



# International Convention for the Protection of All Persons from Enforced Disappearance

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## Committee on Enforced Disappearances

### List of issues in relation to the report submitted by Finland under article 29 (1) of the Convention\*

#### I. General information

1. In the light of the monistic character of the legal system of Finland, please indicate steps taken to promote the invocation of the Convention before, and application by, the national courts or other relevant authorities. If available, please provide case law examples of such application.

2. Given that the Finnish National Human Rights Institution is an umbrella entity composed of the Parliamentary Ombudsman, the Human Rights Centre and the Human Rights Delegation, please provide additional information about:

(a) Their competences with respect to the prevention and eradication of disappearances, including enforced disappearances, and related issues, specifying activities that may have been carried out in relation to the Convention;

(b) Whether these institutions have received any complaints relating to enforced disappearances since the entry into force of the Convention and, if so, describe the actions taken and their results;

(c) Efforts made to promote awareness of the Convention among the public and national and local authorities, including judges, prosecutors and lawyers;

(d) Steps taken to ensure that these institutions have the necessary financial, technical and human resources to fully perform their functions;

(e) Actions taken to enhance their effectiveness and independence in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and to implement the recommendations made by the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions, including on legislative amendments that clearly stipulate the existence of the Finnish National Human Rights Institution as one institution with three distinct structures, in compliance with the Paris Principles.

#### II. Definition and criminalization of enforced disappearance (arts. 1–7)

3. In the light of the information provided by the State Party in paragraph 15 of its report that it currently has no statistical data on enforced disappearance, please specify the steps taken to ensure that relevant data can be gathered and used to identify potential cases of disappearance in the State Party. Please provide information on the measures taken to guarantee that these data are included in all relevant registers, including in the genetic and

\* Adopted by the Committee at its twenty-ninth session (22 September–2 October 2025).



forensic databases; that it is disaggregated by the sex, gender identity, sexual orientation, age, nationality, ethnic origin, religious affiliation and occupation of the victim; and that it includes:

- (a) The number of persons who have been disappeared in the State Party, specifying the date and place of disappearance and the number of them who have been located;
- (b) The number of persons who may have been subjected to enforced disappearance within the meaning of article 2 of the Convention;
- (c) The number of persons who may have been subjected to the acts referred to in article 3 of the Convention;
- (d) Data on unaccompanied minors (arts. 1–3, 12, 24 and 25).

4. With regard to paragraph 19 of the State Party's report, please specify how the State Party would ensure that the punishments applied in cases of enforced disappearance were commensurate with the seriousness of the offence of enforced disappearance, in compliance with article 7 (1) of the Convention, given that the offence set forth in chapter 11, section 4 (c) of the Criminal Code is punishable by a sentence of imprisonment of four months to four years. Please also indicate whether the Criminal Code specifically includes mitigating circumstances, as established in article 7 (2) (a) of the Convention, and provide the texts of the respective provisions (arts. 2, 4, 6 and 7).

5. Considering the information provided in paragraphs 45 to 48 of the State Party's report, please indicate whether, in national legislation, it is guaranteed that persons who refuse to obey orders or instructions that prescribe, authorize or encourage enforced disappearance will not be punished, and provide information on any remedies available to subordinates against any potential disciplinary measures resulting from their refusal to carry out a criminal act ordered by a superior (arts. 6 (2) and 23).

### **III. Judicial procedure and cooperation in relation to enforced disappearance (arts. 8–15)**

6. With regard to paragraphs 59 to 62 of the State Party's report, the Committee notes that the right to bring charges becomes time-barred if charges have not been brought within 10 years if the most severe punishment is imprisonment for more than two years and at most eight years, which is the case for enforced disappearance. Please clarify how this limitation is proportionate to the seriousness of enforced disappearance and complies with the continuous nature of the offence. Please also clarify from what moment the time for application of the statute of limitations is counted in cases concerning the disappearance of a person (art. 8).

7. As regards paragraphs 59 to 62 of the State Party's report relating to the different modalities of the statute of limitations applicable to enforced disappearances (10 years as per chap. 11, sect. 3 (1)), and to enforced disappearances as a crime against humanity (chap. 11, sect. 3 (1), para. 3), please indicate the mechanisms in place to ensure the effective suspension of the statute of limitations to bring perpetrators of enforced disappearance to justice. In that context, please explain the measures taken to guarantee accountability in cases of enforced disappearance regardless of the date of occurrence, and to ensure the rights of victims of enforced disappearance to an effective remedy even when no act of investigation or prosecution has been initiated (art. 8).

8. Regarding paragraphs 63 to 70 of the State Party's report, please clarify whether, in line with article 9 (2) of the Convention, national courts are competent under domestic law to exercise jurisdiction over the offence of enforced disappearance if the alleged offender, a foreign national present in the territory of the State Party without permanent residence status, is not extradited, and/or the country in which the enforced disappearance was allegedly perpetrated does not specifically criminalize enforced disappearance. Please provide information on the legal provisions, including in any treaties or agreements with other States, that may ensure jurisdiction for acts of enforced disappearance under chapter 1, or any other provision, of the Criminal Code (art. 9).

9. In regard to paragraphs 65 to 70 and 73 to 76 of the State Party's report, please clarify the procedures in place to ensure the presence of alleged offenders before the competent authorities, and the legal, administrative or judicial measures in place to carry out a preliminary investigation to establish the facts should the State Party take the measures referred to in article 10 (1) of the Convention. In the light of chapter 4, section 1 (3) of the Coercive Measures Act, and chapter 9, section 12 of the Remand Imprisonment Act, please elaborate on the "important reason related to the investigation of the offence" that may restrict access to and contact with the diplomatic mission (art. 10).

10. In regard to paragraphs 82 to 92 of the State Party's report, please describe the measures taken to prevent and combat corruption in the treatment of any case related to enforced disappearance, and their outcomes (arts. 11 and 12).

11. Please describe how the State Party ensures that persons suspected of having committed an enforced disappearance are not in a position to influence the progress of an investigation, and in particular:

(a) Whether domestic law provides for suspension from duties, from the outset and for the duration of an investigation, when the alleged offender is a State official;

(b) Mechanisms in place to ensure that law enforcement officers, security forces or any other public officials do not participate in the investigation of an enforced disappearance when one or more of the officials are suspected of being involved in the commission of the offence (art. 12).

12. In regard to paragraphs 94 to 103 of the State Party's report, and noting section 6 of the Extradition Act 1970, please provide details on any extradition agreements that may have been concluded since the entry into force of the Convention and indicate whether enforced disappearance has been included in such agreements. Please also specify:

(a) Whether any restrictions or conditions apply to requests for mutual legal assistance or cooperation, in the light of articles 14, 15 and 25 (3) of the Convention;

(b) Whether the State Party has made or received any requests for international cooperation in respect of cases of enforced disappearance since the submission of its report to the Committee, and if so, please report on the measures taken;

(c) Whether there has been extradition related to cases of enforced disappearance that may have occurred since the submission of the State Party's report (arts. 9, 13, 14, 15 and 25).

13. Please describe the measures taken to search for and clarify the whereabouts of the more than 160 asylum-seekers who have apparently disappeared from reception centres, taking note of the information provided by the Finnish Immigration Service that, while some of the disappeared individuals had likely moved to other European Union countries to apply for asylum, others remained unaccounted for.<sup>1</sup> In that context, please specify the measures of mutual legal assistance that have been adopted and outline the steps being taken to enhance the protection of asylum-seekers and migrants in reception centres against disappearance (arts. 12 and 14–16).

14. In view of the allegations received by the Committee according to which Finland is a destination country for women, men and children who are trafficked for forced labour and sexual exploitation,<sup>2</sup> please outline:

(a) The measures in place to ensure that the Convention is implemented to prevent and eradicate enforced disappearance in the context of trafficking in persons, taking into consideration any pending or recently implemented changes in the asylum procedure, in deportation procedures and with regard to border closures. In this regard, please explain how the State Party is guaranteeing that the applicable legislation, including the Reception of Persons Applying for International Protection Act, and the Identification of and Assistance to Victims of Trafficking in Human Beings Act 2011, revised in 2023, takes sufficient

<sup>1</sup> See <https://www.is.fi/kotimaa/art-2000010124913.html>.

<sup>2</sup> See CAT/C/FIN/CO/8.

account of the possibility that such victims may have been victims of disappearance, including enforced disappearance;

(b) Actions adopted to provide victims of disappearance in the context of trafficking with appropriate protection and reparation.

15. Please provide information on:

(a) Procedures and mechanisms available to ensure a prompt, thorough and impartial investigation, including in the absence of an official complaint, that lasts until clarification of the fate of the disappeared persons concerned;

(b) Steps taken to ensure that the competent authorities have the necessary powers and resources to conduct investigations into allegations of enforced disappearance effectively, including access to the relevant documentation and other information, as well as to all places of deprivation of liberty or any other place where there are reasonable grounds to believe that a disappeared person may be held (arts. 2, 3 and 12).

16. Please describe the measures taken to avoid any form of discrimination in access to search and investigation processes related to alleged enforced disappearances, especially in the case of people belonging to ethnic and cultural minorities, and migrants (arts. 12, 19 and 24).

17. Please indicate whether protection under the Witness Protection Act 2025 has been sought for cases of disappearance, including enforced disappearances (arts. 12, 19 and 24).

#### **IV. Measures to prevent enforced disappearances (arts. 16–23)**

18. In the light of the Committee's general comment No. 1 (2023) on enforced disappearance in the context of migration:

(a) Please provide information on the measures taken by the State Party to avoid practices that may contribute to enforced disappearances, such as unregistered detention, trafficking in persons, pushbacks, group expulsions, and forced relocation of refugees and asylum-seekers;

(b) Please indicate the number of complaints that have been lodged concerning cases of disappearance that occurred in the context of migration (including migration of refugees and asylum-seekers);

(c) Please describe the measures taken in these cases to search for the disappeared persons, investigate their disappearance, bring the perpetrators to justice, provide the victims with appropriate protection and reparation, and prevent such disappearances. In particular, please report on the measures taken to prevent the disappearance of unaccompanied migrant children, including from migrant detention centres (arts. 1–3, 12, 16, 24 and 25).

19. With reference to paragraphs 104 to 122 of the State Party's report relating to the Aliens Act 2011, revised in 2023, and information received that recent changes made to the Aliens Act and the Border Act (No. 578 of 2005), and the new Act on Temporary Measures to Combat Instrumentalized Migration (No. 482 of 2024), appear to have reduced the ability to seek asylum, and to have limited the legal safeguards for asylum-seekers, and may also have increased the risk of disappearance in the context of refoulement,<sup>3</sup> please indicate:

(a) The procedures, mechanisms and criteria applied to evaluate and verify the risk that a person subject to expulsion, return, surrender or extradition to another State may be subjected to enforced disappearance;

(b) Measures taken to enable access to effective means of legal entry for asylum-seekers that protect against non-refoulement and collective expulsion, including through fair and efficient refugee status determination procedures and non-refoulement determinations;<sup>4</sup>

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<sup>3</sup> See CAT/C/FIN/CO/8.

<sup>4</sup> Ibid.

(c) Measures taken to ensure that the prohibition on carrying out an expulsion, return, surrender or extradition in cases where there are substantial grounds for believing that the person would be in danger of being subjected to enforced disappearance is implemented in practice;

(d) Procedures available to appeal a decision authorizing an expulsion, return, surrender or extradition, specifying before which authority they can be presented, and whether they have suspensive effect, including in cases of fast-track asylum border procedures combined with negative asylum decisions.

20. Regarding paragraphs 123 to 162 of the State Party's report, please provide information on:

(a) The measures taken to guarantee that, from the outset of the deprivation of liberty, all persons deprived of liberty, including migrants, regardless of the offence of which they are accused, have access to counsel, can contact their relatives or any other person of their choice and, in the case of foreign nationals, can communicate with their consular authorities;

(b) Any restrictions that can be applied to the above-mentioned rights, and describe any complaints regarding a failure to observe those rights and the outcomes thereof;

(c) How access by the authorities and institutions authorized to visit places in which persons are deprived of liberty is granted in practice, including for visits that are unannounced (art. 17).

21. Please indicate whether any complaints have been lodged concerning failure to record or delays in recording a deprivation of liberty, or the recording of inaccurate information, and if so, the measures taken to ensure that such omissions and errors are not repeated, including any disciplinary proceedings, sanctions and training involving the personnel concerned. Please specify the information contained in detainee registries, the access rights to this information and the procedures required for such access (arts. 17 and 21–23).

22. With regard to paragraphs 188 and 189 of the State Party's report, please outline existing or planned training and other knowledge-building efforts regarding the Convention aimed especially at those employed in law enforcement, the defence forces, the judiciary, social services and the health sector, in the light of information received on concerns about the quality and quantity of the training on the Convention and on human rights in general, including the information that many such training programmes are reportedly not mandatory (art. 23).

## **V. Measures to protect and ensure the rights of victims of enforced disappearance (art. 24)**

23. Please describe the procedures in place to issue a declaration of absence or of death of the disappeared person and the impact that such declarations have on the State Party's obligation to continue the search and investigation into an enforced disappearance until the fate of the disappeared person has been clarified (art. 24).

24. Please report on the legal situation of disappeared persons whose fate has not been clarified and that of their relatives, in matters such as social welfare, financial matters, family law and property rights, and on the measures taken to ensure the application of a gender perspective in relation to article 24 (6) of the Convention (art. 24).

25. With respect to paragraphs 198 to 206 of the State Party's report, please specify the type of support provided by victim support services, and specify the measures that have been taken to include all the forms of reparation guaranteed to victims of enforced disappearance under the Convention (art. 24).

## VI. Measures to protect children against enforced disappearance (art. 25)

26. Please clarify whether any complaints concerning enforced disappearances and/or the wrongful removal of children have been lodged since the entry into force of the Convention or the submission of the State Party's report. In this context, please also indicate the measures taken to locate the children concerned, the results of those measures, the procedures for returning them to their families of origin, and the actions taken to prosecute and punish the perpetrators of such acts (art. 25).

27. With respect to the State Party's reservation concerning article 25 (4) of the Convention, which states that "emphasizing the importance of prior verification of the conditions for adoption, in the best interests of the child, and thus having reservations about a separate procedure for annulling adoption but recognizing, however, the possibility of reviewing adoption in exceptional cases, the Republic of Finland considers that it is not bound by the provisions of article 25, paragraph 4, of the Convention in respect of annulling the adoption of the children referred to in article 25, paragraph 1, subparagraph (a) of the Convention," and paragraphs 215 to 223 of the State Party's report, please explain whether the revocation of adoption under extraordinary request for judicial review by the Supreme Court guarantees annulment of the adoption of children that originated in enforced disappearance (art. 25).

28. In view of the Committee's joint statement on illegal intercountry adoption,<sup>5</sup> please describe how the system of adoption or other forms of placement of children in the State Party addresses the elements of the statement, and outline any new legal or other measures taken by the State Party to ensure the protection of children against enforced disappearance in such a context (art. 25).

29. Please indicate efforts made to address challenges with respect to child asylum-seekers and refugees, given that reports received allude to current practices concerning unaccompanied children, family reunification and the detention of asylum-seeking and migrant children that could put them at risk of enforced disappearance. In that context, please provide information on the provision of alternative care arrangements for unaccompanied minors (art. 25).

30. Concerning paragraphs 212 to 215 of the State Party's report, please specify efforts made to guarantee that all children born in the State Party are registered and issued with free birth certificates (art. 25).

31. Regarding paragraph 226 of the State Party's report and in view of reports of risks of trafficking of children aged between 13 and 17 who disappear for weeks or months while under State and institutional care, please provide information on any mechanisms in place to prevent children from escaping or leaving child welfare foster care or institutions without permission, and to investigate the root causes of children absconding from State care. Please respond to concerns raised regarding a lack of systematic investigation of such disappearances, despite the existence of consistent patterns and risk factors.<sup>6</sup>

32. Please provide details on steps taken to put measures in place for data collection and monitoring of enforced disappearances of boys and girls in the context of trafficking. Please also describe the measures taken to ensure that information on unaccompanied minors is adequately recorded, to facilitate the identification of disappeared children.

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<sup>5</sup> CED/C/9.

<sup>6</sup> See <https://www.mtvuutiset.fi/artikkeli/asiantuntijalta-jarkyttava-ulostulo-suomessa-ei-tunnisteta-lapsiin-kohdistuvaa-ihmiskauppa-vaarassa-erityisesti-yksi-ryhma/8654950>.