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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 (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. **The Chair** invited the delegation to reply to the questions raised by the Committee members at the previous meeting.
3. **Ms. Oinonen** (Finland) said that the Government reported annually to the parliament on its efforts to fulfil the 2030 Agenda for Sustainable Development and that the voluntary national reviews it submitted to the high-level political forum on sustainable development were publicly available. The Finnish Commission on Sustainable Development and the Development Policy Committee were two key forums in which the whole of Finnish society could participate. Furthermore, a citizens' panel brought together 500 volunteers annually to assess sustainable development efforts by Finland. An independent assessment of the implementation of the 2030 Agenda was carried out once during each Government's term, and the next such assessment would be commissioned in 2023. Specifically regarding goal 16, the Government had introduced the interministerial National Democracy Programme 2025, inter alia, to develop new means of participation for civil society, strengthen the capacity of civil society and promote youth participation. Finland had repeatedly ranked very highly against international benchmarks for democracy, human rights, press freedom and non-corruption. For several years now, the country had received full marks for political rights and civil liberties in the country comparison conducted by Freedom House and, according to numerous international studies, Finnish elections were among the freest and most reliable in the world.
4. For 2021, the Ministry of Foreign Affairs had granted some €2 million to civil society organizations specifically linked to the United Nations to support their basic operations and development, communications, and education activities. The Ministry had granted a further €2.7 million to Finnish civil society organizations for development, communications and education projects to be carried out in 2021 and 2022 with a view to encouraging citizens to participate in advancing sustainable development. In providing such support, the Government sought to promote achievement of the Sustainable Development Goals, in particular target 4.7. The Ministry of Foreign Affairs had also granted discretionary government grants of €1 million to 14 civil society organizations operating in the field of foreign and security policy.
5. **Ms. Turpeinen** (Finland) said that the observance of fundamental and human rights in legislative proposals was monitored at various stages of the legislative process. A distinction should be made between fundamental and human rights impact assessments and reviews of constitutionality. Legislative proposals required general impact assessments, but the Council of Regulatory Impact Analysis could also decide to assess, specifically, the fundamental and human rights impacts of any given proposal. The outcome of such assessments, which were issued in the form of statements and were publicly available, were not binding on ministries; however, if a ministry then chose to disregard a statement, it had to issue a formal explanation of its decision. Furthermore, any government proposal must make clear that its content was in line with the Constitution and public law, including the Government's human rights obligations, which were binding.
6. Reviews of constitutionality could have binding legal effects, insofar as the Ministry of Justice, the Chancellor of Justice and, in some cases, the Constitutional Law Committee and other parliamentary committees, oversaw the compliance of legislative proposals with the Constitution and with public law. The parliamentary committees heard independent constitutional and public law experts, and the statements of the Constitutional Law Committee were binding on the parliament and the other parliamentary committees. If a legislative proposal was found to violate fundamental or human rights, the parliament could not enact the law through the normal legislative process. The speaker of the parliament, moreover, had a constitutional duty to ensure that the parliament did not pass any unconstitutional laws; if the speaker considered a bill before the parliament to be

unconstitutional, he or she must refer it to the Constitutional Law Committee for a decision. Such a case had arisen in 2019 in connection with new surveillance legislation. Lastly, under article 106 of the Constitution, if, in a matter being tried by a court of law, the application of a law was manifestly inconsistent with the Constitution, the court must give primacy to the Constitution.

7. **Ms. Nousiainen** (Finland) said that discrimination against black and dark-coloured people was a complex problem that required a multifaceted response. The Non-Discrimination Act prohibited discrimination, *inter alia*, on the basis of ethnic origin, which encompassed skin colour, and required all public authorities and all employers employing 30 or more persons to actively combat discrimination. Although the legal non-discrimination framework was considered adequate, compliance with the law was in some cases lacking. Therefore, in the coming years, the Government planned to introduce more practical measures, such as training, for key actors including institutions and employers. Racism against black people would be among the topics addressed. A national media campaign scheduled for May 2021 would specifically address anti-racism, racialization and the history of Afro-Finns. The Government worked closely with civil society in awareness-raising activities; for example, it had granted funds to Anti-Racism Forum, a non-governmental organization (NGO), to set up a mechanism for monitoring hate incidents in Finland. The NGO in question also provided victims of hate incidents with psychological and other forms of support and helped to raise awareness of the problem and its consequences for society as a whole.

8. **Ms. Mikander** (Finland) said that Veikkaus, the Finnish national lottery, estimated that the Government's annual proceeds from gambling would fall by €300 million as a result of measures taken to mitigate the harmful effects of gambling and the unavailability of slot machines during the coronavirus disease (COVID-19) pandemic. It was challenging to balance efforts to curb the detrimental effects of gambling with the support of civil society, to which a significant part of gambling proceeds were redistributed. A working group set up to examine the problem had published the results of its study just a week previously. It had proposed several options, from maintaining the current system in place, to a complete overhaul by 2024; the Government had not yet taken a decision on the matter.

9. **Mr. Quezada Cabrera** said that he remained concerned about the State party's reservation to article 14 (7) of the Covenant, which the State party claimed was consistent with article 2 of Protocol No. 7 to the European Convention on Human Rights. It seemed, in fact, to go much further than that provision, which simply set out everyone's right to have his or her conviction or sentence reviewed by a higher tribunal. The Finnish Criminal Code, on the other hand, allowed for the possibility that higher tribunals might review not only convictions, but also acquittals, so that no judgment could be said to be final. He would appreciate the delegation's further comments on the matter.

10. **Ms. Tigroudja** said that reports received by the Committee indicated that transsexualism continued to be classified as a mental disorder, and to be defined in a binary fashion, so that a transsexual person could not simply claim to be neither one of the established genders. The procedures for changing gender identity reportedly remained very time-consuming, discriminatory and detrimental to private and family life. She would therefore like to know whether the State party intended to remove transsexualism from the official list of mental disorders; whether the amendments to the Trans Act would provide for the elimination of forced sterilizations of transsexual persons; and how the State party planned to simplify and expedite procedures for changing one's gender identity, and to prevent such procedures from perpetuating stereotypes and thus becoming discriminatory in themselves. She would also like to know why transgender children, who represented an especially vulnerable group, had been excluded from the Act. The Committee had received reports that operations continued to be performed on intersex children without their consent and, moreover, that such operations were all too often carried out for social, rather than medical, reasons. Referring to paragraph 108 of the State party's report, she said she would like to know how the government programme would provide effective protection for the right to self-determination of intersex children, and also for their dignity, integrity and right to non-discrimination; and what specific safeguards were in place to ensure that so-called

“corrective” surgeries were performed only with the informed consent of the child and for strictly medical reasons.

11. Updated statistics on the use of Taser guns by police would be appreciated, as would information on any measures taken to control, measure and limit police use of weapons in general. The State party’s assertion that public trust in the police was extremely high was not consistent with information received from a number of NGOs, some of which had reported a lack of trust in the police among minorities. The State party’s comments on that apparent discrepancy would be welcome.

12. She remained concerned about the length of time permitted to elapse between a person’s arrest on criminal charges and appearance before a judge. She wondered whether the COVID-19 pandemic had caused delays in bringing suspects before a judge and would appreciate any relevant information on the functioning of the courts during the pandemic. She would also like to know whether the State party had made any changes to the exceptions to the obligation to notify a person’s relatives of his or deprivation of liberty within 48 hours of arrest.

13. **Mr. Zyberi** said that he would like to know how many cases involving terrorist-related activities had been tried by Finnish courts during the reporting period, especially since the amendment of the definition of terrorist crimes in the Criminal Code, and to which crimes those cases specifically related. It would also be useful to learn whether the many women and children affiliated with the Islamic State in Iraq and the Levant who were being held in difficult conditions at the Hawl camp were going to be returned to Finland, and whether they would face legal proceedings upon their return. Did Finland have a Government-backed rehabilitation programme for extremists or former foreign terrorist fighters?

14. He understood, based on the periodic report (CCPR/C/FIN/7, paras. 119–121), that oversight of the activities of the Finnish intelligence services was shared by five institutions, namely, an independent Intelligence Ombudsman, a parliamentary intelligence committee, the Parliamentary Ombudsman, the Chancellor of Justice and the Data Protection Ombudsman. He would therefore be grateful for more information about the relationship between those institutions and their mandates. It would also be useful to know which institution had overall oversight of the activities of the Finnish intelligence services and what impact the institutions had had in ensuring that the activities of the intelligence services remained within the bounds of human rights law, especially in respect of the right to privacy and due process of the law.

15. Turning to the issue of violence against women, he said that, according to the information received by the Committee, levels of sexual harassment, violence and hate speech against women remained high. He would appreciate updated information on the Government’s plans to provide additional resources for victim support services, including more beds and resources for shelters to bring them up to the standard required by the Council of Europe. It would be useful to know whether shelters had been accessible during the pandemic, and whether women with disabilities, Roma women, Sami women and migrant women had equal access to them.

16. He would be grateful for updated information on the activities of the working group tasked with reviewing legislation on restraining orders in order to improve safeguards for the rights of victims and would like to know whether the Government was planning to stop charging fees for restraining orders. He would also appreciate updated information on the amendments to chapter 20 of the Criminal Code, concerning sexual offences, including an explanation of how the changes would help to resolve problems such as underreporting, low prosecution and conviction rates for rape and over-lenient penalties. It would be interesting to learn whether the new independent rapporteur on violence against women, once appointed, would head a separate institution or would be placed within an existing structure. Lastly, the Committee would like to know what measures had been taken to enhance protection against forced marriage, especially any amendments to the laws regulating the recognition of marriages concluded abroad by minors.

17. **Mr. Furuya** said that there had been allegations that vulnerable persons, including persons with disabilities and older persons with dementia, were deprived of their liberty in social and health-care institutions without sufficient legal justification or safeguards. In 2017,

the Committee against Torture had recommended that the State party should strengthen its protection of the right to self-determination of persons with mental disabilities, and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment had expressed similar concerns after its visit to the State party in September 2020. In that context, he would like to know why the adoption of the bill on the right to self-determination of users of social welfare and health-care services had been delayed, when the bill was likely to be adopted, and how it would ensure the provision of legal safeguards and effective access to legal remedies.

18. The amended Remand Imprisonment Act established that remand prisoners should in principle be placed in a remand prison, but could be placed in a police custody facility if necessary for isolation, security or criminal investigation purposes. He was concerned that those grounds were very broad and could be invoked at the discretion of the investigation authorities. It would be helpful if the State party could explain how the amended Act was applied in practice, provide up-to-date information on the number of persons detained in police facilities and describe the measures being taken to reduce their numbers.

19. The State party had reported that, given the small number of juvenile prisoners, it was not feasible to build separate institutions to accommodate them. However, for the purposes of compliance with the Covenant and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), it would be sufficient to set up a specific area for juvenile prisoners within existing institutions for adult prisoners. He wondered why that measure had not yet been taken. Although he understood the State party's concern that solitary confinement was against the best interests of the child, it should be noted that juvenile prisoners who were placed together with adult prisoners were at risk of physical and sexual abuse. He would like to know who was responsible for deciding whether separate detention was in the best interests of a juvenile prisoner, how such decisions were made, and whether the prisoner concerned could request a review of the decision.

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

20. **Ms. Oinonen** (Finland) said that the Government's policy on the repatriation of Finnish children and their families from detention camps in the Syrian Arab Republic was based on its obligations under the Constitution and international law, including the principle of the best interests of the child. On 19 December 2019, the Government had adopted a resolution stating its intention to repatriate the children concerned as soon as possible. Repatriation decisions were made on a case-by-case basis by a designated competent authority that assessed whether the person to be repatriated posed a security threat to the people of Finland. So far, the competent authority had not identified any security risks that would preclude repatriation. For various legal and logistical reasons, the competent authority had concluded that it made sense to repatriate children together with their mothers. To date, approximately 20 children and 6 women had been repatriated.

21. **Ms. Lempiö** (Finland) said that the repatriation and rehabilitation of those children and their mothers involved a wide range of authorities and government agencies. The mothers who had been repatriated had been questioned by the police but had not been placed under criminal investigation.

22. The Aliens Act explicitly prohibited ethnic profiling by police officers and border guards. However, some cases of ethnic profiling had been reported, one of which had recently been brought before the National Non-Discrimination and Equality Tribunal. Steps had therefore been taken to update police guidelines and to provide mandatory training to police officers on non-discrimination and the prohibition of ethnic profiling. There were plans to provide similar training to border guards. Victims of ethnic profiling could submit a complaint to the National Police Board, the Non-Discrimination Ombudsman or the Parliamentary Ombudsman, or could bring a case before the National Non-Discrimination and Equality Tribunal free of charge, without the need for a lawyer.

23. The Police University College had been considering ways to increase the diversity of its intake in order to foster trust in the police force among minority groups. In addition, the Ministry of the Interior was organizing training on non-discrimination for all agencies under its authority and had already organized training on antisemitism for the police, in cooperation with the Jewish community and the Anti-Defamation League.

24. **Ms. Halila** (Finland) said that the Ministry of Social Affairs and Health had developed tools for the various authorities involved in the rehabilitation of children who had been repatriated from the Syrian Arab Republic. The authorities worked together to build a safe environment in which repatriated children could grow and develop. Support was provided for a maximum of five years after repatriation.

25. According to the persons in charge of Helsinki University Hospital, no corrective surgery or non-medical procedures had been performed on intersex children. Since there seemed to be some disagreement as to which procedures were necessary for the health of an intersex child and which were purely cosmetic, further discussions on the subject were needed. A working group would be set up by the end of March 2021 to discuss the discontinuance of cosmetic, non-medical genital surgery on young intersex children; the working group would include representatives of non-governmental organizations and associations of parents of intersex children.

26. **Ms. Uusitalo** (Finland) said that, after delays due to the COVID-19 pandemic, the Ministry of Social Affairs and Health had begun drafting a bill on the rights of transgender persons that would be submitted to the parliament in December 2021. The views of international human rights bodies and national human rights organizations would be taken into account in the drafting process. The Ministry was also preparing to draft the bill on the right to self-determination of users of social welfare and health-care services, with due regard for the recommendations of international human rights bodies. It was aiming for the new legislation to enter into force in 2023.

27. By law, individuals could not be placed in a care home against their will. In the case of persons who lacked legal capacity, the decision to place them in a care home was made by their legal representative or by a family member. Consequently, they might feel as though the decision had been made against their will. For that reason, it was important to ensure that all care home residents were treated with dignity and respect. The National Supervisory Authority for Welfare and Health had issued guidelines to care homes on that subject.

28. **Ms. Riski** (Finland) said that there were 29 shelters, offering a total of 211 places, and 8 rape crisis centres. The Government aimed to increase the number of shelter places to between 300 and 360, following a needs assessment conducted by the Finnish Institute for Health and Welfare, and there were plans to establish 10 more rape crisis centres over the next two years. During the COVID-19 pandemic, there had been a rise in demand for services for victims of violence against women and sexual violence, especially online services. All shelters had remained open during the pandemic and the necessary precautions had been taken to prevent the spread of COVID-19. Shelters were regulated by a specific law that established standards in areas such as staff training, provided interpretation services for victims who spoke languages other than Finnish or English, and were open to all men and women, regardless of origin. However, more needed to be done to increase access to and raise awareness of shelter services among all communities, including Roma and Sinti communities. The parliament had increased the shelter budget by €2 million for 2021, and the additional funding would be used to increase the physical accessibility of shelters.

29. **Ms. Turpeinen** (Finland) said that the rights and responsibilities of the Intelligence Ombudsman and the Intelligence Oversight Committee were regulated by the Act on the Oversight of Intelligence Gathering. Both authorities were entitled to receive reports on intelligence activities from other public authorities. The Intelligence Ombudsman could inspect the premises of public authorities, order the suspension of intelligence gathering and investigate alleged rights violations. Intelligence activities relating to the collection of personal data were monitored by the Data Protection Ombudsman. According to the first annual report of the Intelligence Ombudsman, since the entry into force of the Act, the Ombudsman had conducted several surprise inspections but had not encountered any abuses.

30. **Ms. Nyman** (Finland) said that the Non-Discrimination Act was broad in scope and applied to all public and private activities, with some exceptions related to religious practices. In addition to establishing a general prohibition on discrimination in the workplace, the Act provided that all employers had an obligation to promote equality and employers with a regular staff of at least 30 employees were required to prepare a written gender equality plan. Victims of discrimination were entitled to claim compensation in court under the Non-

Discrimination Act and the Tort Liability Act and, in some cases, the Non-Discrimination Ombudsman provided assistance to victims during the proceedings. Victims could also report discrimination to the police, in which case a different set of punitive measures could be applied.

31. **Ms. Tallroth** (Finland) said that the compatibility of chapter 34 (a) of the Criminal Code with the human rights obligations of Finland had been thoroughly assessed. The Government did not believe that its anti-terrorism legislation was susceptible to abuse, given the extensive ex ante scrutiny to which it had been subjected, and only one case involving terrorism-related offences had been tried by the Finnish courts. In accordance with its international commitments, the Government had submitted two anti-terrorism-related bills to the parliament, one on the financing of individual terrorists and the other on the criminalization of public incitement to terrorist offences, which were expected to be passed in 2021.

32. Much progress had been made in addressing the issue of violence against women. Implementation of the 32 measures provided for under the recently adopted Action Plan for Combating Violence against Women had already begun. An independent evaluation of the progress made under the Action Plan would be conducted after two years. An additional €400,000 for victim support services had been added to the Ministry of Justice's annual budget. The introduction of victim charges in accordance with the European Union directive on victims' rights had enabled the Ministry to provide additional financial assistance to non-governmental organizations offering victim support.

33. Pursuant to a government bill due to be submitted to parliament in the near future, the Non-Discrimination Ombudsman would be appointed to serve as the independent rapporteur on violence against women, in addition to serving as the independent rapporteur for trafficking in human beings. The rapporteur would be responsible for monitoring reports of violence against women and assessing policies to prevent and combat violence against women and would have the power to submit recommendations to the Government and to the parliament. The activities of the ombudsmen were financed through the budget of the Ministry of Justice, but they were functionally independent.

34. As part of the amendment of chapter 20 of the Criminal Code, the Ministry of Justice had established a working group to draft a bill that would increase the severity of penalties for sexual offences against minors and would make the lack of consent central to the definition of rape. The bill had been disseminated to stakeholders for feedback and was currently under review. The reporting rate for rape had considerably increased in recent years. The Ministry of Justice planned to conduct a review of the legislation on forced marriage in early 2021 to determine whether forced marriage should be punishable as a separate offence; currently, it was punishable under the offences of human trafficking and coercion.

35. The working group established under the Ministry of Justice to improve the efficiency of restraining orders was considering a number of proposals, including electronic monitoring through ankle tags and 24-hour supervision. Since the introduction of a fixed court fee for restraining orders, there had been a decrease in the number of applications. Persons who were eligible for legal aid were exempt from paying the fee, which could also be waived if the courts decided that charging a fee was manifestly unreasonable. The working group would study the feasibility of abolishing the fee, but no decision had yet been taken. The Government would take action, on the basis of the working group's recommendations, in 2022.

36. There were no plans to amend the law that allowed persons arrested on criminal charges to be held in police custody for up to 48 hours before being brought before a judge. Police officers required 48 hours to ascertain whether there were grounds to remand the suspect in custody, and most persons taken into police custody were released within the 48-hour period. Remand prisoners could be held in police custody facilities for a maximum of seven days after their remand hearing, with some exceptions. A joint working group under the Ministry of Justice and the Ministry of the Interior had been tasked with taking the measures necessary to ensure that all remand prisoners were transferred to a remand prison immediately after their remand hearing by 2025. There was currently insufficient space in

remand prisons for all remand prisoners, but various remand prisons were currently being extended or refurbished to increase the number of places available.

37. There were currently only two convicted prisoners and nine remand prisoners under the age of 18 in the whole Finnish prison system. The Government had recently attempted to implement a policy of holding juvenile prisoners in childcare facilities, but it had been unsuccessful because the childcare facilities available were not suitable for detention. The Criminal Sanctions Agency had begun work on a project to ensure that, by mid-2021, juvenile prisoners could only be held in a small group of selected prisons, in separate units away from adult prisoners. In cases where placing a minor in a separate unit would be tantamount to solitary confinement, the minor would be permitted to participate in supervised activities with adult prisoners during the day. In terms of procedural safeguards, it was the responsibility of the prison director to decide whether a juvenile prisoner should be detained alone or with adult prisoners. Such decisions were not subject to review.

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

39. **Ms. Tigroudja** said that she would be grateful if the delegation could provide statistical data on the proportion of persons taken into police custody that were released within 48 hours. It would be useful to receive statistical data about ethnic profiling in written form. She would also be interested to hear the State party's position on the draft additional protocol to the Oviedo Convention concerning the protection of the human rights and dignity of persons with mental disorders with regard to involuntary placement and involuntary treatment.

40. **Mr. Furuya** said that statistical data on the exact number of coronavirus infections and deaths resulting from COVID-19 that had been recorded in housing units for persons with disabilities would be appreciated, as would further information on the specific steps taken to prevent outbreaks of the virus in such institutions.

41. **Mr. Zyberi** asked whether the State party had considered assigning the mandate of the independent rapporteur on violence against women to the Ombudsman for Equality or the national human rights institution, and whether any anti-terrorism procedures brought by the public authorities had resulted in the revocation of Finnish citizenship from a Finnish national.

42. **Mr. Santos Pais** said that he would appreciate clarification as to whether the National Prosecution Authority exercised control over police investigations; whether prosecutors enjoyed similar security of tenure to that of judges; whether the work of prosecutors was supervised by an oversight authority with the power to impose disciplinary sanctions; and whether data on criminal cases were held in a centralized database or in separate databases managed by different law enforcement authorities.

43. **Ms. Uusitalo** (Finland) said that the Government had communicated its concerns about the draft additional protocol to the Oviedo Convention to the Council of Europe, and would continue to make its views known as negotiations continued. According to the information available to the delegation, the number of coronavirus infections in housing units for persons with disabilities was very low, and only one resident was known to have died after having been diagnosed with COVID-19. To protect residents, visits to housing units had been restricted.

44. **Ms. Tallroth** (Finland) said that no person had ever had his or her Finnish citizenship revoked as a result of anti-terrorism procedures. The National Prosecution Authority, which was under the authority of the Ministry of Justice, did not exercise control over the police, which was under the authority of the Ministry of the Interior. However, prosecutors could intervene in police investigations and could take up further investigations in respect of cases that had been shelved or dismissed by the police. The Ministry of Justice exercised oversight of the National Prosecution Authority's use of resources and funds, but there was no authority with the power to impose disciplinary sanctions exercising oversight of prosecutors' work.

The meeting rose at 6.10 p.m.