still ongoing. The rights of indigenous peoples, including language issues, have long been accommodated and managed in the Northern Finland Prosecution District. The Sámi Homeland falls within this District, and cases from this territory are mainly assigned to two or three district prosecutors with more profound expertise on these themes.

53. The personnel of the Finnish Forest Administration (Metsähallitus) are particularly engaged with the rights of Sámi people and they have usually participated in Sámi language courses arranged by the Sámi Education Institute. Metsähallitus has also arranged short Sámi language courses in recent years with a view to activating language skills.

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