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Summary record of the 3760th meeting

Held via videoconference on Thursday, 4 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
(continued)

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

1. *At the invitation of the Chair, the delegation of Finland joined the meeting.*
2. **Mr. Zyberi**, commending Finland for its efforts to improve access to identity documents for persons under international protection and its ongoing review of the legal aid scheme, said that he would like to know the status of the legislative amendment relating to the presence of legal counsel during asylum interviews; whether asylum seekers in reception centres were informed of their rights, in writing and in a language that they understood; whether they were routinely provided with legal aid; how vulnerable refugees and asylum seekers were identified; and what social and legal support they received. He would also like to know whether the proposed new restrictions on repeat applications would apply to particularly vulnerable asylum applicants, such as victims of trafficking; how the restrictions would affect protection based on the non-refoulement principle; and how the police ensured that removing a person from Finland would not violate that principle. He wondered whether the repeal of the provisions on humanitarian protection had led to persons being removed from Finland, and if so, how many asylum seekers, including children, had been removed from Finland over the reporting period.
3. More information on the steps being taken to ensure the availability and quality of legal aid for asylum seekers and to establish 30 days as the standard deadline for appeals to administrative courts would be helpful. He would also like details of any plans to reintroduce periodic judicial reviews of immigration detention decisions taken by the police and of the steps being taken to avoid the detention of children. It would be interesting to know how many district court hearings had been conducted via videoconference and whether the coronavirus disease (COVID-19) pandemic had had an impact on the processing of asylum applications. Lastly, he wondered how statistics on the detention of asylum seekers, refugees and migrants in facilities run by the police and border guards were being collected, and when they would be publicly available.
4. **Ms. Abdo Rocholl** said that she would like to know what criteria were used to determine whether a person would need to complete 165, 255 or 347 days of military service and why the duration of non-military service was not determined in the same way. She would also appreciate information on any campaigns that had been carried out to raise awareness of non-military service as an alternative to military service. In the light of reports that the working groups responsible for organizing non-military service included members of the military, she wished to know how many military officers were involved in those groups, what their role was and why the military perceived a need to be involved.
5. The Committee had been informed that there were still some conscientious objectors in prison in Finland and that their number had increased since the repeal of the law exempting Jehovah's Witnesses from military service. It would be helpful if the delegation could confirm whether those reports were correct, provide up-to-date information on the number of conscientious objectors currently in prison and explain the legal basis for unconditional imprisonment. The repeal of the law exempting Jehovah's Witnesses from military service, through Act No 330/2019, appeared to conflict with the Committee's recommendation in paragraph 14 of its previous concluding observations (CCPR/C/FIN/CO/6) that the State party should extend the preferential treatment accorded to Jehovah's Witnesses to other groups of conscientious objectors. She would therefore like to hear more about the scope of Act No 330/2019 and any policy measures taken in response to the Committee's recommendation.
6. She would appreciate more information on steps being taken to ensure that religious minorities had access to food products compatible with their religious dietary restrictions. Lastly, she invited the delegation to explain how section 8 (1) of the Non-Discrimination Act, which prohibited discrimination on the basis of religion, was compatible with section 2 (2)

of the Act, which stated that the Act did not apply to activities pertaining to religious practice, and to clarify how the Act applied to the issue of religious dietary restrictions.

7. **Mr. Santos Pais** said that he would like to know which law enforcement authority was responsible for conducting preliminary inquiries into alleged terrorist offences; how many cases of terrorist offences were currently under investigation; and which offences were considered a threat to national security. He wondered whether the Intelligence Ombudsman was responsible for the oversight of all intelligence operations, including those involving personal data; whether both the Intelligence Ombudsman and the Data Protection Ombudsman had access to intelligence databases containing personal data; which of the two institutions dealt with claims relating to personal data; and which authority was responsible for deciding whether an intelligence operation constituted a gross breach of privacy. He would also like to know what sentences had been handed down; who the defendants had been; and what religious beliefs had been at stake in the cases involving ethnic agitation and breaches of the sanctity of religion that had been brought to the attention of the Prosecutor General in the previous three years.

8. The Committee had been engaging with Finland on the delicate issue of Sami rights for almost 18 years and the State party had apparently examined the possibility of ratifying the International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169) more than 10 times. He would therefore like to know when Finland was planning to ratify ILO Convention No. 169; whether it intended to pursue the process of reconciliation with the Sami through the Truth and Reconciliation Commission, and if so, how; and when it hoped to conclude its revision of the Act on the Sami Parliament, taking into account the Committee's Views concerning sections 3 and 9 of the Act. He wished to know what steps would be taken to guarantee respect for the right of the Sami to their traditional livelihoods, including salmon fishing in the Deatnu River, and to protect the Sami salmon fishing culture. Lastly, he would like to know whether the State party would ensure that development projects affecting Sami culture and livelihoods were subject to human rights, cultural, environmental and social impact assessments, and what training would be provided to government and local officials and members of the judiciary on the need to respect the rights of the Sami as an indigenous people.

The meeting was suspended at 4.30 p.m. and resumed at 4.40 p.m.

9. **Ms. Oinonen** (Finland) said that freedom of conscience and religion was guaranteed in the Constitution and the Freedom of Religion Act. Since, according to scientific research, stunning before bleeding was the most humane method of slaughtering animals, the Government planned to introduce new legal provisions that would require stunning before bleeding in all cases of slaughter in Finland. However, there would be no restrictions on the import of products derived from animals that had not been slaughtered in that way.

10. The Government of Finland had been involved in the preparation of the draft additional protocol to the Convention on Human Rights and Biomedicine on involuntary placement and involuntary treatment in mental health-care facilities, in consultation with organizations of persons with disabilities and the National Advisory Board on Social Welfare and Health-Care Ethics. It had emphasized the need for the draft additional protocol to be in line with the Convention on the Rights of Persons with Disabilities and to contain strong provisions on the right to self-determination. The draft additional protocol had been circulated to all relevant ministries, authorities and civil society organizations for a final round of consultations and would be presented to the parliament shortly.

11. **Ms. Halila** (Finland) said that the draft additional protocol would hopefully be adopted in June 2021. Its aim was to ensure that involuntary treatment in mental health-care facilities was used only as a last resort, in situations where the right to life was under threat. Finland had played an active role in the drafting process by providing expertise and proposing alternatives to the use of coercion in psychiatric care.

12. **Ms. Kaskinen** (Finland) said that general legal counselling on the asylum application process, asylum seekers' rights during the asylum process and legal aid entitlements would be provided to all asylum seekers in reception centres under the Government's proposed amendments to the Aliens Act. The Finnish Immigration Service, which was responsible for processing all asylum applications, had specialized case workers who had been trained to

identify victims of human trafficking and unaccompanied minors. The right to apply for asylum would not be limited in any way by the proposed amendments to the Aliens Act, and asylum seekers whose initial application had been refused would continue to have the right to submit a second application based on new grounds. Unaccompanied minors were detained very rarely in Finland, and only as a last resort: unaccompanied minors under the age of 15 could not be detained under any circumstances, while unaccompanied minors between the ages of 15 and 17 could be detained only if their asylum application had been rejected and the decision to deny asylum had become enforceable. The delegation would provide information on the number of asylum seekers removed from the country during the reporting period in writing.

13. **Ms. Lempiö** (Finland) said that the police were required to verify the enforceability of removal orders with the courts before carrying out deportations. If an appeal was pending, or interim measures had been granted or were expected to be granted, the deportation was suspended. The police cooperated with asylum lawyers in verifying whether an application in respect of the person to be deported had been submitted to an international human rights body, in which case the deportation was usually suspended until a decision on interim measures had been taken. If a person subject to a removal order expressed a wish to reapply for asylum, the police were required to refer the application to the Finnish Immigration Service and to postpone the deportation. The Ministry of the Interior had recognized in a recent internal oversight report on police activities that the police's system for collecting data on detention and non-custodial measures was in need of improvement, and the resultant recommendations had now been submitted to the National Police Board. Some data were still recorded on paper, but a new information technology platform for data collection was being developed and would be ready for implementation in the near future. Relevant statistical data would be shared with the Committee in writing following the interactive dialogue, along with information on the use of videoconferencing during court hearings, as requested.

14. **Mr. Huhtamäki** (Finland) said that, while the police had primary responsibility for investigations into criminal activities, customs officers, border guards and military police officers also had investigative powers under their respective mandates. However, pursuant to civil intelligence legislation enacted in 2019, the Finnish Security Intelligence Service no longer had such powers. The remit of the civilian intelligence authority was to gather intelligence on terrorism, weapons of mass destruction, dual-use goods, activities that threatened the democratic social order, activities that threatened the life or health of the Finnish people, activities by foreign States that might undermine the vital interests of Finland, crises threatening international peace and security, activities that seriously threatened the security of international assistance provided by Finland and international organized crime. Decisions on civilian intelligence operations were made by the courts at the request of a commanding police officer or, in less important cases, by the commanding officer of the Finnish Security Intelligence Service. Persons who wished to seek legal remedies in relation to intelligence operations could apply to the Intelligence Ombudsman.

15. **Mr. Puurunen** (Finland) said that the Nationality Act had recently been amended to provide for the withdrawal of Finnish citizenship from nationals who committed grave crimes against Finnish national interests such as treason, espionage or serious acts of terrorism. Revocation of nationality could be ordered only if the person concerned had been sentenced to at least 5 years' imprisonment in Finland and the ruling had become final. The amendment, which had come into force on 1 May 2019, did not have retroactive effect and had yet to be applied. Finnish citizenship could not be withdrawn from a person who would otherwise be stateless, and any decision to revoke Finnish citizenship must be based on an assessment of the person's ties with his or her other country of citizenship and of the possible consequences of revocation for the family.

16. **Ms. Turpeinen** (Finland) said that the Data Protection Ombudsman monitored compliance with the European Union General Data Protection Regulation 2016/679 and supervised the processing of personal data in criminal investigations and national security operations. In accordance with chapter 8 of the Police Act (No. 581/2019), the Data Protection Ombudsman also had broad powers to request access to police data, to conduct inspections and to impose conditional fines.

17. **Ms. Heine** (Finland) said that legal counsel would be provided during asylum interviews pursuant to the Government's proposed amendments to the Aliens Act, which were expected to be passed in the coming months, and that the lawyers who provided counsel would be paid an hourly rate rather than a fixed sum. In addition, the time limit for appealing asylum decisions would be extended to 30 days. Although the quality of the counsel provided through legal aid was considered to be good, the Ministry of Justice had recently issued a report that examined ways to guarantee high-quality counsel for asylum seekers and put forward a set of recommendations that included increasing training opportunities for lawyers and establishing an on-call system and a register of lawyers specializing in immigration. The Government would follow up on those recommendations once it had received feedback on the report from stakeholders.

18. **Mr. Koljonen** (Finland) said that the duration of military service was 165 days for rank and file conscripts, 255 days for more advanced positions, such as military police officers, and 347 days for non-commissioned officers, reserve officers and military truck drivers. Nearly half of all conscripts performed the longest period of military service. In March 2020, the Government had set up a parliamentary committee on conscription and national service. A military official served on the committee's working group on non-military service in order to improve coordination between the military and non-military service working groups. Human rights experts also had seats on the committee. There were around 30 to 50 conscientious objectors every year, the majority of whom were given monitoring sentences in accordance with chapter 6 of the Criminal Code. In 2017, 30 conscientious objectors had been given monitoring sentences and 3 had been given prison sentences.

19. **Ms. Bruun** (Finland) said that the duration of non-military service had been reduced to 347 days in 2012. Unlike military conscripts, non-military conscripts could choose the type of work that they performed and the location to which they were posted.

20. With regard to the impact of mining on the Sami population, the current Mining Act contained provisions that took due account of the rights of the Sami and defined specific procedures for processing applications for permits to mine in Sami areas. The permit authority was required to compile an impact report on proposed mining activities in Sami areas, in cooperation with the Sami Parliament, and to propose measures to decrease or prevent possible damage. If the proposed measures were insufficient, the permit application might be granted for a reduced area or else refused altogether. The Government had set up a working group, which included representatives of the Sami Parliament, to prepare amendments to the Mining Act. The working group would consider proposals aimed at ensuring that the Sami Parliament was informed of reservation decisions.

21. **Ms. Nyman** (Finland) said that the Non-Discrimination Ombudsman had been selected to serve as the independent rapporteur on violence against women because of her experience in the position of national rapporteur on trafficking in human beings and her knowledge of disability and minority issues, which would be important for assessing intersectoral issues such as violence against women with disabilities. The Office of the Ombudsman for Equality had indicated that it would not be able to perform the mandate of the independent rapporteur on violence against women adequately in addition to its own mandate because of its limited resources. Moreover, the mandate of the Ombudsman for Equality did not extend to monitoring cases of violence against women, except for cases of harassment. The Finnish Human Rights Centre and the European Institute for Crime Prevention and Control had also been considered for the role but had ultimately not been selected for reasons of administrative incompatibility.

22. The Government was still studying the possibility of ratifying ILO Convention (No. 169). The Ministry of Justice was taking the lead in that process and was expected to issue a recommendation in the near future. The Government had been engaged in dialogue with the Sami Parliament on the establishment of a truth and reconciliation commission since 2017. An international seminar had been organized to gather international experience and consultations had been organized in the Sami homeland and in the biggest cities in Finland. The commission's mandate, which had been approved by the Government and the Sami Parliament in 2019, was to investigate and assess historical and ongoing discrimination, including the impact of assimilation policies, to build trust between the Government and the Sami, to investigate and learn from historic events that had impacted Sami society, to increase

awareness of Sami language and culture and to strengthen the implementation of Sami rights. The Sami Parliament had recently discussed and approved the nominations of the five commissioners who would have a seat on the commission, which was expected to become operational in early 2021. Psychosocial support would be offered to Sami participants in the commission's research in a manner that respected Sami culture and in appropriate languages. The commission would draw up a report on its work, which would include suggestions for measures to be taken by the Government, at end of 2022.

23. A committee had been established in December 2020 to prepare draft amendments to the Act on the Sami Parliament. The committee comprised five representatives of the Sami Parliament and one representative of each of the five political parties represented in the Finnish parliament. It would finish its work in May 2021, and a bill based on that work would be submitted to the Finnish Parliament before the end of 2021, subject to approval by the Sami Parliament. Sections 3 and 9 of the Act would be discussed extensively by the committee in order to ensure that any amendments agreed were not counter to the fundamental and human rights of the Sami people.

24. The Government held consultations with the Sami Parliament on fishing in the Tana River every year, after the fishing season ended, with a view to exchanging information and ensuring that the Sami people's rights to traditional fishing practices were protected. The Governments of Finland and Norway were currently renewing their Tana fisheries agreement, and a representative from the Sami Parliament was taking part in those negotiations. A separate negotiation process had also been established pursuant to the obligation to negotiate established under the Act on the Sami Parliament.

25. Provisions relating to the concept of "significant harm" could be found in various laws, and currently several legislative processes were under way that would allow for the addition of new provisions prohibiting significant harm to the Sami culture or for the inclusion of "significant harm" considerations during impact assessments. The laws currently being examined included the Climate Change Act, the Nature Conservation Act, the Antiquities Act, and the Land Use and Building Act.

26. **Ms. Tallroth** (Finland) said that, as a rule, prosecutors enjoyed life tenure, which served to safeguard their independence. However, chief district prosecutors, whose tasks were administrative, not prosecutorial, were given renewable fixed-term contracts of five years, in line with other, equally senior posts within the Administration; there were five such prosecutors for the whole of Finland. The only other exceptions were junior prosecutors, who were given one-year appointments for training purposes; thereafter, they were permitted to apply for regular posts.

27. A working group set up by the Ministry of Justice was currently reviewing the Coercive Measures Act, including the period of time that a person arrested on criminal charges could be held in police custody before being brought before a judge. Two alternatives to remand prison had been introduced in 2019: a so-called "intensified travel ban", involving the electronic tagging of suspects, which was primarily designed to keep minors out of remand prison; and house arrest. The first alternative had been applied 205 times so far, but the second had not yet been used, most likely because it was applicable only to persons who had received a sentence of at most 2 years' imprisonment; remand prison was not usually imposed in such cases, and so no alternative was required.

28. She wished to apologize on behalf of the Government for the confusion that had arisen regarding the reservation to article 14 (7) of the Covenant: the replies to the Committee's list of issues in 2013 ([CCPR/C/FIN/Q/6/Add.1](#)), which had also been referred to in the State party's most recent periodic report ([CCPR/C/FIN/7](#)), erroneously cited article 2 of Protocol No. 7 to the European Convention on Human Rights, whereas it was article 4 of the Protocol that established the exceptions to the principle of *ne bis in idem* that were also permitted under Finnish law, but not under the Covenant. She wished to confirm that a case could indeed be reopened after a final judgment had been handed down, including in acquittals, although any reversal of judgment required an extraordinary appeal to the Supreme Court. During the period from 2016 to 2020, prosecutors had made 29 such appeals, of which only 1 had concerned an acquittal, and that appeal had been dismissed by the Supreme Court. She recognized that article 4 of Protocol No. 7 and the Government's reservation to article 14 (7)

of the Covenant were exceptions to the *ne bis in idem* principle and must remain just that – exceptions to the rule.

29. **Ms. Nyman** (Finland) said that Metsähallitus, the State enterprise managing State-owned parks and forests, applied the Akwé: Kon Voluntary Guidelines in some cases. In 2019, the Sami Parliament and Metsähallitus had jointly revised the instructions on how to apply the Guidelines, and their application was now being promoted in other land use and environmental planning contexts. The current Government had prioritized railway projects, including the Arctic Ocean railway, as a tangible way to improve cross-border connections by expanding freight and passenger transport in Europe. The extension of the Trans-European Network Corridors in Finland and Sweden would be crucial in that connection. Recalling that a Finnish-Norwegian working group had examined the proposed Arctic Ocean railway and had not proposed any further measures for promoting the project, she said that Finland and Norway had yet to take a political decision regarding the construction of the Arctic Ocean railway or its possible routing.

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

31. **Mr. Santos Pais** said that, since so few cases had been brought in connection with breaches of the sanctity of religion and there had been even fewer convictions, he wondered whether there might be ways of addressing the concerns of Finnish society other than through criminal law provisions. Resorting to vague and broadly worded provisions made it more difficult, moreover, to identify the public good that the provisions were intended to protect. He looked forward to following the progress of the Government's consultations and negotiations with the Sami people, which he hoped would result in mutually beneficial arrangements.

32. **Mr. Zyberi** said that he would like to know whether there was a per-case ceiling for legal aid and whether defendants had a choice of legal counsel. Information about any planned measures to address the obstacles to family reunification for refugees, include fees and minimum income requirements, would be helpful. Lastly, commending the State party for automatically granting Finnish nationality to children born in Finland, regardless of their parents' residency status, he asked what measures the State party was taking to contribute to the global campaign to end statelessness within a decade, by 2024.

33. **Ms. Abdo Rocholl** said that she would appreciate more detailed information about the campaigns carried out to raise awareness about non-military service, as well as a more detailed explanation of the role of the military official who sat on the working group on non-military service. She would also appreciate an answer to her question about the legal basis for the unconditional imprisonment of conscientious objectors. Since religious minorities continued to have to import food products compatible with their religious dietary restrictions, an answer to her question about the Non-Discrimination Act and the apparent incompatibility of its articles 8 (1) and 2 (2) would likewise be appreciated.

34. **Ms. Kran** said that the Committee had received reports of development projects such as wind farms going ahead without the prior and informed consent of indigenous peoples in the Arctic region. She would therefore like to know whether adequate resources had been provided for meaningful consultations to be held with Sami rights holders and the Sami Parliament and, for projects that were already under way, how the Government was mitigating the negative impacts on the Sami language and culture. Noting that, since 2016, family members of individuals who were granted asylum must meet secure income requirements to gain access to residence permits, she said that, notwithstanding the existence of a few exceptions to such requirements, the Committee remained concerned that the requirements restricted the right to family reunification. She therefore wished to know whether the proposed amendments to the Aliens Act would remove such requirements for the family members of asylum seekers.

35. **Ms. Nyman** (Finland) said that the Government was committed to facilitating meaningful negotiations with indigenous peoples. In a recent example of such efforts, in 2021, the Ministry of Justice had granted an additional €18,000 to the Sami Parliament so that it could hire a second lawyer.

36. **Ms. Bruun** (Finland) said that the Ministry of Defence provided information about military and non-military service options during the drafting process. In addition, the Civil Service Centre and the Ministry of Economic Affairs and Employment featured information about non-military service on their websites.

37. **Ms. Heine** (Finland) said that while legal aid generally covered 80 hours of the counsel's time, the courts could order an additional 30 hours to be granted, renewable once if necessary. Under the Legal Aid Act, only private attorneys could be assigned to legal aid cases that went to court; all disputes to be settled out of court were assigned to public legal aid attorneys. That said, if a case could not be handled from start to finish by a public attorney, it would be assigned to a private attorney.

38. **Ms. Kaskinen** (Finland) said that work on a legislative proposal that would remove the minimum income requirement for family members of minors under international protection had begun in July 2020.

39. **Ms. Oinonen** (Finland) said that the delegation had found it very helpful to engage in constructive dialogue with the Committee so soon after the submission of the periodic report, and that the Human Rights Committee's close coordination with the Committee on Economic, Social and Cultural Rights had allowed for a more comprehensive assessment of the human rights situation in Finland. The delegation had taken note of the Committee's questions and recommendations and would endeavour to submit any outstanding replies within 48 hours. The Committee's concluding observations would be translated into Finnish, Swedish and Northern Sami, would be widely distributed and would be published on the website of the Ministry of Foreign Affairs.

The meeting rose at 6.05 p.m.