



# International Covenant on Civil and Political Rights

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## Human Rights Committee 131st session

### Summary record of the 3758th meeting

Held via videoconference, on Tuesday, 2 March 2021, at 4 p.m. Central European Time

*Chair:* Ms. Pazartzis

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*The meeting was called to order at 4 p.m.*

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

*Seventh periodic report of Finland (CCPR/C/FIN/7 and CCPR/C/FIN/Corr.1; CCPR/C/FIN/QPR/7)*

1. *At the invitation of the Chair, the delegation of Finland joined the meeting.*
2. **Ms. Oinonen** (Finland), introducing the seventh periodic report of Finland (CCPR/C/FIN/7), said that her Government was committed to building a tolerant and equitable society in which fundamental and human rights were universally respected and protected. It was currently preparing the country's third National Action Plan on Fundamental and Human Rights, which would be focused on the development of indicators that could be used to improve human rights impact assessments and to inform decision-making on human rights-related issues.
3. The Government had invoked the Emergency Powers Act in March 2020 in response to the coronavirus disease (COVID-19). During the ensuing state of emergency, it had used its emergency powers to reorganize the provision of social assistance, health care and education and to impose restrictions on freedom of movement. In accordance with section 23 of the Constitution, on the temporary restriction of fundamental rights and liberties, it had enacted special legislation limiting the freedom to engage in commercial activity in the restaurant industry. The Government had not informed the Secretary-General of the United Nations or other States parties to the Covenant of the emergency measures taken because they did not amount to derogations from the Covenant. All emergency powers invoked had been reviewed and monitored by the Constitutional Law Committee and the Chancellor of Justice. The state of emergency had been lifted in June 2020 following improvements in the epidemiological situation.
4. The Government had also introduced a number of restrictions to curb the spread of COVID-19 on the basis of ordinary legislation, notably the Communicable Diseases Act, and had taken supportive measures to alleviate the economic consequences of the pandemic. The restrictions had been relatively successful: for example, the authorities were not aware of any major outbreaks at housing units for persons with disabilities, and infections in prisons had been kept to a minimum thanks to a temporary act postponing the enforcement of new prison sentences and other restrictions. Information on COVID-19 had been made available in many languages, including sign language, and in Braille. Public authorities had maintained dialogue with organizations of persons with disabilities during the pandemic and had studied its impact on the Roma population.
5. In recent weeks, the number of reported COVID-19 cases had been increasing at an alarming rate in certain parts of Finland. Amendments to the Communicable Diseases Act had entered into force at the beginning of March 2021, allowing for a new set of regional restrictions, but the Government had had to declare a second state of emergency and planned to introduce wider restrictions on the freedom to engage in commercial activity in the restaurant industry than would be possible under ordinary legislation. Those restrictions would be strictly temporary and the parliament was in full control of the planned legislative measures.
6. Combating trafficking in human beings was a top priority for the Government. It had appointed an Anti-Trafficking Coordinator and a national action plan against trafficking in human beings would be finalized shortly. The police had established a special unit focused on preventing and investigating human trafficking offences and related crimes, and an intersectoral working group was drafting a bill on support for trafficking victims. A new action plan for combating violence against women had been adopted in 2020 and the police had launched several projects to enhance their work in the field of gender-based violence and violence against children.
7. As part of the Government's efforts to combat corruption, a resolution on the establishment of a national anti-corruption strategy had been adopted, and a related action plan had been drafted and was currently under review. In 2020, the Government had also adopted a resolution on tackling the grey economy and economic crime in order to enhance

efforts to combat corruption and abuse. The Act on the Openness of Government Activities would be updated in accordance with the current Government's programme with a view to improving transparency in the management of public affairs.

8. The Non-Discrimination Act would be amended and a national action plan to combat racism and discrimination would be adopted during the current Government's term of office. To address gender inequality, the Government had pledged to introduce an equal pay programme and parental leave reforms and to promote pay transparency, and those and other initiatives would be coordinated under a new wide-ranging action plan for gender equality. The Government had also prepared the country's first national child strategy, designed to improve budgeting to take account of children, to enhance awareness of children's well-being, to promote the social inclusion of children and young persons and to ensure that the impact of decisions on children was properly assessed.

9. Reforms were under way to overhaul legislation on health care and social welfare, services for older persons and persons with disabilities, gender recognition for transgender persons and client and patient self-determination. The national Programme on Ageing 2030, launched in 2020, was designed to promote functional independence in older persons and to ensure the availability of age-appropriate housing and a socially and economically sustainable service system for older persons.

10. The Government had commissioned an independent research group to study the impact of the amendment of the Aliens Act on the status of persons applying for and receiving international protection, and the research group's recommendations were currently being studied carefully. Preconditions for the detention of unaccompanied and accompanied minor asylum seekers had been tightened, and unaccompanied minors under the age of 15 could not be detained under any circumstances. Further amendments were being considered in order to strengthen the legal protections afforded to asylum seekers and to protect the best interests of the child during family reunification proceedings.

11. **Mr. Santos Pais** said that the Committee had taken note of the efforts of the Unit for Human Rights Courts and Conventions of the Ministry of Foreign Affairs to follow up on its concluding observations and Views. He would be grateful for further information on coordination between the Unit and other government agencies, the Supreme Overseers of Legality, the national human rights institution, the ombudsmen, the legislature and the judiciary, and to learn which authority was responsible for evaluating whether concluding observations and Views had been sufficiently addressed by the parties concerned. In its periodic report, the State party stated that its domestic courts often referred to the Covenant and the Committee's concluding observations in their rulings. He would therefore welcome specific examples of judicial decisions in which the courts had applied the Covenant directly, particularly decisions in which they had set aside domestic legal provisions that were in conflict with the Covenant. He would also appreciate an update on the State party's progress in implementing the Committee's Views in the cases of *Tiina Sanila-Aikio v. Finland* and *Klemetti Käkkäläjärvi et al. v. Finland*.

12. It would be useful to have a full account of the impact of the COVID-19 pandemic on the protection of civil and political rights. In particular, he would like to know whether certain population groups had been more severely affected than others; what safeguards and remedies were available to rights holders; and whether there had been any court decisions applying or refusing to apply the emergency measures introduced by the Government in response to the pandemic. The head of delegation had indicated in her opening statement that the State party had decided not to notify the Secretary-General and other States parties to the Covenant of the emergency measures that it had taken during the state of emergency from March to June 2020. Given that the State party had recently declared a second state of emergency, he wondered whether the Government planned to make such a declaration in respect of any new emergency measures that might be introduced in the following months.

13. There were references in the State party's periodic report and common core document ([HRI/CORE/FIN/2020](#)) to various human rights supervisory bodies, including the Supreme Overseers of Legality, the Constitutional Law Committee and various ombudsmen. He would be interested to learn whether the State party had carried out any assessment of the effectiveness of coordination between those bodies, including in areas where their mandates

overlapped. He would also welcome further information on any plans to develop human rights indicators and to improve data collection and analysis. In that connection, he would be grateful for an overview of the main conclusions drawn from the assessments of the two previous national human rights actions plans. He would be interested to learn, moreover, whether the State party had considered revising the current funding system for non-governmental organizations (NGOs) working in the field of human rights, which were currently financed from gambling revenues, in order to improve their resources and afford them greater stability. Lastly, he would welcome an overview of the actions undertaken to implement the 2030 Agenda for Sustainable Development in the field of civil and political rights.

14. **Mr. Furuya** said that he would like to know whether the State party had considered revoking its reservation to article 14 (7) of Covenant on the *ne bis in idem* principle in the light of the Committee's interpretation of that provision in its general comment No. 32 (2007), according to which article 14 (7) did not prohibit the resumption of a criminal trial justified by exceptional circumstances, such as the discovery of evidence which was not available at the time of the acquittal. The Committee greatly appreciated the State party's efforts to improve its mechanism for assessing the human rights impact of bills, policies and other government initiatives. However, it had received reports that assessments of bills that would restrict the rights of asylum seekers, migrants and the Sami population had been limited, and in some cases non-existent. Could the State party clarify why the mechanism had not worked effectively in those cases? Information on the impact of the preliminary review procedure introduced by the Office of the Chancellor of Justice in 2018 on the human rights impact assessment process would likewise be appreciated, as would details of how the third National Action Plan on Fundamental and Human Rights would serve to improve the human rights impact assessment process and when the improvements would be effective.

15. **Ms. Abdo Rocholl**, noting that the Non-Discrimination Ombudsman was empowered to bring cases before the National Non-Discrimination and Equality Tribunal ([CCPR/C/FIN/7](#), para. 37), said that she would welcome details of the outcome of the study of the impact of the Non-Discrimination Act on the effectiveness of the powers and work of the Ombudsman. It would also be interesting to learn whether a specific legislative proposal had been made to broaden the Ombudsman's powers; what steps were being taken to improve the impact of the Ombudsman's Office; and whether civil society would have a role in those efforts. The fact that the National Non-Discrimination and Equality Tribunal could not determine the compensation to be paid to victims of discrimination and that victims must themselves seek compensation before the ordinary courts appeared to be an unnecessarily complex arrangement; it could, moreover, be seen as constituting a violation of the prohibition of victimization under the Non-Discrimination Act. She would like to know the average duration of judicial proceedings to determine compensation to be paid to victims of discrimination; how many such proceedings had been initiated; and how many had been concluded from 2018 to 2020. Information about any regulatory amendments being considered in order to grant the Tribunal the power to set compensation would likewise be helpful.

16. She would like to know whether the action plan against racism and discrimination mentioned in the periodic report (para. 52) and the action plan to prevent hate speech and racism and to foster social inclusion, mentioned in the national report of Finland ([A/HRC/WG.6/27/FIN/1](#), para. 50) during the third cycle of the universal periodic review in 2017, were one and the same. Noting that concerns about hate speech were regularly expressed by United Nations bodies when examining the human rights situation in Finland, she said that information about the objective and measurable results of the action plan against racism currently in effect would be appreciated. It would also be useful to receive statistical data on the number of cases in which the code of conduct on countering illegal hate speech online, jointly adopted by Facebook, Twitter, YouTube, Microsoft and the European Commission, had been applied during the period from 2017 to 2020, and on the number of cases in which the so-called "Internet police" from the Helsinki police department had detected and/or investigated punishable online hate speech during the same period. The Committee would appreciate an update on the status of the joint project of the Ministry of the Interior and the Ministry of Justice on combating anti-Semitism, Islamophobia and related hate speech and the project of the Ministry of the Interior on combating hate campaigns and

targeted attacks, and on the relevant legislative amendments being prepared by the Ministry of Justice. Updated data for 2018, 2019 and 2020 regarding the number of hate crimes based on ethnicity or nationality that had been committed against persons of Roma origin would also be helpful.

17. It would be useful to learn whether the series of measures taken by the State party to increase the representation of women with disabilities, ethnic minority women and migrant women in political and public life had had the desired impact. She would welcome updated data from Statistics Finland on the number of women with disabilities, ethnic minority women and migrant women who had acceded to elective or other public positions, as well as the percentage that that number represented in relation to the total number of existing positions. Lastly, she would like to know whether the State party was considering any legislative proposals on principles of electoral parity for women's access to elective office.

*The meeting was suspended at 4.50 p.m. and resumed at 5 p.m.*

18. **Ms. Oinonen** (Finland) said that human rights treaties were binding in domestic law and the Covenant was well integrated into Finnish national legislation and policies. Finland had a dualistic system: thus, the approval of an international treaty and the national enforcement of its legal rules differed from each other in legal terms. The approval of a treaty pursuant to section 94 of the Constitution produced only effects of international law; for the provisions of the treaty to be transposed into the national legal system, they must also be enforced internally, as provided by section 95 of the Constitution. During the ratification process, the Government was very thorough in ensuring that domestic legislation was in line with the obligations arising from the treaty. Therefore, it was natural for courts to refer to domestic legislation, which was consistent with the State's international human rights obligations and which often featured more detailed provisions than international instruments; this was especially true in lower-level courts. The courts also took human rights into consideration in their reasoning.

19. The concluding observations and Views of human rights treaty bodies had been mentioned on at least 10 occasions between 2014 and 2018 in proposals submitted to the parliament, with those of the Human Rights Committee being the most often cited. Follow-up to both was deeply rooted in the national legal system and in the practice of the courts. Efforts to monitor follow-up to the recommendations of treaty bodies had intensified: the public was promptly informed of concluding observations through government press releases, which were translated into Finnish and Swedish and, in many cases, minority languages, and the concluding observations were then disseminated broadly, including to the parliament, advisory boards, churches and civil society. An excellent tool for monitoring follow-up efforts was the Government Network of Contact Persons for Fundamental and Human Rights, which consisted of representatives from all the ministries, as well as several independent observers. The network would dedicate their next meeting to the concluding observations of the Committee on Economic, Social and Cultural Rights and the Human Rights Committee. The parliament did not engage in a plenary debate on the concluding observations, which were instead submitted to the parliament's Constitutional Law Committee. The Government had plans to set up a public database compiling the concluding observations from the United Nations treaty bodies and Council of Europe monitoring bodies in English, Finnish and Swedish. A section of the database would feature information from ministries on follow-up measures. The Government would report by May 2021, as requested by the Committee, on its follow-up to the Committee's recent Views involving the Sami Parliament.

20. **Ms. Nyman** (Finland) said that a committee had been established, with a mandate for the period December 2020–May 2021, to propose amendments to the Act on the Sami Parliament. The decision establishing that committee mentioned both sets of Views issued by the Human Rights Committee regarding the Sami Parliament. When the current Government had taken office in 2019, it had sought to postpone the elections of the Sami Parliament through a bill, but the parliament had not had sufficient time to consider the bill before the elections were held.

21. Both previous national action plans on fundamental and human rights had been assessed by independent evaluators, whose reports had been made public. Launching the first

national action plan in 2012 had been a significant step in itself, but the evaluators had nevertheless recommended that future action plans should be more focused. The second national plan, covering the period 2017–2019, had focused on a few areas, which the evaluators had welcomed; however, they had criticized the short-term nature of many of the measures adopted under the plan. They had recommended that the subsequent national action plan should set long-term goals and focus on indicators, and that future action plans should be granted additional resources.

22. As set out in the government programme, impact assessments were part of the legislative process, and lawmakers were receiving training in fundamental and human rights and assistance, where needed, to carry out impact assessments. In December 2020, the Ministry of Justice had set up a working group to draft new guidelines for lawmakers on impact assessments for legislative proposals, and good practices were being shared by a cross-ministerial team on fundamental and human rights impacts. The rights of the Sami peoples were specifically enshrined in the Constitution and the authorities must take their rights into account, irrespective of whether they had an obligation to conduct an impact assessment.

23. **Ms. Tallroth** (Finland), addressing the issue of the country's reservation to article 14 (7) of the Covenant, said that decisions to reopen cases, and therefore any reversals of judgments, were exceedingly rare. Still, such decisions could prove crucial in cases where the original judgment had been too lenient or if new evidence emerged after the trial had concluded. This extraordinary channel of appeal was possible only after all other domestic remedies had been exhausted and once the Supreme Court had granted the reversal of a final judgment. The Government was of the view that the reservation remained relevant. When the Covenant had been ratified by Finland, victims' rights had not been high on the Government's agenda; however, now they very much were, and it would seem unjust for victims if a case could not be reopened even when new facts emerged in the victims' favour. The reservation was also consistent with article 4 (2) of Protocol No. 7 to the European Convention on Human Rights, which provided that a case could be reopened if new facts emerged or if there had been a fundamental defect in the previous proceedings. In any case, the reservations made by Finland continued to be regularly reviewed, including when reporting to the Committee.

24. Hate crimes, including hate speech, could already be prosecuted under offences such as public incitement to an offence, defamation or aggravated defamation or menace; therefore, no legislative measures to specifically establish hate speech as a separate offence were planned. Furthermore, when a crime was motivated by bias associated with race or colour, among other factors, aggravating circumstances were considered to apply, and a bill recently submitted to the parliament provided for the addition of gender to the list of aggravating factors. Another government-sponsored bill currently being examined by the parliament would make it possible for public prosecutors to bring charges on the basis of threats to a victim.

25. **Ms. Nousiainen** (Finland) said that a national action plan to combat racism and discrimination and promote good relations between population groups would be launched within the next few months. Online consultations had been conducted with a range of stakeholders, including civil society organizations and the Sami Parliament, in order to assess the extent of racism in Finland. The consultations had shown that hate speech, racist harassment and structural discrimination were the main problems to be addressed, that public authorities needed to take a clear role in condemning and tackling hate speech and that various policy measures were needed, including capacity-building for victim support services. The action plan would be based on the outcomes of the consultations and would be subject to an impact assessment.

26. Since 2017, the Ministry of Justice had been collaborating with various stakeholders on a series of projects to combat hate speech. Funding for those projects had been secured until 2023. The projects were based on the findings of a national needs assessment and their impact would be measured through an external evaluation.

27. The national Advisory Board for Ethnic Relations had taken steps to promote the active participation of ethnic minority women in its activities. The members of the national

Advisory Board and of its seven regional counterparts were selected in accordance with the provisions of the Equality Act on the participation of ethnic minority women. Recent academic research had shown that most women political candidates and women elected representatives were from the majority population. Furthermore, ethnic minority candidates had reported receiving less support from their respective political parties than candidates from the majority population. The Government would take those findings into account in its efforts to address inequality in political participation.

28. **Ms. Turpeinen** (Finland) said that the preparation of the third National Action Plan on Fundamental and Human Rights had been delayed by the COVID-19 pandemic but that the process would move forward over the coming months. The staff of the Ministry of Justice were familiar with human rights indicators, including those developed by the Office of the United Nations High Commissioner for Human Rights.

29. The Ministry of Justice was planning to provide training on drafting legislation with due regard for fundamental rights and constitutional and administrative law for staff from other ministries in the course of 2021. It had published a range of instructions on legislative drafting, including guidelines that had been revised in 2019, and was in the process of updating its guidance on issues related to fundamental rights, which was based on international and constitutional law.

30. Thus far, the restrictions imposed in Finland in connection with the pandemic had not amounted to a derogation from the Covenant. If wider restrictions were imposed under the Emergency Powers Act in the future, the Government would assess whether it needed to notify the Secretary-General as required under article 4 of the Covenant. Decisions made by the administrative authorities in connection with the pandemic under either ordinary legislation or the Emergency Powers Act could be appealed before the administrative courts or, in some cases, the Supreme Administrative Court. In a case brought before the administrative court of eastern Finland in October 2020 regarding the right to visit close relatives in care homes, the court had ruled that the authorities should have taken that right into consideration in their interpretation of the Communicable Diseases Act.

31. An example of a direct reference to the Covenant in national case law was the Supreme Court's invocation of articles 19 and 21 in a ruling of 20 September 2020 concerning the banning of an association that had incited hatred and violence and had called for the abolition of parliamentary democracy. The Court had ruled that the association did not have the right to freedom of speech or freedom of association because its activities constituted an abuse of those freedoms.

32. **Ms. Leikas** (Finland) said that the study of the impact of the Non-Discrimination Act had shown that, although the Act had helped to raise awareness of discrimination, it was not adequately enforced, the officials responsible for its implementation lacked resources and the remedies available to victims varied depending on the channel that was used to report cases of discrimination. There were plans to amend the Act in view of those findings and in consultation with civil society.

33. Compensation for discrimination could be claimed in district courts. Between 2015 and 2019, compensation had been sought in seven cases and had been awarded in three of those cases. The amounts granted had been €5,500, €8,000 and €10,000. In some of the seven cases, damages had been awarded instead of or in addition to compensation.

34. **Ms. Lempiö** (Finland) said that she had been appointed to the newly created position of human rights expert at the Ministry of the Interior in September 2020 to provide human rights training to persons working for the Ministry and the agencies attached to it. The number of hate crimes against Roma reported to the police had been 72 in 2017, 81 in 2018 and 81 in 2019. The total number of hate crimes reported to the police had been around 900 in both 2018 and 2019. The police team tasked with combating online hate speech had been set up using special funding, for a period of one year only. It had investigated around 300 cases of online hate speech, half of which had led to a conviction. Since then, investigations had been carried out by 20 police officers around the country, rather than by a specialized team; however, the number of cases investigated per year had remained stable.

35. **Ms. Uusitalo** (Finland) said that the authorities had conducted a survey to assess the effects of the COVID-19 pandemic on Roma persons of various ages. They were also planning to conduct a study to assess the extent to which the rights of persons with disabilities and foreign nationals were upheld during the pandemic. The findings of those studies would be used to ensure better preparation for future emergencies. Restrictions on non-essential visits to institutional care facilities had been imposed under the state of emergency in order to safeguard various rights, including the right to life; however, those restrictions had also had an impact on persons living in those facilities. The Parliamentary Ombudsman had issued several decisions on the matter and one case was pending before the European Committee of Social Rights.

36. **The Chair** invited the Committee members to put follow-up questions to the delegation.

37. **Mr. Santos Pais** said that he had not yet received answers to his questions concerning the funding of NGOs working in the field of human rights and the implementation of the 2030 Agenda for Sustainable Development.

38. **Mr. Furuya** said that he would like to know whether the outcome of a human rights impact assessment was legally binding or merely a recommendation that could be rejected. Was the Government required to revise a legislative proposal that had been deemed to conflict with the State's human rights obligations?

39. **Mr. Muhumuza**, noting that the term "black persons" was more appropriate than the term "dark-coloured persons" that he had seen used in the past, asked what measures had been taken to ensure that black persons were not subjected to discrimination by law enforcement officers, to mainstream the protection of black persons and to ensure that they were aware of the remedies available to them in the event of discrimination.

*The meeting rose at 6.05 p.m.*