

# Government of Finland Report on Human Rights Policy

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# Government of Finland Report on Human Rights Policy

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### Abstract

The report outlines the Government's policy on fundamental and human rights in international, European Union and national contexts. Finland defends the universal and legally binding nature of human rights and promotes fundamental and human rights, democracy and the rule of law. The report describes and presents actions that the public authorities use to safeguard the fulfilment of fundamental and human rights in Finland.

It stresses the importance of strengthening non-discrimination, equality and participatory rights. In global forums, Finland emphasises also the rights of women, indigenous peoples, persons with disabilities and sexual and gender minorities and, in European forums, the rights of the Roma.

The report describes and presents the actions taken by Finland to strengthen the rule of law in the European Union and to support the rule of law globally as well as the implementation of the rule of law in Finland. The report emphasises the importance of the work conducted by human rights defenders and of human rights responsibilities in business.

Fundamental and human rights are discussed in two fields of interest in which the significance is increasing and developing: sustainable development, and digitalisation and communications.

The report emphasises the importance of the authorities' knowledge of fundamental and human rights and the activities of overseers of legality as well as the need to safeguard the availability of resources to ensure that fundamental and human rights are fulfilled.

**Keywords** Human rights policy, rule of law, sustainable development, digitalisation, non-discrimination

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## Valtioneuvoston ihmisoikeuspoliittinen selonteko

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### Tiivistelmä

Selonteossa linjataan valtioneuvoston perus- ja ihmisoikeustoimintaa kansainvälisesti, Euroopan unionissa sekä kansallisesti. Suomi puolustaa ihmisoikeuksien yleismaailmallisuutta ja oikeudellista sitovuutta sekä edistää perus- ja ihmisoikeuksien, demokratian ja oikeusvaltioperiaatteen toteutumista. Selonteko kuvaa ja linjaa toimia, joilla julkinen valta turvaa perus- ja ihmisoikeuksien toteutumista Suomessa.

Selonteko tähdentää yhdenvertaisuuden, tasa-arvon ja osallistumisoikeuksien vahvistamista. Kansainvälisesti Suomi painottaa naisten, alkuperäiskansojen, vammaisten henkilöiden sekä seksuaali- ja sukupuolivähemmistöjen oikeuksia ja eurooppalaisessa toiminnassa lisäksi romanien oikeuksia.

Selonteko kuvaa ja linjaa Suomen toimintaa oikeusvaltioperiaatteen vahvistamiseksi Euroopan unionissa, tukea kansainväliselle oikeusvaltiokehitykselle sekä oikeusvaltioperiaatteen toteutumista Suomessa. Selonteko korostaa ihmisoikeuspuolustajien toiminnan sekä yritystoiminnan ihmisoikeusvelvoitteiden merkitystä.

Selonteossa käsitellään perus- ja ihmisoikeustoimintaa kahdella merkitystään lisäävällä ja kehittyvällä alueella: kestävässä kehityksessä sekä digitalisaatiossa ja tiedonvälityksessä.

Selonteko tähdentää viranomaisten perus- ja ihmisoikeusosaamisen sekä laillisuusvalvojen toiminnan merkitystä ja voimavarojen turvaamista perus- ja ihmisoikeuksien toteutumiseksi.

**Asiasanat** ihmisoikeuspolitiikka, oikeusvaltio, kestävä kehitys, digitalisaatio, yhdenvertaisuus

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### Referat

I redogörelsen fastställs riktlinjer för statsrådets verksamhet för grundläggande och mänskliga rättigheter internationellt, inom Europeiska unionen och nationellt. Finland försvarar de mänskliga rättigheternas universalitet och juridiskt bindande karaktär samt främjar tillgodoseendet av de grundläggande och mänskliga rättigheterna, demokratin och rättsstatsprincipen. Redogörelsen beskriver och drar upp riktlinjer för åtgärder som det allmänna ska vidta för att säkerställa att de grundläggande och mänskliga rättigheterna tillgodoses i Finland.

Redogörelsen framhåller stärkandet av jämlikhet, jämställdhet och rätten att delta. Internationellt betonar Finland kvinnornas, urfolkens och de sexuella minoriteternas och könsminoriteternas rättigheter och rättigheterna för personer med funktionsnedsättning. I den europeiska verksamheten betonar Finland i tillägg romernas rättigheter.

Redogörelsen beskriver och drar upp riktlinjer för Finlands verksamhet för att stärka rättsstatsprincipen i Europeiska unionen, för att stödja den internationella rättsstatsutvecklingen och för att genomföra rättsstatsprincipen i Finland. Redogörelsen betonar betydelsen av människorättsförsvarens verksamhet och människorättsförpliktelserna i företagsverksamheten.

I redogörelsen behandlas verksamheten för grundläggande och mänskliga rättigheter inom två områden som utvecklas och vars betydelse ökar: hållbar utveckling samt digitalisering och informationsförmedling.

Redogörelsen betonar betydelsen av myndigheternas kunskaper om de grundläggande och mänskliga rättigheterna och om laglighetsövervakarnas verksamhet, och tryggheten av resurser för att tillgodose de grundläggande och mänskliga rättigheterna.

**Nyckelord** människorättspolitik, rättsstaten, hållbar utveckling, digitalisering, jämlikhet

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# 1 Government Report on Human Rights Policy guides activities

This Government Report on Human Rights Policy provides long-term guidance for Finland's human rights policy and the Government's fundamental and human rights activities.

***Finland promotes the implementation of the provisions contained in international and European human rights conventions and treaties and support the rules-based international system. Finland pursues a human rights-based foreign and security policy. Finland's international human rights activities emphasise non-discrimination and gender equality and the rights of the persons and groups in the most vulnerable situations and positions. Under the Constitution of Finland, public authorities must guarantee the realisation of fundamental and human rights. As regards national implementation, the Government Report on Human Rights Policy emphasises non-discrimination and gender equality as well as upholding the rule of law. Finland underlines the significance of fundamental and human rights and their implementation as a cross-cutting issue throughout the activities of the European Union.***

The situational overview provided in the first chapters of this Report describes changes that have in recent years had, or will in the 2020s have, a significant impact on the realisation of fundamental and human rights. Chapter 4 of this Report outlines Finland's fundamental objectives and key approaches in international organisations, in the EU and nationally for the realisation of fundamental and human rights and for stronger development of the rule of law. Chapter 5 focuses on activities to promote non-discrimination and gender equality, which are emphasised as a cross-cutting issue in Finland's international human rights activities and constitute key elements of our fundamental and human rights activities at the national and EU levels. This is followed by chapters covering policies on the development of fundamental and human rights activities in two evolving areas: sustainable development, and digitalisation and communications.

The Government Report on Human Rights Policy discusses international human rights issues as well as EU and national fundamental and human rights policies as parallel and interlinked topics. Finland's national fundamental and human rights challenges differ from global ones in terms of their themes and scope. The Report takes account of these

differences by weighting national, EU-level and international activities in different ways. It provides broad coverage of the international operating environment and international activities in particular. It also contains some examples of ongoing projects promoting fundamental and human rights to illustrate the scope and diversity of the activities.

The Government Report on Human Rights Policy is based on the Government Programme and closely linked with the National Action Plan on Fundamental and Human Rights. The Report does not provide exhaustive coverage of national fundamental rights issues or activities. It refers to contents of other Government reports and policy programmes and complements the Government's policies in a fundamental and human rights-based manner.

The preparation of this report included a consultation round in summer 2020, for which a total of 111 opinions and numerous other content proposals were received. The number of opinions and the themes covered by them increased from previous reports.

The contents of the Report were also informed by open theme-based discussion events held in summer 2020 and a broad-based consultation event organised in September 2020. The preparatory process drew on studies and reports concerning Finland's fundamental and human rights policy produced in recent years.

The Advisory Board for International Human Rights Affairs, Finland's supreme overseers of legality as well as the special supervisory authorities and the Human Rights Centre had the opportunity to comment on the contents of the draft report.

The President of the Republic of Finland and the Ministerial Committee on Foreign and Security Policy contributed to the preparation of the Report, and the Report was discussed by the Ministerial Working Group on Internal Security and Strengthening the Rule of Law. The preparation of the Report was considered and facilitated by the Government Network for Fundamental and Human Rights. In accordance with the division of duties between the ministries, the Ministry for Foreign Affairs was in charge of the preparatory process.

## 2 Starting points for Finland's activities

### 2.1 Human rights for all – without discrimination

Finland's human rights policy is based on respect for the universality of human dignity and human rights. We combat any efforts to undermine the universality of human rights and act so that human rights violations within states can be addressed in a coherent manner.

Under the Constitution of Finland (732/1999), public authorities must guarantee the realisation of fundamental and human rights. The Government promotes systematic and evolving assessments of fundamental and human rights impacts in all activities of the public authorities.

The European Union (EU) is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities.<sup>1</sup> These common values of the EU must be upheld strictly in the Union. Finland actively promotes the realisation of fundamental and human rights as a cross-cutting issue within the EU and in the activities of the Union.

Finland promotes respect for international law and seeks to strengthen the rules-based international system that builds on it. We promote open and constructive debate as well as cooperation between states and with civil society. Finland respects and supports the activities of national human rights institutions<sup>2</sup> in compliance with international commitments.

A specific priority of Finland's international human rights activities is to defend and promote equality and non-discrimination, the rights of the most discriminated population groups as well as gender equality. The Report also covers non-discrimination and gender equality within national and EU-level activities.

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1 Treaty on the Functioning of the European Union.

2 In Finland, the Human Rights Centre, the Human Rights Delegation and the Office of the Parliamentary Ombudsman form the Finnish National Human Rights Institution (NHRI). [Read more on the website of the Human Rights Centre. \(https://www.humanrightscentre.fi/about-us/national-human-rights-institutio/\)](https://www.humanrightscentre.fi/about-us/national-human-rights-institutio/)

***Fact box: Human rights***

'Human rights' mean the rights of individuals and, in specific cases, of population groups consisting of individuals, that are enshrined in international and regional human rights conventions and treaties and required for a life in dignity. Under international human rights conventions and treaties, states have committed themselves to respecting, protecting, promoting and implementing the human rights obligations included in these treaties.

***Fact box: Fundamental rights***

'Fundamental rights' mean the fundamental rights belonging equally to all individuals or population groups consisting of individuals that are enshrined in national constitutions. The Constitution of Finland contains a list of fundamental rights and the obligation of public authorities to safeguard the realisation of fundamental and human rights. European Union law, too, safeguards the fundamental rights belonging to individuals reaffirmed by the Charter of Fundamental Rights of the European Union. The Charter complements the national systems of member states.

The rule of law, democracy and fundamental and human rights are closely interlinked. Together they form the foundation of Finnish society. Finland promotes on a broad scale the aligned and mutually reinforcing realisation of fundamental and human rights as well as the rule of law nationally, in the EU and internationally.

## 2.2 Finland's human rights based foreign and security policy

Under the Constitution, Finland participates in international cooperation for the protection of peace and human rights and for the development of society. The Government Programme sets out that Finland pursues a human rights-based foreign and security policy. This includes the following principles:

- Rights: Finland's engagement is based on human rights defined in human rights conventions and treaties and Finland supports the rules-based international system.
- Representation: Finland's own representation and support provided for other actors promotes equality and non-discrimination.
- Resources: sufficient resources are allocated for the implementation of a human rights-based policy.
- Reality check: competent authorities in ministries as well as Finnish missions abroad are responsible for active and coherent human rights activities, taking into account the challenges and opportunities of their respective operating environments.

Finland's activities are based on the respect for and the implementation of international law, including international humanitarian law, and the provisions and principles of human rights conventions and treaties.

Finland supports the rules-based international system. We promote the consideration of human rights issues in the EU and in institutions and bodies of the United Nations (UN), the Council of Europe (CoE) and the Organization for Security and Co-operation in Europe (OSCE). We support the right of everyone to know their own rights under human rights conventions and treaties and promote awareness of the obligation to implement human rights conventions and treaties.

Finland acts primarily as part of the EU's common human rights activities. We discuss human rights issues at our meetings at all levels and with all states. In bilateral discussions, Finland makes the use of processes including the UN Universal Periodic Review (UPR) procedure<sup>3</sup> and the recommendations of treaty monitoring bodies.

Finland supports and promotes the opportunities of the UN as well as regional intergovernmental organisations to systematically address human rights violations.

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<sup>3</sup> Undertaken under the auspices of the UN Human Rights Council, the Universal Periodic Review (UPR) process is discussed in more detail in section 4.1 of this Report.

As an EU member state, our primary focus is on common EU action to address human rights violations. We also express our opinion on specific human rights violations and developments in groups of like-minded states, nationally and through direct dialogue with other states.

The human rights perspective is an essential part of our activities in crisis management, arms control and other security policy. Finland's development policy is human rights based. Finland promotes respect for human rights in business activity and in trade policy.

Authorities in Finland and Finnish diplomatic and consular missions in international organisations and around the world implement a human rights-based foreign and security policy actively and coherently, taking into account the challenges and opportunities of their respective operating environments.

Finland emphasises the equality and non-discrimination of different population groups as well as gender equality in its foreign and security policy.

Finland builds civil society capacity and supports the activities of human rights defenders through for example financial support channelled via the Ministry for Foreign Affairs to international organisations and civil society organisations (CSOs).

Sufficient resources must be allocated for the implementation of a human rights-based foreign and security policy as well as for education and training to support it.

This Report sets out the approaches of Finland's human rights-based foreign and security policy extensively. The human rights impacts of foreign and security policy are assessed internally by the government and through reports commissioned from external experts.

### 3 Operating environment: fundamental and human rights in a changing world

International human rights conventions and treaties are an integral part of the rules-based international system as well as multilateral cooperation and decision-making that developed after the end of the Second World War and the establishment of the United Nations.

Today, this system is facing both external and internal pressure for change that in part generates new opportunities and in part threatens the implementation of fundamental and human rights. The current trend is a concern from the perspective of international human rights policy. Rapid changes in both the operating environment and operating approaches must be prepared for.

Armed conflicts within regions or states often result from extensive, systematic and long-lasting human rights violations and result in the expansion of serious human rights violations. Efforts to address these violations have strengthened, yet remain insufficient.

Climate change and biodiversity loss threaten the realisation of fundamental and human rights, and their significance as a human rights issue has grown.

Economic and social inequality are strongly linked with shortcomings in the realisation of fundamental and human rights. Socioeconomic status is particularly low among most of those who are subjected to simultaneous and mutually reinforcing discrimination on multiple grounds. The uncertainty of and gaps in economic development weaken the realisation of fundamental and human rights, especially for those who are in the most vulnerable position. Under- or oversupply of labour and growing national and international gaps in prosperity also increase migration and enable trafficking in human beings, for example.

The expansion and accelerating pace of new technology<sup>4</sup> and digital services create conditions for the monitoring and implementation of fundamental and human rights and the activities of civil society. On the other hand, misuse of new technology also enables broader violations of fundamental and human rights, such as the right to privacy and participation rights.

### 3.1 New rise of authoritarianism

According to several international research institutes that assess the state of democracy, the state of democracy and respect for the rule of law have declined over the past decade in dozens of states, including in certain EU member states. There are considerable differences in the degree and implementation of authoritarianism and centralisation of power and in the pace of de-democratisation. Placing restrictions on the freedom of expression and civic space and trampling minority rights are essential elements of an authoritarian exercise of power. Authoritarian exercise of power often involves a drive to prevent the realisation of the rights of women and sexual and gender minorities. The COVID-19 pandemic has also been misused as a pretext to restrict fundamental and human rights.

Rule of law is being questioned in new ways. The greatest risk of the rule of law being eroded is seen in states whose democratic tradition is young and whose political leadership disputes the universality of human rights, too. Rule of law mechanisms and the reliability of elections have, however, also been questioned in countries with strong democratic traditions. There is reason to assume that debate on the situation, defence and development of the rule of law will continue internationally, at the EU level as well as in Finland.

The activities of human rights defenders and other civil society actors are being prevented and disrupted in dozens of countries. Numerous local human rights organisations have been forced to relocate or discontinue their activities altogether. Supporting the activities of human rights defenders is becoming an increasingly central part of many states' human rights policy.

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4 The terms 'new technology' or 'new and emerging technologies' are commonly used in the UN context in particular. In that context and in this Report, these refer specifically to digital technology. 'Digitalisation' refers more broadly to the more widespread use of digital technology in societal functions.



## 3.2 Human rights obligations questioned more visibly

Action against international human rights obligations is more visible than earlier. China, Russia and a group of other states questioning the universality of human rights have increased their mutual cooperation in contexts such as the UN human rights bodies.

China is acting more visibly in the UN human rights fora and seeks to influence the position formation of developing countries in particular through political and economic means. China emphasises the right to development as the primary objective, regarding other human rights as subordinate to it. China seeks to replace activities based on international human rights obligations with its approach focusing on national and cultural values and differences.

China is defensive to the assessment of its own human rights situation. Finland monitors developments in China's human rights situation closely and raises any legitimate concerns bilaterally, as part of the EU and in close cooperation with other countries that are ready to cooperate.

The human rights situation in Russia has in recent years developed in a worrying direction, prompting the imposition of sanctions by the EU. Russia's activities in intergovernmental organisations are often contradictory to the human rights positions of Finland and the EU. Russia seeks to disrupt the activities of international and European human rights bodies by imposing prior conditions to their activities and bringing before them competing proposals that aim to weaken the realisation of human rights and particularly the opportunities of the international community to address human rights violations occurring at the country level.

Western countries and the EU have systematically condemned the violations of international law conducted by Russia, such as the illegal annexation of Crimea and Sevastopol by Russia, support to the continuation of the conflict in eastern Ukraine and use of chemical weapons. Russia has further aggravated the human rights debate including in the Council of Europe (CoE) and the human rights bodies of the Organization for Security and Co-operation in Europe (OSCE). The strengthening of autocracy in certain Eastern European and Central Asian countries is reflected in for example violations of human rights conventions and treaties adopted within the CoE and in more negative attitudes towards the core values of the OSCE and the commitments of participating States.

### 3.3 Increasing actions for human rights and democracy

The significance of the EU and its member states as a global human rights actor defending the universality of human rights has increased. Programmes and policies adopted by the Union lay the foundation of the EU's global leadership in human rights. The unity of the EU and the international effectiveness of its activities are weakened by the decline of the rule of law in some member states and the reluctance of individual member states to internationally address intra-state human rights violations. Some member states are also reluctant to promote, for example, the rights of women or sexual and gender minorities.

The stance of the United States (US) on the activities of the UN and the Human Rights Council has varied. Under the leadership of President Joe Biden, the US has now returned to international cooperation. US activities in human rights forums, too, are affected by aspects relating to great power relations and to China in particular. In addition to human rights, US foreign policy focuses on democracy issues and related cooperation. The US human rights positions are in line with the EU on many issues. The return of the US to the UN Human Rights Council is likely to boost efforts to ensure country-specific scrutiny of human rights issues. The EU is seeking partnership with the new US administration in issues relating to human rights.

Political cooperation between states defending human rights and democracy has intensified. Nordic cooperation is important for Finland and active in contexts such as promoting gender equality and the rights of sexual and gender minorities. Several intergovernmental as well as multi-stakeholder organisations and initiatives have been launched to defend issues such as democracy as well as freedom of expression and media freedom. Finland has joined several such groups of likeminded countries but emphasises the activities of the UN and regional, intergovernmental treaty organisations as the primary option.

The significance and activities of internationally and nationally operating business enterprises in relation to human rights have increased. Increasingly effective monitoring of fundamental and human rights as well as support measures relating to such activity are expected of States.

Civic action relating to the realisation of fundamental and human rights have become more diverse. Protests against corruption in administrations have increased, global environmental and climate movements are also raising human rights issues, action against racist and sexist culture is more visible and big names in sports and arts are expressing their views against human rights violations.

## 4 Aiming for the implementation of human rights and stronger development of the rule of law

*Finland promotes respect for international law and the fulfillment of the provisions of human rights conventions and treaties. We participate proactively in the activities of the European Union (EU), United Nations (UN), Council of Europe (CoE) and Organization for Security and Co-operation in Europe (OSCE) human rights bodies. We promote the realisation of fundamental and human rights and the rule of law within the EU, internationally and nationally. We support the activities of human rights defenders and promote responsible business behaviour for the realisation of human rights.*

Finland is a party to the key human rights conventions and treaties adopted in the UN and the CoE frameworks. The Government is preparing a proposal for Finland to ratify the International Convention for the Protection of All Persons from Enforced Disappearance.

Finland condemns torture in all forms and everywhere. We do not condone capital punishment and we aim for a full abolition of the death penalty globally.

Both civil and political rights (CP rights)<sup>5</sup> and economic, social and cultural rights (ESC rights)<sup>6</sup> are legally binding and mutually reinforcing.

5 CP rights include the right to life, protection of privacy and family life, freedom of thought, conscience and religion, freedom of expression, freedom of association and assembly, freedom of movement, right to vote and to stand for election, right to a fair trial, equality before the law, and prohibition of torture. CP rights are defined more broadly in the International Covenant on Civil and Political Rights (ICCPR). [To read the Covenant, visit the OHCHR website \(https://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx\)](https://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx). Provisions concerning CP rights are also included in many other international and regional human rights conventions and treaties.

6 ESC rights include rights relating to work and working conditions, health, housing, access to food, education, language and culture, for example. ESC rights are defined more broadly in the International Covenant on Economic, Social and Cultural Rights (ICESCR). [To read the Covenant, visit the OHCHR website \(https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx\)](https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx). Provisions concerning ESC rights are also included in many other international and regional human rights conventions and treaties.

Finland has implemented in its national legislation the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR)<sup>7</sup>, which, among other things, enables the submission of individual communications to the UN Committee on Economic, Social and Cultural Rights (CESCR). Finland promotes the accession of other states to the Protocol. What comes to the revised European Social Charter (ESC), Finland is the only member state that has granted national non-governmental organisations (NGOs) the right to lodge Collective Complaints against it.

The fundamental rights provisions of the Constitution of Finland contain both CP and ESC rights. In the contexts of formulating positions of the EU and international organisations as well as its own contributions, Finland communicates that CP and ESC rights are legally binding and interlinked and underline the implementation of all human rights to enable a life in dignity.

## 4.1 Need for a strong monitoring system

Finland supports a comprehensive and viable monitoring system concerning the implementation of international and regional human rights conventions and treaties<sup>8</sup>. The monitoring bodies of human rights treaties adopted within the UN, the European Court of Human Rights (ECtHR) and other CoE treaty monitoring bodies must have sufficient capacity to monitor the implementation of treaty provisions regarding Finland and other states alike. Finland encourages other states to accede to human rights conventions and treaties and implement their provisions.

The monitoring and interpretation of treaty obligations affect the development of domestic legislation and promote the national realisation of fundamental and human rights. Finland considers it important to promote a legal dialogue between international and regional bodies monitoring CP and ESC rights to harmonise their interpretations concerning CP and ESC rights.

Finland has accepted the broad mandate of international and regional treaty monitoring bodies to consider complaints concerning alleged violations of rights. Awareness of the possibility to lodge individual or group complaints under the treaties is increased both nationally and internationally. Finland emphasises the expertise, independence and autonomy of members in elections of members to treaty monitoring bodies.

<sup>7</sup> To read the Optional Protocol, visit the OHCHR website (<https://www.ohchr.org/en/professionalinterest/pages/opcescr.aspx>).

<sup>8</sup> For more information about human rights treaties and related reporting obligations, see the website of the Ministry for Foreign Affairs (<https://um.fi/human-rights-conventions-and-reporting>).

Under the Constitution of Finland, public authorities must guarantee the realisation of fundamental and human rights. The ministries carry out regular cooperation in matters relating to solutions and recommendations concerning the monitoring of human rights obligations relevant to Finland and their implementation as well as the implementation of EU fundamental rights provisions.

Recommendations received by Finland from international treaty monitoring bodies are considered by the Government Network for Fundamental and Human Rights.

The monitoring of the implementation of international and regional human rights conventions and treaties takes place primarily through periodic reporting. There have been unreasonable delays in report consideration. The exceptional measures taken to curb the COVID-19 pandemic suspended the work of UN treaty monitoring bodies for almost a year. Clearing the backlog of periodic reporting will still take a long time. The situation is even more difficult with regard to individual complaints, the consideration period of which may at worst be drawn out to six years.

ECtHR rulings have broad legal effects. The ECtHR's interim measures and case law have increasing points in common with today's pressing political issues. The ECtHR is moving from a reform process to reduce the backlog of cases towards more strategic impact by introducing a new case management category of 'impact' cases that have significant societal or legal impacts. Finland provides voluntary funding to strengthen the ECtHR's capacity to work.

The Court of Justice of the European Union (CJEU) gives legally binding rulings on the interpretation and application of EU law. CJEU case law includes positions on issues such as the realisation of the rule of law in EU member states, and member states are obliged to comply with CJEU rulings. Non-compliance with a ruling may result in financial consequences for the member state. The European Commission has the right to refer a member state to the CJEU if it suspects that the member state has breached its obligations as a member state. Finland participates actively in the consideration of CJEU matters, seeking to influence the development of EU law and to promote Finland's objectives.

Finland welcomes increased interaction between the oversight bodies. For example, when interpreting the Charter of Fundamental Rights of the European Union, the CJEU often refers to ECtHR case law.

The human rights situation of each UN member state is assessed in the Universal Periodic Review (UPR) process that takes place under the auspices of the UN Human Rights Council. In the UPR, states may ask each other questions and make recommendations to improve

the national human rights situation. No UN member state has opted out of the UPR, which is indicative of the significance of the process.

Finland is strongly committed to the UPR both as a state making recommendations and as a state being assessed. From 2021 onwards, Finland will, as a rule, seek to make recommendations to all states concerning their key human rights problems. Finland's recommendations are an important part of the human rights dialogue conducted with states, and they are also utilised as part of bilateral relations, including in development cooperation. We follow up on the implementation of our recommendations over the long term.

It is positive that international and national CSOs as well as national human rights institutions play an important role in the UPR, including in follow-up to recommendations.

#### ***Fact box: UPR recommendations made by Finland***

As a rule, Finland seeks to make UPR recommendations to all states. For example, Finland has made a recommendation to China concerning respect for the rights of Uyghurs in Xinjiang, to Russia concerning amendments to CSO legislation to comply with international human rights provisions and to the United States concerning ending the use of capital punishment and concerning access to healthcare among groups in vulnerable situations.

The third UPR of Finland took place in 2017. Issues highlighted in the review were hate speech and xenophobia and combatting violence against women. Finland has accepted most of the recommendations it has received and promotes the implementation of the recommendations accepted by it. Finland submitted a voluntary interim report in 2019 on the implementation of the recommendations received and is preparing to submit its next national report during 2022. Finland's fourth UPR is due to take place in late 2022.

## 4.2 Proactive participation in international and regional organisations

Several intergovernmental and regional organisations and their respective bodies have been created to protect and promote human rights. Finland participates proactively in them and emphasises the efficient implementation and follow-up of their decisions. We are prepared for open and constructive debate on human rights situations and for cooperation with other states to promote the implementation.

Intergovernmental organisations as well as institutions including the Office of the UN High Commissioner for Human Rights (OHCHR) have appointed several independent human rights representatives, rapporteurs and investigation teams and missions. These must be ensured sufficient mandate, capacity and resources. Finland provides financial support for the activities of the UN Special Rapporteur on Extreme Poverty and Human Rights and the UN Special Rapporteur on the Rights of Persons with Disabilities, among others.<sup>9</sup> The support will be continued, placing a special focus on activities to reduce inequality. Finland has extended a standing invitation to the special rapporteurs to conduct country visits to Finland.

Civil society plays a major role in developing the activities of intergovernmental organisations. Finland works in intergovernmental organisations to strengthen the meaningful participation and consultation opportunities of CSOs. The Government continues to appoint CSO representatives to delegations representing Finland and provides financial and other support to the participation of Finnish civil society in international conferences.

### United Nations

Finland emphasises the triple nexus of peace, human rights and development and promotes the systematic mainstreaming of human rights in all activities of the United Nations (UN). Finland is to be a Member of the UN Human Rights Council in 2022–2024.

Interaction between the UN Human Rights Council and the UN Security Council must be increased to prevent conflicts. Finland supports the operationalisation of the UN Secretary-General's Call to Action for Human Rights initiative<sup>10</sup> (2020) with a focus on

<sup>9</sup> In addition, Finland has together with the other Nordic countries expressed its political support to the activities of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions through a Resolution presented to the UN General Assembly.

<sup>10</sup> The Highest Aspiration: A Call to Action for Human Rights 2020.

women's rights, civil society capacity and significant increases in funding for UN human rights activity.

Finland works in the UN human rights fora and other UN activity as an EU member state, nationally and together with the Nordic countries and Baltic States (NB8) as well as other partner countries. On the basis of our priorities, Finland continues to be active also in the Third Committee of the UN General Assembly that meets every autumn and addresses thematic and country-specific situations. Together with Sweden, Finland is in charge of presenting the resolution against extrajudicial, summary and arbitrary executions in the Committee<sup>11</sup>.

Finland continues its work in the UNGA to promote indigenous peoples' participation in the UN and participates actively in the Permanent Forum on Indigenous Issues, an advisory body to the Economic and Social Council (ECOSOC) of the UN.

We will continue our efforts for the realisation of fundamental and human rights to be part of the achievement of the goals of the 2030 Agenda.

We promote the national and international implementation of the resolutions of the UN Security Council on Women, Peace and Security<sup>12</sup> and on Youth, Peace and Security<sup>13</sup>. The Ministry for Foreign Affairs has considerably increased the resources allocated for peace mediation. Finland's peace mediation applies human rights-based approach and has focus on inclusivity and gender equality. In peace processes, we promote the commitment of conflicting parties to human rights and the rule of law and, in particular, strengthen women's role and their effective participation. Finland seeks to increase the participation of women in conflict prevention and resolution and in post-conflict situations and to take account of the situations of persons and groups in vulnerable situations.

The share of the Office of the UN High Commissioner for Human Rights (OHCHR) of the UN budget does not reflect the significance of human rights activity in the mandate of the world organisation, with funding relying too much on voluntary contributions. In recent years, Finland has significantly increased financial support to the OHCHR. In 2021, our support to the OHCHR activities totals EUR 8.61 million. It is important to secure Finland's position among the largest funding providers over the years ahead, too. Finland strongly

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11 Within the EU, preparatory responsibilities in various negotiation processes are agreed reciprocally between Member States.

12 *Women, Peace and Security: Finland's National Action Plan 2018–2021* is available on the Government website (<https://julkaisut.valtioneuvosto.fi/handle/10024/160747>).

13 *Youth, Peace and Security: Finland's National Action Plan 2021–2024* is available on the Government website (<http://urn.fi/URN:ISBN:978-952-281-368-8>).



supports the independence of the OHCHR and the UN High Commissioner for Human Rights.

## UN Human Rights Council

Finland is a member of the UN Human Rights Council in 2022–2024. Membership in the Council will provide Finland with a significant channel for the promotion of human rights. As a member of the Council, Finland is increasingly able to defend and strengthen the rules-based international system as well as multilateral cooperation and decision-making. Sufficient resources are provided for effective activities as a Council member.

### ***Fact box: Finland's priorities in the UN Human Rights Council***

Finland's cross-cutting themes in the Human Rights Council are the rights of women and girls, the rights of indigenous peoples, the rights of persons with disabilities, and the rights of sexual and gender minorities. Increasingly significant themes include new technologies and digitalisation, and climate change and human rights, with Finland offering its competences in these to the Council's work. The UN Human Rights Council is the most important intergovernmental human rights body, and Finland was previously a member of the Council in 2006–2007.

The Human Rights Council is tasked with protecting and promoting human rights around the globe. It considers both country-specific and thematic issues. The Council usually expresses its views by adopting resolutions. Comments as well as joint statements by countries also play a key role in the Council's influencing efforts.

Outside its three regular sessions and its working groups, the Human Rights Council may, in urgent situations, also convene special sessions or discussions, as it has done concerning for instance the situation in Afghanistan and Myanmar as well as with regard to racism and police violence. It may appoint independent country- and theme-specific special rapporteurs, whose independence Finland supports.

Finland will continue its systematic support for the UN Human Rights Council to consider country-specific situations and to more efficiently address human rights violations taking place at the country level, too. The EU member states and other states defending the

universality of human rights must cooperate to address human rights violations and reject any attempts to prevent the consideration of country-specific situations.

Finland aims to continue delivering with Mexico the joint statement on women's rights that has received broad support each year. Finland has worked in a core group with Brazil, Namibia and Germany on the resolution on the right to adequate housing. Finland is also prepared to continue its activities as an EU burdensharer<sup>14</sup> in resolution negotiations; Finland has previously participated in burdensharing in contexts including the Cambodian human rights situation. In addition, the Ministry for Foreign Affairs is prepared to assume preparatory responsibility for a new or replacement initiative on themes of key importance to Finland. Relevant consideration will take account of the added value created by the initiatives for human rights and ensure that they will not overlap with existing initiatives or burden the UN system in a harmful manner.

## Council of Europe

The Council of Europe (CoE) is the leading intergovernmental human rights, democracy and rule of law actor in Europe. CoE activities are based on the conventions and treaties adopted by the CoE and on the monitoring of their implementation. Finland is a party to 114 CoE treaties and a signatory to another 14.

The European Convention on Human Rights (ECHR), the revised European Social Charter (ESC) and many other human rights treaties<sup>15</sup> lay a strong foundation for European human rights work. All Member States of the CoE must respect international law and the obligations of the human rights conventions and treaties they have adopted. Finland supports the work of the European Court of Human Rights (ECtHR) and monitors the implementation of its rulings, takes a stand on human rights situations in member states and promotes civil society access to participation and influence within the CoE.

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14 Within the EU, preparatory responsibilities in various negotiation processes are agreed reciprocally between Member States.

15 Key CoE human rights treaties in force include the European Convention on Human Rights (ECHR, 1950), European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (1987), European Charter for Regional or Minority Languages (1992), Framework Convention for the Protection of National Minorities (1995), revised European Social Charter (ESC, 1996), Convention on Action against Trafficking in Human Beings (2005), Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (2007) and Convention on Preventing and Combating Violence against Women and Domestic Violence (2011). [For more information about CoE treaties currently in force, visit the CoE website \(https://www.coe.int/en/web/conventions/about-treaties\).](https://www.coe.int/en/web/conventions/about-treaties)

We raise topics in the CoE that are current and increasing in societal significance. We are proactive in developing the bodies and procedures. Finland continues its activities in the development of the rule of law, in the long-term development of the European human rights treaty system and in emerging themes such as the use of artificial intelligence. Finland participates in negotiations on the EU's accession to the European Convention on Human Rights (ECHR). Accession would strengthen the functioning of the European fundamental and human rights system and rule of law.

Founded on the initiative of Finland, the CoE Office of the Commissioner for Human Rights has gained an established role in addressing human rights issues. Finland underlines its role in promoting human rights and as independently monitoring the commitments of member states. The Parliamentary Assembly of the Council of Europe (PACE), with its members also including Finnish Members of Parliament, plays a significant role in taking initiative, including in human rights and rule of law issues.

In addition to its membership payments, Finland provides voluntary contributions to the ECtHR and voluntary financial and expert support to themes emphasised by Finland. In recent years, such themes have included in particular issues relating to non-discrimination and gender equality, including violence against women and the rights of sexual and gender minorities. Finland is a major political and financial supporter of Roma participation rights in the CoE. Finland will continue to target thematic support at equality issues in the future, too.

Finland continues its support to the CoE Human Rights Trust Fund (HRTF)<sup>16</sup>, which provides funding for Member States' efforts to implement ECtHR rulings. Finland is the chair of the HRTF in 2021–2022.

## Organization for Security and Co-operation in Europe

Finland emphasises democracy and human rights issues in its activities in the Organization for Security and Co-operation in Europe (OSCE). All OSCE participating States must commit to international human rights obligations and OSCE commitments. Finland emphasises the independence and sufficient resourcing of the independent OSCE institutions such as the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the OSCE Representative on Freedom of the Media (RFoM) and the OSCE High Commissioner on National Minorities (HCNM). We also continue to underline that CSOs,

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<sup>16</sup> For more information about the CoE Human Rights Trust Fund, visit the CoE website (<https://www.coe.int/en/web/programmes/human-rights-trust-fund>).

independent from the governments and acting in participating States, must have the opportunity to participate and express their views in the OSCE.

Finland actively and constructively influences the debate on country-level human rights violations and development, coordinating its activities especially with EU member states and participating States representing views similar to those of Finland. Finland supports for example the use of the Moscow Mechanism<sup>17</sup> and has been one of the participating States launching the mechanism in the reporting processes to date.

In the OSCE, Finland draws attention to gender equality, to the rights of the Roma and other minorities, and to safeguarding media freedom and the capacity of journalists to act. Voluntary contributions and expert support provided support these priorities as well as current themes, such as the impacts of artificial intelligence on human rights, democracy and the rule of law.

Members of the Finnish Parliament have played a visible role in the OSCE Parliamentary Assembly (PA), which has strengthened the visibility and effectiveness of Finland's activities.

## Nordic cooperation

The Nordic countries are very close cooperation partners for Finland. The Nordic countries share similar values and views on human rights, gender equality, democracy, openness and the welfare state. To promote objectives in line with these, the Nordic countries use means such as joint statements at meetings of the UN and European organisations.

Finland takes part in multisectoral Nordic cooperation in the Nordic Council of Ministers and the Nordic Council. For example, Nordic rights-related cooperation takes place on themes such as anti-discrimination as well as fundamental and human rights issues.

The Nordic cooperation methods in promoting fundamental and human rights are discussed below in the relevant thematic sections of this Report.

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17 The Moscow Mechanism is an OSCE instrument that strengthens the human dimension and can be used to investigate human rights violations in OSCE participating states. It was invoked, for example, in 2018 in relation to Russia due to the human rights situation of sexual minorities in the Chechen Republic and in 2020 to look into human rights abuses relating to the presidential elections in Belarus.

### 4.3 Human rights as an integral part of EU Common Foreign and Security Policy

Finland aims for a credible and strong EU that shows global leadership in human rights issues. Respect for international law and promotion of human rights, democracy and the rule of law must be at the core of all external action of the EU. The Government's human rights-based foreign and security policy guides Finland's positions relating to the EU's external relations, too. By participating in crisis management operations, Finland supports human rights, democracy and the rule of law, including the rights of women and children and prevention of sexual violence in conflict contexts. Where necessary, the international community must consistently address human rights violations – including after the end of international crisis management operations or the interruption or discontinuation of development cooperation projects and other forms of cooperation, as is evidenced by examples such as the situation in Afghanistan.

EU member states adopt common policies when operating in international organisations such as the UN human rights bodies and the OSCE. In the EU, Finland is one of the states actively advancing respect for and the effective implementation of human rights obligations. We emphasise the need to take account of the rights of women and persons in the most vulnerable situations, such as persons with disabilities. Our aim is also for the rights of sexual and gender minorities, sexual and reproductive health and rights (SRHR) and the rights of indigenous peoples to be taken sufficiently into account in all EU policies and activities.

Finland considers it vital for the EU to take concerted action in addressing country-specific and thematic issues. If a common position cannot be reached, we will actively and consistently join groups of states taking a stand against human rights violations and also exert influence through national statements and demarches.

It is too easy for individual EU member states to prevent the EU from jointly addressing human rights violations within UN member states or from forming an EU opinion in international organisations concerning such violations. The EU's actions as a defender of human rights must not be vulnerable to intervention efforts of non-EU countries.

Finland's diplomatic and consular missions abroad participate actively in the EU's human rights activities and engage in dialogue with their host countries' authorities as well as CSOs and support the activities of human rights defenders. Finland supports the work of and cooperates closely with the EU Special Representative for Human Rights<sup>18</sup>.

<sup>18</sup> The task of the Special Representative is to enhance the effectiveness and visibility of EU human rights policy. To read more, visit the website of the European Council (<https://www.consilium.europa.eu/fi/press/press-releases/2019/02/28/human-rights-eu-appoints-a-new-special-representative/>).

The EU human rights policy concerning external relations is guided by the Action Plan on Human Rights and Democracy approved in 2020 and by several thematic human rights guidelines. Finland emphasises common compliance with and active implementation of the decisions made.

In late 2020, the EU established a global thematic sanctions regime against persons and other parties responsible for serious human rights violations and abuses. Types of restrictive measures available include freezing of funds and travel bans. Finland supports the consistent implementation of the Human Rights Sanctions Regime, taking account of legal certainty aspects.

Human rights issues are increasingly prominent in EU activities. Finland works to further strengthen the human rights perspective in all sectors of EU activity.

#### 4.4 Action against impunity for international crimes

Finland promotes respect for and the implementation of obligations under international law. The most serious international crimes must be investigated, those suspected of crimes must be brought to justice and the realisation of victims' rights must be ensured. We continue our work to fight against impunity for the most serious international crimes, including genocide, crimes against humanity, war crimes and crimes of aggression, which also fall within the jurisdiction of the International Criminal Court (ICC). Finland also supports the effective implementation of the Responsibility to Protect (R2P)<sup>19</sup> to prevent the gravest international crimes and participates in the activities of the global R2P network.

In addition to the ICC,<sup>20</sup> Finland also supports the operations of special courts and their residual mechanisms. As a long-standing supporter of the ICC Trust Fund for Victims (TFV)<sup>21</sup> we promote efforts to improve the status of victims, with the support to the TFV targeted specifically at victims of sexual and gender-based violence.

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19 The Responsibility to Protect means the responsibility of each state individually and the international community jointly to anticipate, prevent and respond to mass atrocity crimes (genocide, war crimes, crimes against humanity, ethnic cleansing). Finland aims in the UN to consolidate the concept of R2P, strengthen its broad acceptance and ensure its effective implementation. Finland supports efforts to limit the use of the right of veto in relation to efforts to anticipate or prevent mass atrocity crimes.

20 To read about the operations of the ICC, visit the ICC website (<https://www.icc-cpi.int/>).

21 To read more about the ICC TFV, visit the ICC website (<https://www.icc-cpi.int/tfv>).

National justice systems have the primary responsibility for dealing with crimes. Finland promotes the realisation of criminal liability by supporting, as a founding member, the Justice Rapid Response (JRR) cooperation mechanism that provides states and international organisations with experts trained by the JRR to assist with investigations of the most serious international crimes and human rights violations. Reducing impunity and promoting victims' rights are also included in Finland's support to the development of the rule of law in developing countries.

### ***Fact box: Investigating war crimes in Syria***

The International, Impartial and Independent Mechanism (IIIM) on Syria collects, consolidates, preserves and analyses evidence of the most serious crimes and prepares files in order to facilitate and expedite fair criminal proceedings in courts that have and may in the future have jurisdiction over them. The Mechanism shares files at its discretion only with competent courts or tribunals that respect human rights. Files will not be shared with parties that use the death penalty or that might consider charges in the absence of the accused. Alongside the Netherlands and Germany, Finland has been the biggest funding provider for the Mechanism established in 2016; the core funding of the Mechanism is currently included in the UN budget, which is supplemented by voluntary contributions by countries such as Finland.

Alongside criminal liability, Truth and Reconciliation Commissions can be employed to discover and reveal serious and large-scale human rights violations, to promote national reconciliation and to prevent new conflicts. If a long time has passed since the events, research from various disciplines can help to collect information and retrospectively identify human rights violations that are large in scale and targeted at specific population groups as well as to examine their legal nature.

## **4.5 Upholding and strengthening the rule of law**

The Government's activities in matters relating to the rule of law are included in several Government decisions and policies. Rule of law is an essential part of the realisation of fundamental and human rights, in strengthening of democracy as well as a key goal in sustainable development.

We promote the realisation of the rule of law in all activities nationally, in the EU as well as in foreign and development policy in the UN and regional organisations. For example, in the Council of Europe (CoE), Finland supports the capacities of the Venice Commission, which is the CoE independent advisory body on constitutional matters, as well as the Group of States against Corruption (GRECO). It is encouraging that, within the UN, organisations such as the UN Development Programme (UNDP) have increased their rule of law assistance. Finland supports the inclusion of the rule of law in international crisis management.

### ***Fact box: rule of law***

The rule of law is a principle of governance where the state is organised under legal rules and where the state institutions and the authorities as well as citizens must act within the constraints set out by law (principle of legality) and under the control of independent and impartial courts of law. Public powers may not arbitrarily intrude the sphere of freedom of individuals (protected private autonomy) and they respect democracy and safeguard the realisation of fundamental and human rights. It is characteristic of the rule of law that the rights and obligations of the individual may only be determined by decisions of such organs the appointment of which the individual themselves may affect directly or indirectly.

Views on the precise contents of the rule of law principle vary from one state to another depending on factors such as the type of constitution that a state has adopted. The contents of the rule of law must, however, always be in compliance with international human rights norms. In Finland and in Finland's international engagement, the contents of the rule of law will always be based on the Constitution of Finland and national legislation as well as on the treaties of the European Union and other Union legislation, which are in compliance with the human rights conventions and treaties adopted within the UN and the Council of Europe.

## **State of the rule of law in Finland**

Finnish democracy is based on the rule of law where the Constitution safeguards the fundamental rights of individuals and certain population groups. Rule of law, democracy and fundamental and human rights are inextricably entwined. In international



comparisons, Finland ranks among the top countries in overall rule of law performance. For example, Finland is at the top of the World Justice Project Rule of Law Index<sup>22</sup> rankings jointly with Norway and Denmark.

Finland has strengths that protect the rule of law in Finland against attempts to undermine it. These include, in particular, the realisation of fundamental and human rights, the high level of equality, including gender equality as well as access to high-quality education for all children and young people, the principle of openness of government activities, and high trust in democratic institutions and in authorities.

The functioning of the rule of law is, however, facing pressure also in Finland. Many persons belonging to minorities feel that attitudes towards them have hardened. Hate speech and public shaming experienced by those attending to and standing for public roles have increased. The long duration of judicial proceedings and related potential costs may impede access to rights.

To make sure that Finland can continue to be a safe and stable state governed by the rule of law, we must ensure that fundamental and human rights are implemented in an equal manner and legal protection is guaranteed for everyone. Furthermore, we must strengthen good relations between population groups, social inclusion, and participation rights. Rule of law must work in an efficient and effective manner in order to combat inequality, marginalization and insecurity in a society.<sup>23</sup>

In addition to international debate, it is important to have national debate on the situation of the rule of law and its development. The Government defends and strengthens the viability of the rule of law and commits to improving the competence of law drafters in fundamental and human rights and to assessing the essential fundamental and human rights impacts of legislative proposals. Authorities' knowledge of fundamental and human rights must be increased, particularly in relation to the implementation of economic, social and cultural rights.

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22 The World Justice Project (WJP) Rule of Law Index is available on the WJP website (<https://worldjusticeproject.org/our-work/research-and-data/wjp-rule-law-index-2020>).

23 The Government Programme lists that there are still serious shortcomings in the position of certain groups of people, such as victims of intimate partner violence, elderly people, people with a disability, gender minorities, ethnic minorities, and asylum seekers.

## Upholding the rule of law in the EU

The activities of the EU are based on respect for and the implementation of democracy, the rule of law and fundamental rights.<sup>24</sup> The related obligations are stated in the treaties of the EU and in the EU Charter. The fundamental values stem from European constitutional traditions and are anchored in international human rights obligations. Finland promotes the realisation of fundamental and human rights, democracy and the rule of law in a manner that is comprehensive and emphasises preventive action. Strengthening the foundation of the rule of law culture is also key.

The European Commission has introduced the European Rule of Law Mechanism that involves the compilation of the annual Rule of Law Report that covers all EU member states in consultation with each member state.<sup>25</sup> The Commission can also use the Rule of Law Framework as a tool to safeguard the rule of law. It is important for the Commission to actively use its tools such as infringement procedures. The realisation of the EU's common values is also promoted by the EU funding instruments.

The Council of the European Union has conducted annual debate to promote and safeguard the rule of law in accordance with the treaties of the EU. The Council also examines the situation concerning the rule of law in each member state. The procedure under Article 7 of the Treaty on European Union (TEU)<sup>26</sup> can be employed in case of the most serious breaches of the values of the Union and, at the time of writing this report, this procedure is pending concerning Poland and Hungary. In force since 2020, the Conditionality Mechanism can be employed by the EU to suspend, reduce or limit EU funding in proportion to the nature, gravity and scope of the breaches of the principles of the rule of law. The annual EU Justice Scoreboard reviews the independence of national justice systems.

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24 Article 2 of the Treaty on European Union: "The Union is founded on the values of respect for human dignity, freedom, democracy, equality, rule of law and respect for human rights, including rights of persons belonging to minorities. These values are common to the member states' in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail." [To learn more about the Treaty on European Union, visit EUR-Lex \(https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM:4301855\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM:4301855).

25 In 2020, the Commission provided an assessment and summary of the member states' rule of law situation and development at the EU level. The 2021 Rule of Law Report pays particular attention to new developments since the first report and to member states' COVID-19-related measures.

26 The procedure includes two mechanisms: preventive measures and sections that may include suspending rights of member states' such as voting rights in the Council of Europe and the European Council.

The Court of Justice of the European Union (CJEU) provides an efficient procedure to respond to violations of the rule of law in situations with limited political means. The use of legal instruments alongside political means has proved to be a combination that works in practice. Finland has participated as an intervener in several CJEU cases relating to the topic and defended the efficient oversight of upholding the rule of law in the EU and the adjudication of violations.

The EU's accession to the European Convention on Human Rights (ECHR) would strengthen the EU's commitment to the development of rule of law. Under the ECHR, individuals would have the right to appeal to the European Court of Human Rights (ECtHR) against EU institutions, too. The Government takes part in treaty negotiations as well as in the EU's opinion formation concerning the EU's accession.

It is important to reach a consensus on the draft Accession Agreements that is in compliance with the treaties of the EU and that will not affect the structures of the ECHR system. During Finland's Presidency in 2019, the Council of the EU reaffirmed its commitment to the EU's accession and provided the Commission with revised negotiating directives.

The implementation of the EU Charter of Fundamental Rights must be enhanced at the EU and national levels. Since 2010, the European Commission has published an annual report on the application of the Charter and, as of 2021, the Charter report will focus on a different thematic area each year.

The European Union Agency for Fundamental Rights (FRA)<sup>27</sup> promotes development of the rule of law by advising EU institutions and member states on issues including discrimination and legal protection. Finland seeks to strengthen the capacity of the FRA to act. The data collection, research and surveys as well as recommendations of the FRA must be utilised at the EU and national levels. The role of the FRA in EU-level fundamental rights processes must be strengthened, and it should be able to act on its own initiative also in the area of police and judicial cooperation. Awareness and utilisation of the FRA's work are increased in Finland, too, and efforts are made for there to be sufficient Finnish representation in FRA bodies and staff.

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<sup>27</sup> To read more about the FRA, visit the website of the Ministry of Justice (<https://oikeusministerio.fi/en/european-union-agency-for-fundamental-rights-fra->).

The implementation of the European Democracy Action Plan<sup>28</sup> bolsters democracy within the EU by means including promoting free and fair elections, supporting free and independent media and countering disinformation. The Action Plan is supplemented by the Commission's 2020 EU Citizenship Report<sup>29</sup>.

Finland abides by its commitments concerning EU enlargement, underlining the fulfilment of the membership criteria. Human rights, rule of law and democracy are fundamental values of the EU that must be fulfilled when applying for EU membership.<sup>30</sup> Finland has paid attention in particular to the realisation of the freedom of expression and media freedom in Turkey and the Western Balkan countries in the enlargement process.

The Government's activities to promote the common values of the EU are described more broadly in the Government Report on EU Policy<sup>31</sup>.

## Support for the rule of law in Finland's development policy

Strengthening inclusive, peaceful and democratic societies is one of the four priorities of Finland's development policy. The aim is to strengthen the capacity of the judicial system, transparency in public administration and the influencing opportunities of civil society. Finland's engagement emphasises the rights and participation opportunities of women and persons in the most vulnerable positions. Strengthening the role of women in peace mediation and peace solutions is a key competence area of Finland's foreign policy.

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28 European Democracy Action Plan: Making EU democracies stronger. To read more about the Action Plan, visit the Action Plan website ([https://ec.europa.eu/info/strategy/priorities-2019-2024/new-push-european-democracy/european-democracy-action-plan\\_en](https://ec.europa.eu/info/strategy/priorities-2019-2024/new-push-european-democracy/european-democracy-action-plan_en)).

29 To read the report, visit the European Commission website ([https://ec.europa.eu/info/files/eu-citizenship-report-2020-empowering-citizens-and-protecting-their-rights\\_en](https://ec.europa.eu/info/files/eu-citizenship-report-2020-empowering-citizens-and-protecting-their-rights_en)).

30 EU membership requires that certain conditions (the Copenhagen criteria) are satisfied. For negotiations to be initiated, the country must meet the first criterion, namely stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities. The negotiating chapters concerning human rights, the rule of law and democracy are the first to be opened and the last to be closed in membership negotiations.

31 Government Report on EU Policy: Strong and united EU – towards a more sustainable European Union. To read the report, visit the Government website (<https://julkaisut.valtioneuvosto.fi/handle/10024/162704>).

Finland emphasises the promotion of the UN Sustainable Development Goal (SDG)<sup>32</sup> concerning the rule of law and good governance and the strong interdependence of democracy, human rights and the rule of law.

In recent years, Finland's development cooperation funds have been used in particular to support the development of national legal aid systems and the operations of National Human Rights Institutions in countries such as Kyrgyzstan and Tajikistan and to carry out other type of judicial cooperation for instance in China. During the current country programme period, Finland also supports a broader legal sector reform in Ukraine through the Council of Europe.

Since 2020, the state budget has included a special budget line of EUR 3 million for developing international support for democracy and the rule of law. In March 2021, the Ministry for Foreign Affairs and the University of Helsinki signed a cooperation agreement to establish the Rule of Law Centre.

#### ***Fact box: Rule of Law Centre***

Operating under the auspices of the University of Helsinki, the Rule of Law Centre aims to support developing countries in creating and reinforcing the foundations of the rule of law, in developing the capacity of the rule of law institutions, and in strengthening legislation by providing expertise, training and other support. The activities of the Centre are financed from development cooperation funds. The Rule of Law Centre brings together experts on the rule of law in Finnish society and supports the development of their networks.

Finland's activities in the area of crisis management as well as in the strengthening of transitional justice and the rule of law perspective are also described in the Government Report on Finnish Foreign and Security Policy.

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<sup>32</sup> SDG 16. Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

## 4.6 Defending equality and the rule of law in the management of the COVID-19 pandemic

The COVID-19 pandemic is a test to the realisation of civil and political rights as well as economic, social and cultural rights throughout the world. It has posed a particular threat to the right to life and the right to adequate healthcare services.

Finland's national and international activities aim for human rights to be realised without any discrimination during the pandemic as well as in the post-pandemic measures. Also the European Commission has announced that it monitors measures taken by the member states during the emergency conditions of the COVID-19 pandemic.

The pandemic has affected different population groups differently in Finland as well as internationally. Restrictions have, among other things, weakened economic and employment equality, transferred care responsibilities to households, increased violence against women and made access to services more difficult for victims of violence. Restrictive measures have put a particular strain on minorities and other discriminated population groups and persons particularly in developing countries and in states with low capacity to respond to crises.

In Finland, too, distance learning has weakened the learning conditions of many young people. Educational inequality is estimated to increase. Restrictions on personal contacts have had negative impacts on the living conditions, human contacts and access to services of those who are in institutional care, older people or persons with disabilities.

In Finland, too, restrictions have also extensively affected the freedom to conduct a business and access to income particularly in the culture and arts as well as service and tourism sectors and, to some extent, affected the practice of religion. In many countries, the COVID-19 pandemic has negative impacts on the labour market, too. In the management of the crisis, aligned measures at the national and international levels are required to support the right to decent work of those who are in the most vulnerable positions.

The global pandemic has tested the Finnish fundamental rights system and the capacity of the rule of law. Managing the COVID-19 pandemic and curbing the spread of infection has required restrictive measures that have interfered with people's fundamental rights in Finland, too.<sup>33</sup> Restrictions have managed to curb the pandemic and, consequently, protected people's right to health and the right to life.

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33 The website of the Human Rights Centre (<https://www.humanrightscentre.fi/covid-19/>) provides updated information about decisions and information sources relating to the COVID-19 pandemic.

When a state of emergency has been declared, international human rights obligations may in time of emergency be derogated from or restricted within the limits permitted by agreements.<sup>34</sup>

Restrictions on the fundamental rights safeguarded under the Constitution of Finland require the fulfilment of the general conditions under which fundamental rights may be restricted. These include that any restriction must be based on law, the law must be specific and clearly defined, the restriction must be acceptable and proportional, no restrictions may be placed on the core of a right, adequate legal remedies must be available, and human rights obligations must be complied with.<sup>35</sup> For example, proportionality requires that any restriction must be necessary to achieve the legitimate aim pursued and proportionate to the benefit sought. A restriction is permitted only if the aim cannot be achieved by means that are less restrictive on the right in question. The Constitutional Law Committee of Parliament assesses the necessity and proportionality of restrictive measures employed in response to the COVID-19 pandemic.

The proportionality requirement also involves a time dimension: a restriction must be removed as soon as its use is no longer necessary. Restrictions of fundamental rights may not be incompatible with binding international human rights obligations, either. The powers laid down in the Emergency Powers Act that were adopted in Finland in spring 2020 were used exclusively for restrictions permitted under human rights conventions and treaties.

Some authoritarian administrations have misused the COVID-19 pandemic as a pretext to criminalise or prevent the activities of the political opposition, independent media reporting on the disease situation, or civil society. Finland condemns any human rights violations committed under the guise of the COVID-19 pandemic. The capacity of independent media and civil society to act must be safeguarded during the pandemic and during the post-pandemic measures alike.

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34 Exceptions to this are the rights in respect of which derogations are not permitted in any circumstances. These rights include the right to life and the prohibition of torture.

35 Constitutional Law Committee report PeVM 25/1994 vp, pp. 4–5.

## 4.7 Role of civil society – support for activities of human rights defenders

Supporting the activities of human rights defenders<sup>36</sup> is an essential part of Finland's human rights-based foreign and security policy. Finland acts and expects other states to act in compliance with international human rights provisions and to protect and support the activities of human rights defenders. The UN Declaration on Human Rights Defenders (1998) requests all states to create all conditions necessary for human rights work.

The significance of civil society in monitoring and promoting the implementation of fundamental and human rights has increased. The activities of human rights defenders have positive effects on fundamental and human rights development locally, nationally, regionally and globally. Human rights defenders seeking to promote and protect human rights are important partners for Finland with valuable knowledge about the fundamental and human rights situation and about improving it.

Human rights defender can be a person, a group, or an organisation that acts non-violently to promote or protect human rights. Human rights defenders can, for example, be members of human rights organisations, trade unionists, environmentalists, lawyers, journalists, teachers or individual citizens. Finland condemns violence against human rights defenders and supports their capacities.

Restricting the work of human rights defenders is not a new phenomenon, but defenders' work has recently become more dangerous. In addition to authoritarian administrations, other influential actors such as business enterprises and armed groups disregarding human rights norms seek to prevent the activities of human rights defenders.

In particular danger are those actors who visibly defend the realisation of fundamental and human rights, expose political and economic misconduct and criticise those in power. Human rights defenders, especially women human rights defenders, experience increased threats, labelling and actual violence. The rapid regime change in Afghanistan created a quickly escalating and serious risk for thousands of human rights defenders, too, with some requesting for assistance to leave the country. Going forward, the international community should be prepared for situations where human rights defenders face a sudden, serious and large-scale threat.

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36 In 1988, the UN General Assembly adopted a declaration to protect the work of human rights defenders, [which can be found on the website of the Office of the High Commissioner for Human Rights \(OHCHR\) of the UN \(https://www.ohchr.org/EN/Issues/CivicSpace/Pages/DeclarationHumanRightsDefenders.aspx\)](https://www.ohchr.org/EN/Issues/CivicSpace/Pages/DeclarationHumanRightsDefenders.aspx).



In Finland's foreign policy, the focus is on supporting the capacity of human rights defenders operating outside the EU. The activities of human rights defenders must be protected and supported within the EU and in Finland, too. Finland also condemns the disruption of and violence against human rights organisations and journalists that takes place in EU member states. In Finland, human rights organisations and other CSOs working for fundamental and human rights play a special role in defending the rights of individuals and groups in most vulnerable positions.

The EU has a key role in protecting the work of human rights defenders globally. The EU has adopted the EU Guidelines on Human Rights Defenders<sup>37</sup> and Finland supports their consistent implementation and monitoring.

Finland acts so that the EU and the External Action Service's delegations respond through joint EU action and communication to human rights violations against human rights defenders. If necessary, Finland will take a stand against violations together with other states or individually.

Supporting and protecting the activities of human rights defenders was one of the priorities of Finland's 2019 Presidency of the Council of the EU. Finland highlighted the situation of human rights defenders in contexts such as the informal meeting of EU foreign ministers held in Helsinki. Finland encourages other EU Members States to continue this practice.

In 2014, the Ministry for Foreign Affairs published the Public Guidelines of the Foreign Ministry of Finland on the implementation of the European Union Guidelines on Human Rights Defenders.<sup>38</sup> Thanks to the implementation of the Guidelines, especially diplomatic and consular missions abroad considerably increased their dialogue with and support to local human rights defenders. The Ministry updates the Guidelines, which apply to the entire Foreign Service, taking account of the recommendations of the 2017 independent report<sup>39</sup> concerning Finland's support for human rights defenders.

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37 The Guidelines on Human Rights Defenders are available on the EU website ([https://eeas.europa.eu/sites/default/files/eu\\_guidelines\\_hrd\\_en.pdf](https://eeas.europa.eu/sites/default/files/eu_guidelines_hrd_en.pdf)).

38 The Guidelines are available on the website of the Ministry for Foreign Affairs ([https://um.fi/documents/35732/48132/protecting\\_and\\_supporting\\_human\\_rights\\_defenders\\_\\_\\_public\\_guidelines\\_of/eb0375bc-f2dc-0b8c-cfb9-ac2428cb00e5?t=1525859727967](https://um.fi/documents/35732/48132/protecting_and_supporting_human_rights_defenders___public_guidelines_of/eb0375bc-f2dc-0b8c-cfb9-ac2428cb00e5?t=1525859727967)).

39 Susan Villa: Human Rights Defenders Are Facing Increasing Intimidation – How Should Finland's Support for Human Rights Defenders Be Developed? The report is available on the website of the Ministry for Foreign Affairs. ([https://um.fi/documents/35732/0/UM\\_lhmisoikeuspuolustajat\\_EN%20%281%29.pdf/9bc439f3-9f83-20da-ffb7-dfd1934111d3?t=1529498366456](https://um.fi/documents/35732/0/UM_lhmisoikeuspuolustajat_EN%20%281%29.pdf/9bc439f3-9f83-20da-ffb7-dfd1934111d3?t=1529498366456)).

In particular, Finland emphasises support to work for the rights of women and girls and of the population groups in the most vulnerable position<sup>40</sup> as well as human rights defenders belonging to these population groups. Support to the work of human rights defenders takes account of themes the significance of which are growing in Finland's human rights policy, namely the opportunities and challenges associated with digitalisation, the growing significance of environmental defenders and action against climate change, and corporate human rights responsibility.

In the future, too, Finland continues to support efforts to strengthen the capacity of human rights defenders and civil society as well as organisations carrying out human rights work and supporting human rights defenders as part of its development cooperation. It is important that Finnish human rights organisations and other CSOs are also capable to internationally support the activities of human rights defenders in the future, too.

Finland supports the actions and mechanisms of the Council of Europe<sup>41</sup> and the OSCE to protect the activities of human rights defenders. In addition, many cases in the supervision of the execution of ECtHR judgments concern human rights defenders.

The role of cities in protecting human rights defenders has become stronger. Many states similar to Finland have introduced a Shelter City system that provides temporary protection for human rights defenders whose life is at risk in their home country. Individual Finnish municipalities have created or are developing similar support systems. The Government will look into opportunities to expand the practice in Finland.

## 4.8 Significance of corporate human rights responsibility

The significance of business enterprises operating internationally and other business activities for the realisation of human rights has increased. Multinational enterprises often operate within the jurisdiction of multiple states under a variety of ownership and contractual arrangements. Business activities have particular significance in the realisation of fundamental labour rights, several economic, social and cultural (ESC) rights and rights relating to the use of natural resources.

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40 An important element of this is to identify the rights and needs of population groups and individuals experiencing multiple and intersectional discrimination.

41 For example, the activities of the Council of Europe Commissioner for Human Rights and the mechanism put in place by the Secretary General of the Council of Europe to enable human rights defenders to report reprisals they have been subjected to directly to the Private Office of the Secretary General.

Alongside states, private business enterprises may restrict civil society activity either directly or indirectly. However, the most conducive operating environment for business development is predictable, democratically governed and open, and supportive to a strong civil society that is reforming society.

Finland promotes sustainable business, states' obligation to protect human rights in business activities and the obligation of business enterprises to respect human rights both nationally and internationally.

As business operations become increasingly international, both human rights provisions and the approaches to and regulation of human rights respecting business activity must be developed. Alongside implementing existing international human rights conventions and treaties that are binding on states, there is a need for common principles and guidelines to guide activities more broadly. Finland is committed to complying with and actively promoting the UN Guiding Principles on Business and Human Rights (2011)<sup>42</sup> as well as the OECD Guidelines for Multinational Enterprises<sup>43</sup>. In 2014, the Finnish Government was the fourth state in the world to adopt a National Action Plan for the Implementation of the UN Guiding Principles on Business and Human Rights<sup>44</sup>.

Since 2015, UN negotiations have been taking place in an intergovernmental working group to elaborate a legally binding instrument on human rights in the activities of transnational corporations and other business enterprises.<sup>45</sup>

In December 2019, during its Presidency of the Council of the EU, Finland organised the conference Business and Human Rights – Towards a Common Agenda for Action, which aimed to strengthen EU actions on the theme by way of a joint EU Action Plan.<sup>46</sup> In

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42 To read the UN Guiding Principles on Business and Human Rights, visit the Office of the High Commissioner for Human Rights (OHCHR) website ([https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr\\_en.pdf](https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf)).

43 The OECD Guidelines for Multinational Enterprises are available on the OECD website (<https://www.oecd.org/daf/inv/mne/48004323.pdf>).

44 To read the Action Plan, visit the website of the Ministry of Economic Affairs and Employment (<https://tem.fi/documents/1410877/3084000/National+action+plan+for+the+implementation+of+the+UN+guiding+principles+on+business+and+human+rights/1b-c35feb-d35a-438f-af56-aec16adfcbae/National+action+plan+for+the+implementation+of+the+UN+guiding+principles+on+business+and+human+rights.pdf/National+action+plan+for+the+implementation+of+the+UN+guiding+principles+on+business+and+human+rights.pdf?t=1471435462000>).

45 For more information, visit the UN website (<https://www.ohchr.org/en/hrbodies/hrc/wgtranscorp/pages/igwgontnc.aspx>).

46 Outcome Paper of the conference: Agenda for Action on Business and Human Rights. The Outcome Paper is available on the website of the Ministry for Foreign Affairs (<https://um.fi/documents/35732/0/Agenda+for+Action+on+Business+and+Human+Rights+02122019.pdf/54eb2f6f-04a5-3060-7377-e6fcd4847121?t=1575292990419>).

December 2020, the the Council approved conclusions stating the objective of launching an EU Action Plan by 2021 focusing on shaping global supply chains sustainably and promoting human rights, social and environmental due diligence standards and binding obligations.<sup>47</sup> Finland continues its active efforts in the area of business and human rights in the EU and more broadly at the international level. Particular attention is paid to compliance with due diligence<sup>48</sup>. In spring 2021, the European Parliament adopted a resolution with recommendations to the Commission on corporate due diligence and corporate accountability.<sup>49</sup> The Commission aims to present a legislative proposal on sustainable corporate governance and due diligence by the end of 2021. Finland supports the Commission initiative on EU-level corporate responsibility based on due diligence where different sizes of companies and international value chains are taken into account.

In line with the Government Programme, an analysis of potential national regulatory options concerning due diligence<sup>50</sup> in was commissioned in 2020 and, in addition a study<sup>51</sup> of the status of the human rights performance of Finnish companies in relation to the expectations set in the UN Guiding Principles on Business and Human Rights. As stated in the Government Programme, a report will be prepared with the objective of enacting a corporate social responsibility act. Related preparatory work is underway at the Ministry of Economic Affairs and Employment. An assessment memorandum on the matter is due for publication in early 2022, after which the Government will consider further measures.

Finland supports the sustainable development provisions of the EU's free trade agreements as well as the strengthening of the impacts of the EU Generalised Scheme of Preferences (GSP) concerning human rights, labour regulation, environmental standards and responsible business.

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47 To read more, visit the website of the European Council (<https://www.consilium.europa.eu/en/press/press-releases/2020/12/01/human-rights-and-decent-work-in-global-supply-chains-the-council-approves-conclusions/>).

48 According to the UN Guiding Principles, the human rights due diligence process 'should include assessing actual and potential human rights impacts, integrating and acting upon the findings, tracking responses, and communicating how impacts are addressed'. To read more, visit the OHCHR website. (<https://www.ohchr.org/en/issues/business/pages/businessindex.aspx>) (Principle 17, p. 17 [https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf)).

49 The Resolution is available on the website of the European Parliament ([https://www.europarl.europa.eu/doceo/document/TA-9-2021-0073\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2021-0073_EN.html)).

50 To read more, visit the website of the Ministry of Economic Affairs and Employment (<https://tem.fi/en/-/judicial-analysis-specifies-the-planned-corporate-social-responsibility-act-in-finland>).

51 Status of Human Rights Performance of Finnish Companies (SIHTI) Project: Report on the status of human rights performance of Finnish companies (2021). The report is available on the Government website ([https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/162936/TEM\\_2021\\_17.pdf?sequence=1&isAllowed=y](https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/162936/TEM_2021_17.pdf?sequence=1&isAllowed=y)).

## 5 Strengthening non-discrimination, gender equality, and participation rights as priorities

*Finland's fundamental and human rights policy emphasises the significance of non-discrimination and gender equality as part of fundamental and human rights. Finland's international human rights policy focuses on gender equality and the rights of persons in the most vulnerable positions. The Government acts to reduce inequality at the national, EU and international levels. We build civil society capacity and, in particular, strengthen women's participation rights as well as the equal participation rights of population groups that most commonly experience discrimination.*

Non-discrimination and gender equality are included in a cross-cutting manner in Government policies and in more detail also in many other Government reports and programmes.<sup>52</sup> The Government Action Plan for Gender Equality 2020–2023<sup>53</sup> and the incoming Government Report on Gender Equality Policy, contain Government measures to promote gender equality and outline gender equality objectives. The National Democracy Programme 2025<sup>54</sup> covers the numerous measures promoting civil society, participation and inclusion set out in the Government Programme of Prime Minister Marin's Government.

This chapter of the Government Report on Human Rights Policy provides a comprehensive overview of Finland's international activities and a more targeted look at national activities and focuses on the promotion of participation rights and inclusion.

52 These include the third National Action Plan on Fundamental and Human Rights 2020–2023, the National Child Strategy, the National Programme on Ageing and the quality recommendation to guarantee a good quality of life and improved services for older persons, and the Action Programme for Combatting Racism and Promoting Good Relations between Population Groups.

53 Making Finland a Global Leader in Gender Equality: Government Action Plan for Gender Equality 2020–2023. To read the programme, visit the Government website (<http://urn.fi/URN:ISBN:978-952-00-8666-4>).

54 For information about progress in the National Democracy Programme, visit the website of the Ministry of Justice (<https://oikeusministerio.fi/en/national-democracy-programme-2025>).

## 5.1 Eradicating discriminating structures

Prohibition of discrimination is a key provision of human rights conventions and treaties adopted by the UN and the Council of Europe (CoE) and of the treaties and legislation of the EU. Finland emphasises the implementation of the treaty provisions and acts proactively to eradicate discrimination. For example, in the CoE, Finland supports the activities of the new Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI) for the rights of sexual and gender minorities and of the rights of Roma and against hate speech.

The Constitution of Finland guarantees equality before the law and prohibits discrimination. The Non-Discrimination Act (21/2004) lays down a comprehensive ban on discrimination<sup>55</sup> on various grounds and requires the active fostering of equality. The Act on Equality between Women and Men (Gender Equality Act 609/1986) prohibits discrimination based on gender, gender identity or gender expression and lays down the obligation to promote gender equality purposefully and systematically and to improve the status of women, particularly in working life.

The implementation of the Non-Discrimination Act and the Gender Equality Act plays a key role in preventing and addressing discrimination.<sup>56</sup> Increasing awareness among the authorities and public officials of equality and non-discrimination requirements is important. For example, law drafters must be guaranteed sufficient capacity to assess the equality impacts of legislative proposals. The Government's activities are also guided by EU legislation and structures formed around it.

According to the Second European Union Minorities and Discrimination Survey (EU-MIDIS II) published in 2017, Finland is one of the European countries where ethnic minorities experience the most discrimination. The Being Black in the EU survey published in 2018 by the EU Agency for Fundamental Rights (FRA) also reports that experiences of racism are more common in Finland than in the other 11 countries included in the survey. The 2017 Universal Periodic Review (UPR) conducted under the auspices of the UN Human

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55 The prohibition of discrimination embodied in the Non-Discrimination Act covers discrimination on the basis of age, ethnic or national origin, nationality, language, religion, belief, opinion, health, disability, sexual orientation or other personal characteristics.

56 Commissioned by the Ministry of Justice and launched in 2019, the project to assess the Non-Discrimination Act examined the impact of the reformed Non-Discrimination Act (2015) on the legal protection of people exposed to discrimination, on prevention of discrimination and on promotion of equality. The Gender Equality Act lays down the obligation to promote gender equality purposefully and systematically and to prepare a gender equality plan for education providers and for workplaces with at least 30 employees.

Rights Council resulted in Finland receiving several recommendations to combat racism, discrimination and hate speech.

The Action Programme for Combatting Racism and Promoting Good Relations between Population Groups was adopted in October 2021 as a Government Resolution. The programme contains eight key objectives and 52 actions to be implemented by a variety of administrative branches in 2021–2023. Among other things, the actions aim to eradicate society's discriminating structures, promote diversity in Finnish working life, strengthen the authorities' equality and non-discrimination competence, increase awareness of the different forms of racism, develop racism-related research, and address hate speech with systematic action. In addition, the actions create capacity for a policy of good population relations locally and nationally.

Further starting points for Finland's international actions against racism, xenophobia and intolerance include the human rights conventions and treaties adopted within the UN and the CoE. The European Commission against Racism and Intolerance (ECRI) analyses in five-year cycles the human rights situation of each CoE member state specifically as regards racism and intolerance. In 2019, the ECRI analysed the situation in and made recommendations to Finland<sup>57</sup>.

In its activities, the Government emphasises an intersectional<sup>58</sup> approach that alongside gender, also takes account of aspects including the economic and social status, age, origin, disability, sexual orientation and gender identity of individuals as well as belonging to a linguistic, cultural or religious minority.

The promotion of non-discrimination and gender equality calls for systematic assessment of fundamental and human rights, such as disaggregating data by population group and assessing how measures reducing inequality can be targeted accurately and effectively. The National Action Plan on Fundamental and Human Rights also covers indicators and monitoring methods relating to equality promotion.<sup>59</sup> Also underway is development work to improve access to disaggregated data by ethnicity and the national deployment

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57 The ECRI Report on Finland is available on the CoE website (<https://rm.coe.int/fifth-report-on-finland/1680972fa7>).

58 The concept of 'intersectionality' illustrates how people's status in society is affected not only by gender but also by many other differences, including social status, age, origin and sexual orientation. From the perspective of inequality, the term 'intersectional inequality' is also used.

59 National Action Plan on Fundamental and Human Rights 2020–2023: Developing the Monitoring of Fundamental and Human Rights. [The Action Plan is available on the Government website \(https://julkaisut.valtioneuvosto.fi/handle/10024/163742\)](https://julkaisut.valtioneuvosto.fi/handle/10024/163742).

of the principles of the Human Rights-Based Approach to Data (HRBAD)<sup>60</sup> published by the Office of the UN High Commissioner for Human Rights (OHCHR). Finland also participates actively in development work relating to data collection.

## 5.2 Strengthening inclusion and equal participation rights

The Government promotes the strengthening of inclusion across all policy areas. Finland promotes the meaningful participation<sup>61</sup> of civil society in the activities of international organisations and in negotiation processes.

The right to assembly and association, freedom of speech and expression, and the equal right to seek public office are key fundamental and human rights the respect for and implementation of which Finland actively promotes. Under the Constitution of Finland, every individual has the right to participate in and influence the development of society and their own living environment, and the public authorities are responsible for promoting everyone's opportunity to participate in society and influence the decisions that concern them. In drafting and implementing legislation, the Government emphasises transparency, participation rights and the right to have decisions reviewed.

With rapid advances taking place in technology, it is increasingly important to ensure that freedom of expression and equal participation rights are realised in digital information networks and services, too. Particular attention is paid to safeguarding access to participation for women as well as persons and population groups in the most vulnerable positions, including older people. The inclusion of children in societal decision-making is strengthened through the implementation of the National Child Strategy<sup>62</sup>.

Increased attention must be paid to the fundamental and human rights of older persons. It is particularly important to ensure the equal rights, treatment, inclusion, participation and access to services and information of older persons whose economic, social or health

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60 A Human Rights-Based Approach to Data is available on the OHCHR website (<https://www.ohchr.org/Documents/Issues/HRIndicators/GuidanceNoteonApproachtoData.pdf>).

61 In this context, 'meaningful participation' is defined as the right to influence decision-making, including the preparation of decisions and planning of activities as well as assessing their impacts. Participants must have the right to assess the impacts of their participation in decision-making processes. In international decision-making, Finland supports strong wordings such as 'full, effective and meaningful participation'.

62 The National Child Strategy is available (in Finnish and Swedish) on the Government website (<https://julkaisut.valtioneuvosto.fi/handle/10024/162864>).



status is the most vulnerable. The National Programme on Ageing<sup>63</sup> encourages measures to maximise functional capacity while ageing and the use of a quality recommendation for service development.

International and regional human rights conventions and treaties protect, as appropriate, the rights of older people, too. Some of these, such as the European Social Charter (revised) also contain provisions that apply specifically to older people. In 1991, the UN General Assembly adopted the UN Principles for Older Persons, which comprise independence, participation, care, self-fulfilment and dignity. The EU participates constructively in the debate on the rights of older persons in UN human rights forums.

The Finnish Parliamentary Ombudsman is tasked with supervising and promoting legality and the implementation of fundamental and human rights in the activities and actions of the authorities, including with regard to the rights of older persons. The Parliamentary Ombudsman's special duties based on international conventions also have points in common with the supervision of the rights of older persons. The Parliamentary Ombudsman is the National Preventive Mechanism (NPM) under the Optional Protocol to the UN Convention against Torture (OPCAT).

The position of Ombudsman for Older Persons was established in Finland in 2021. As an independent and autonomous authority, the Ombudsman promotes the realisation of the rights of older persons.

The Independent Expert on the enjoyment of all human rights by older persons at the UN Human Rights Council visited Finland in autumn 2021. The Independent Expert reports to the UN Human Rights Council and will, in autumn 2022, present her recommendations to Finland concerning legislation related to the rights of older persons and the realisation of their rights in Finland.

According to research<sup>64</sup>, the impact of socioeconomic differences on voter turnout has increased in Finland, too. The Government seeks to strengthen the engagement and equal access to participation of persons and population groups whose socioeconomic status is weaker at the national, EU as well as international levels.

The rights to culture and education are fundamental and human rights. In Finland, the public authorities support the realisation of these rights among others by providing

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63 The National Programme on Ageing is available on the Government website (<http://urn.fi/URN:ISBN:978-952-00-8431-8>).

64 The Differentiation of Political Participation: Finnish National Election Study 2015. To read the study (abstract and foreword in English), visit the Government website (<https://julkaisut.valtioneuvosto.fi/handle/10024/75240>).

services including regionally comprehensive, accessible as well as diverse-content education, library and cultural services and by supporting opportunities for art, creative activity and preservation of cultural heritage.

Linguistic rights are safeguarded under the Constitution of Finland. Finland is a party to several conventions and treaties concerning linguistic rights<sup>65</sup> and promotes their implementation.

Challenges are still faced in the practical realisation of linguistic rights, however. In its activities, the Government takes account of the recommendations received by Finland from international treaty monitoring bodies concerning issues, such as increasing tolerance against the various linguistic groups, access to health and social services in Swedish and in the Sámi languages, support for teaching of the Sámi languages and promoting the teaching of the Finnish Romani language and the Karelian language. Sign language users are also a linguistic and cultural group whose access to participation must be safeguarded.

The Government Programme contains entries aiming to promote the realisation of linguistic rights, such as the vitality of languages and a more tolerant language climate. The key language policy entries in the Government Programme pertain to the revised Strategy for the National Languages of Finland, improving the language climate, and a language policy programme.

The Constitution of Finland guarantees the freedom of religion and conscience. The Government safeguards the realisation of the freedom of religion and promotes opportunities to profess and practice religions. A significant proportion of hate crime reports<sup>66</sup> filed with the police are related to religion or belief. The efficiency of the authorities' actions against hate crime has been boosted in recent years.

Religious and belief minorities, including the non-religious, experience discrimination around the world. Everyone has the right to freedom of thought, conscience and religion. Finland acts consistently against violations of the freedom of religion and belief. In this context, too, we pay particular attention to the situation of women and girls and those who belong to multiple minorities at the same time. Finland has promoted internationally a dialogue between religious actors as part of conflict prevention and peacebuilding. The

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65 For more information about treaties concerning linguistic rights, see the website of the Ministry of Justice (<https://oikeusministerio.fi/en/finland-s-international-obligations>).

66 To read more, visit the Equality website (<https://yhdenvertaisuus.fi/en/hate-crime-and-hate-speech>).

Government cooperates with church actors, other religious communities and their mutual cooperation networks in development cooperation and more broadly in foreign policy.

As a member of the International Holocaust Remembrance Alliance (IHRA), Finland has adopted the IHRA definition of anti-Semitism, and the definition has been used in contexts including police training. In IHRA activities, Finland draws particular attention to the development of high-quality school teaching covering the Holocaust and to issues relating to remembrance of the genocide of the Roma.

The Government seeks to expand people's access to influence and encourages people to participate in the preparation of decisions and decision-making in accordance with the policies outlined in the Strategy for Public Governance<sup>67</sup>. Adopted in December 2020, the Open Government Strategy<sup>68</sup> emphasises not only national work but also Finland's active international role in promoting openness and inclusion. The Government's National Democracy Programme 2025 aims to promote openness in public administration, participation and new forms of interaction between the public administration and civil society. Interaction between civil society and administration is also promoted by the Advisory Board on Civil Society Policy (KANE)<sup>69</sup> appointed by the Government and operating in conjunction with the Ministry of Justice, which emphasises the importance of open and inclusive preparatory work.

Representatives of civil society and civil society organisations (CSOs) must be guaranteed meaningful access to influence and participation in decision-making. The Government promotes the opportunities of civil society representatives for consultation and participation nationally, in EU activities and in intergovernmental organisations. For example, during Finland's Presidency, a decision was made at the spring 2019 Helsinki meeting of Foreign Affairs Ministers of the Council of Europe (CoE) Committee of Ministers to improve the participation of CSOs in the CoE's work.

The expertise of Finnish and international CSOs are drawn on when formulating Government policies and promoting the realisation of fundamental and human rights nationally, in the EU and internationally.

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67 To read more about the Strategy for Public Governance, visit the website of the Ministry of Finance (<https://publicgovernancestrategy.fi/>).

68 To read the Open Government Strategy, visit the Open Government website ([https://avoinhallinto.fi/assets/files/2021/03/Open\\_Government\\_Strategy2030.pdf](https://avoinhallinto.fi/assets/files/2021/03/Open_Government_Strategy2030.pdf)).

69 To read about the activities of the Advisory Board on Civil Society Policy (KANE), visit the website of the Ministry of Justice (<https://oikeusministerio.fi/en/advisory-board-on-civil-society-policy>).

## 5.3 Promoting gender equality

Finland promotes gender equality<sup>70</sup> and the rights of women and girls at the national, Nordic, EU and international levels. Promoting gender equality requires addressing gendered operating and power structures as well as harmful social norms, attitudes and generalisations. The perspective of intersectionality is strongly included in gender equality work. For example, the rights of women and girls with disabilities must be sufficiently taken into account. The inclusion of all genders in equality work is essential.

Strengthening the status and rights of women and girls is one of the priorities of Finland's human rights-based foreign and security policy as well as development policy. Finland emphasises in particular the political and economic participation of women, the prevention of violence against women and girls, and sexual and reproductive health and rights (SRHR)<sup>71</sup>.

Several international human rights conventions and treaties prohibit gender-based discrimination. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)<sup>72</sup> aims to promote the equal realisation of human rights for women. The Constitution of Finland, the Gender Equality Act and the treaties of the EU guarantee equality between women and men. The Finnish Gender Equality Act also prohibits discrimination on the basis of gender identity and gender expression.

The state of gender equality in Finland is good both internationally and compared with other EU member states.<sup>73</sup> However, many challenges remain related to gender equality, and the Government makes determined efforts to address these. Relevant objectives and actions are covered in more detail in the Government Report on Gender Equality.

### Broad international support to gender equality and rights

In recent years, international rifts have deepened especially related to issues concerning the rights of women and girls and of sexual and gender minorities. The level of organisation, initiative and funding of the anti-gender movement is increasing. The movement opposes the promotion of the rights of women and of sexual and gender

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70 Finland acts consistently in the EU and internationally to use the concept of 'gender equality'.

71 In the meaning used by Finland, the term covers matters including sexual education, contraception, maternal health and, if necessary, access to a safe abortion.

72 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

73 Finland ranks fourth in the Global Gender Gap Index of the World Economic Forum and in the Gender Equality Index of the European Institute for Gender Equality (EIGE).

minorities. This is not just a counter-reaction but entails aspirations to change the treaty system on which gender equality as well as non-discrimination are based. The phenomenon is also visible within the EU.

### ***Fact box: Anti-gender movement***

The anti-gender movement opposes the promotion of the rights of women and of sexual and gender minorities and gender equality at large. The actors linked with the movement do not recognise gender diversity or the social definition of 'gender'. In addition, they actively seek to water down standards related to sexual and reproductive health and rights and fact-based sexual education. They only approve of a family model based on heterosexual marriage. The movement consists of governmental and non-governmental actors.

Finland acts to maximise international support to gender equality, the rights of women and girls, the rights of sexual and gender minorities and the realisation of sexual and reproductive health and rights. We pay particular attention to joint EU positions in order for the EU to strongly and consistently promote the rights of women and girls as well as gender equality in all of its activities.

There are fundamental differences of views also between EU member states in gender equality issues and in defending the rights of women and girls as well as gender and sexual minorities. This increases the need for closer cooperation in gender equality promotion between the Nordic and other countries that consistently defend women's rights.

Finland participates actively in the work of the Nordic Council of Ministers and continues to promote gender equality and minority rights in Nordic cooperation. LGBTIQ issues have been a part of Nordic cooperation. Going forward, the Nordic countries must maintain their leading role in promoting gender equality. Nordic cooperation also promotes the countries' international gender equality objectives in contexts such as the UN Commission on the Status of Women (CSW). Human rights issues, such as the rights of women and girls and minority rights, are also considered actively in Nordic-Baltic Eight (NB8) cooperation.

Finland continues to work actively in international organisations and bodies to advance sexual and reproductive health and rights (SRHR) and emphasise the need to secure the capacity of SRHR organisations to act internationally and at the country level.

***Fact box: Finland's funding for activities promoting sexual and reproductive health and rights (SRHR)***

In 2020, core funding provided by Finland to the UN Population Fund (UNFPA) was increased significantly from EUR 20 million to EUR 33 million. Funding has also been provided to international non-governmental organisations (INGOs) that work on SRHR, such the International Planned Parenthood Federation (IPPF) and Ipas as well as for country-level SRHR work including in Somalia and Myanmar.

Finland continues its active efforts and support to UN gender equality work. In 2020, Finland chaired the Executive Board of the UN gender equality organisation UN Women and provided UN Women with a contribution totalling EUR 19 million. During the COVID-19 pandemic, UN Women has acted to prevent violence against women and to ensure that the gender perspective is taken into account in decision-making concerning the crisis. UN Women also makes it possible to reach women who live in the most vulnerable and difficult situations, such as housekeepers employed by families, refugees and women with disabilities. Finland also participates actively in the Generation Equality process promoting the rights of women and girls.

In 2017, the Government established the International Gender Equality Prize (IGEP) to promote gender equality around the world and to support discussion about gender equality in a global context.

## **Combatting violence against women and domestic violence**

Violence against women<sup>74</sup> is globally a serious human rights violation and a major obstacle to advancements such as the realisation of women's participation rights. International treaty monitoring bodies have also paid attention to the increasing occurrence of violence against women in Finland. Violence against boys and men must also be prevented effectively.

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<sup>74</sup> 'Violence against women' means any gender-based violence that results in, or is likely to result in, physical, sexual or mental harm or suffering to women, whether occurring in public or in private life. The definition covers threats of violence as well as coercion, violation of bodily autonomy and arbitrary deprivation of liberty. Examples of forms of violence against women include violence occurring in the family, sexual harassment, rape, female genital mutilation, forced marriage and, in particular, trafficking in women for purposes including sexual abuse, cyberviolence occurring in information networks, and violations of rights of women and girls in situations of armed conflict.

Finland acts to combat violence against women and domestic violence nationally, at the EU level and internationally. Finland implements the obligations of the Istanbul Convention nationally, is proactive in combatting violence against women and other domestic violence and actively promotes the ratification and implementation of the Istanbul Convention<sup>75</sup> as extensively as possible. Finland also promotes the EU's accession to the Convention. The implementation of the Istanbul Convention in Finland is coordinated by the Committee for Combatting Violence against Women and Domestic Violence.<sup>76</sup>

In line with the Government Programme, in October 2020 the Ministry of Justice published the Action Plan for Combatting Violence against Women for 2020–2023<sup>77</sup>, which contains a total of 32 actions. The cross-cutting theme of the Action Plan is preventing violence. Those responsible for implementing the actions include a number of different ministries. CSO activities play a key role in preventing violence and helping victims of violence.

### ***Fact box: Action projects to combat violence against women and domestic violence***

A Multi-Agency Risk Assessment Conference (MARAC) -project to combat crimes against women and improve victim support is underway in the administrative branches of the Ministry of the Interior and the Ministry of Social Affairs and Health. The focal areas of the activities of the Committee for Combatting Violence against Women and Domestic Violence relating to the police administration for 2021 are developing police competence particularly in supervision and emergency operations and disseminating the MARAC method coordinated by the Finnish Institute for Health and Welfare (THL). The Barnahus project in turn explores and strengthens best practices for investigation processes of suspected cases of violence and sexual crimes against children.

<sup>75</sup> The Convention obliges states that are Parties to the Convention to prevent violence against women and domestic violence, to protect and support victims and to prosecute offenders for their acts.

<sup>76</sup> The current Action Plan for the Istanbul Convention covers the 2018–2021 period, and a new Action Plan is currently under preparation for 2022–2025.

<sup>77</sup> [The Action Plan for Combatting Violence Against Women is available \(abstract in English\) on the Government website \(https://julkaisut.valtioneuvosto.fi/handle/10024/162499\).](https://julkaisut.valtioneuvosto.fi/handle/10024/162499)

The government proposal to establish a post for a rapporteur on violence against women was submitted to Parliament on 16 September 2021, putting forward that the Non-Discrimination Ombudsman would act as this independent and autonomous rapporteur. As regards domestic violence, the rapporteur's duties would also cover forms of violence including violence against men and boys.

Finland is also proactive in work to combat violence against children. The Non-Violent Childhoods – Action Plan for the Prevention of Violence against Children 2020–2025<sup>78</sup> and its implementation plan form the national foundation for the joint work of the ministries and numerous other actors. Finland is also formulating the first national action plan for 2022–2025 concerning the Convention on the Protection of Children against Sexual Exploitation and Abuse (Lanzarote Convention).

## 5.4 International activities for population groups in the most vulnerable situations

The priorities of Finland's international human rights policy are the rights of indigenous peoples, persons with disabilities, sexual and gender minorities and, in European cooperation, the Roma. Persons belonging to these groups are often in a very vulnerable position in society.

Finland pays consistent attention to combatting multiple and intersectional discrimination.

### Rights of indigenous peoples

Finland consistently, actively and visibly promotes the rights of indigenous peoples, including their right to participate in decision-making concerning themselves, and supports the activities of human rights defenders defending the rights of indigenous peoples.

Under the Constitution of Finland, the Sámi have the right as an indigenous people to maintain and develop their own language and culture and, in the Sámi homeland, the Sámi have linguistic and cultural self-government. Finland is committed to respecting and promoting the linguistic and cultural rights of all Sámi individuals and Sámi groups,

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78 The Non-Violent Childhoods Action Plan is available on the Government website (<http://urn.fi/URN:ISBN:978-952-00-8351-9>).



taking account of international conventions and treaties. As part of this work, Finland looks into the conditions for the ratification of the ILO Indigenous and Tribal Peoples Convention (ILO 169 Convention) and continues the work to reform the Act on the Sámi Parliament (974/1995). The reform of the Act is necessary in response to developments in international law<sup>79</sup>.

Finland has established a Truth and Reconciliation Commission Concerning the Sámi People, with the aim of its work being to identify and assess the historical and current discrimination experienced by the Sámi. These include the state assimilation policy and violations of rights. The Commission is tasked with finding out how these injustices affect the Sámi people and their communities today. It is of utmost importance that the Commission's work will increase dialogue and trust between the Sámi and the State of Finland. The Commission's work is intended to promote the right of the Sámi to maintain and develop their own language and culture. The process also seeks to raise awareness about the Sámi and Sámi culture among the majority population.

Finland supports the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), under which states are committed to consultation and cooperation with indigenous peoples. We promote the consideration of the rights of indigenous peoples in the UN General Assembly, the UN Human Rights Council and its Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) as well as in the UN Permanent Forum on Indigenous Issues. The rights of indigenous peoples must be taken into account as part of the implementation of EU human rights policy. In the UN, Finland cooperates closely in matters concerning indigenous peoples with the Nordic countries and Estonia and more broadly within the EU particularly with Denmark and Sweden.

Sámi peoples' access to participation and influence is safeguarded and developed on the basis of the objectives of the UN Declaration on the Rights of Indigenous Peoples and the recommendations made by the treaty monitoring bodies. The aim is the realisation of the principle of free, prior and informed consent (FPIC) in matters of particular significance to the realisation of the rights of indigenous peoples.

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<sup>79</sup> On 1 February 2019, the UN Human Rights Committee published two decisions on communications concerning admission to the Sámi Parliament electoral roll (CCPR/C/124/D/2668/2015 and CCPR/C/124/D/2950/2017). In its decisions, the Committee considers that Finland has in the matter violated Article 25 (including voting rights) of the UN International Covenant on Civil and Political Rights, read alone and in conjunction with Article 27 (minority rights) and interpreted in light of Article 1 (peoples' right of self-determination). The Committee states that Finland must review section 3 of the Sámi Parliament Act and that Finland as a State party is under an obligation to take all steps necessary to prevent similar violations from occurring in the future.

**Fact box: UN Permanent Forum on Indigenous Issues (UNPFII)**

The UN Permanent Forum on Indigenous Issues (UNPFII) is the most important annual UN event on indigenous issues and rights. Established in 2000, the UNPFII is a high-level advisory body to the UN Economic and Social Council (ECOSOC). The Forum deals with indigenous issues related to economic and social development, culture, the environment, education, health and human rights in particular. In February 2020, the 16 members of the Forum met in Inari, Finland, to discuss topics including peace and security as well as the role of truth and reconciliation commissions. Anne Nuorgam, a Sámi politician from Finland, chairs the Forum in 2019–2022. The Ministry for Foreign Affairs provides financial support to the Forum.

**Rights of persons with disabilities**

Finland continues its strong support for the realisation of the rights of persons with disabilities in all areas of life. The principles of our disability policy comprise the right of persons with disabilities to equality, participation, inclusion, accessibility<sup>80</sup> and non-discrimination as well as the necessary services and support measures. The Government commits to promoting the full equality of persons with disabilities in its own activities, too, such as by promoting positive action in access to employment among persons with disabilities. A state-owned company will be established in Finland to boost the employment of persons with partial work capacity who are in the most precarious position in the labour market.

Finland's disability policy is based on fundamental and human rights, especially the UN Convention on the Rights of Persons with Disabilities (CRPD). The provisions of the Convention as well as its Optional Protocol on the communications procedure<sup>81</sup> are incorporated into the Finnish legislation. In addition, Finland, as a party to other UN and European human rights conventions and treaties and as an EU member state, is committed to promoting the implementation of the rights of persons with disabilities. The prohibition of discrimination of persons with disabilities is laid down in the Constitution of Finland.

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80 'Accessibility' refers to the ability to complete a task someone is trying to achieve without encountering a barrier in the physical environment, such as buildings, outdoor areas or public transport, or an issue in the non-physical environment, such as data, websites, services or attitudes.

81 The UN Convention on the Rights of Persons with Disabilities and its Optional Protocol are available on the UN website (<https://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>).

Finland's National Action Plan on the Rights of Persons with Disabilities<sup>82</sup> emphasises the importance of social inclusion of persons with disabilities in the changing operating environment as well as the importance of accessibility as a precondition for implementing the other rights. During the drafting of the Action Plan, organisations of persons with disabilities underlined the importance of issues such as the eradication of the unfair treatment of persons with disabilities in working life and the need to ensure an adequate level of social security.<sup>83</sup>

The economic situation and societal status of persons with disabilities still remain very vulnerable in most UN member states, and their access to health and other public services has declined even further during the COVID-19 pandemic. In most countries, women and girls with disabilities have no access to public services such as education or sexual and reproductive health services and are considerably more likely to experience sexual violence than other women and girls. Finland underlines the rights of women and girls with disabilities in its foreign and development policy.

Finland emphasises making use of the expertise of persons with disabilities and, through its development cooperation funds, support projects promoting the rights of persons with disabilities, including development cooperation carried out by Finnish and international disability organisations.

Humanitarian crises result in significant increases in human rights violations against persons with disabilities. Finland draws attention to the status and rights of persons with disabilities in its dialogue with actors engaging in humanitarian work.

To boost tracking of funding, Finland introduced a disability marker in 2016<sup>84</sup>.

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82 Right to social inclusion and equality: National Action Plan on the UN Convention of the Rights of Persons with Disabilities 2020–2023. [The Action Plan is available on the Government website \(http://urn.fi/URN:ISBN:978-952-00-5422-9\)](http://urn.fi/URN:ISBN:978-952-00-5422-9).

83 For more information about the issues raised by disability organisations, see pp. 18–20 of the Action Plan.

84 The disability marker is an indicator developed for tracking the development cooperation funding of the Ministry for Foreign Affairs. The marker is employed to track the amount of funding granted and paid annually for work promoting the rights of persons with disabilities. [Guidelines on how to use the marker are available in Finnish on the website of the Ministry for Foreign Affairs \(https://um.fi/documents/397000/0/Haavoittuvassa+asemassa+olevat+hy%C3%B6dynsaajat.pdf/f383f40a-1f38-ed4b-596d-eda25407ca58?t=1617970070541\)](https://um.fi/documents/397000/0/Haavoittuvassa+asemassa+olevat+hy%C3%B6dynsaajat.pdf/f383f40a-1f38-ed4b-596d-eda25407ca58?t=1617970070541).

### **Fact box: CSO support for promoting the rights of persons with disabilities**

Finland is a significant donor of the rights of persons with disabilities. We use development cooperation funds to support the work of both Finnish and international disability organisations. In recent years, support has been granted for recipients including projects of Disability Partnership Finland and Abilis Foundation as well as for the International Disability Alliance. The Ministry for Foreign Affairs requires that other CSOs receiving support from the Ministry also respect and take account of the rights of persons with disabilities.

Finland promotes the active implementation of the UN Disability Inclusion Strategy<sup>85</sup>. In 2021 - 2022, Finland chairs the session of the Conference of States Parties (COSP) to the Convention of the Rights of Persons with Disabilities (CRPD), which provides a good opportunity to develop disability action at a global scale. We also take part in the activities of the Group of Friends to the CRPD as well as the consideration of the rights of persons with disabilities in the UN Human Rights Council and in other UN bodies. Finland is one of the founders of the UN Partnership on the Rights of Persons with Disabilities (UN PRPD) Multi Donor Trust Fund (MDTF) and continues to make significant contributions to it. Finland participates actively in the Steering Committee and several thematic working groups of the Global Action on Disability (GLAD) Network.

## **Rights of sexual and gender minorities**

The Government promotes the equality and rights of sexual and gender minorities<sup>86</sup> in its action at national, EU and international levels.

In many states, the legal status of LGBTIQ persons has improved due to developments including equal marriage rights under legislation. States have also repealed legislation prohibiting homosexuality which is often the first step towards the situation improving in other respects, too.

<sup>85</sup> The UN Disability Inclusion Strategy provides the foundation for sustainable and transformative progress on disability inclusion through all pillars of the work of the UN. [The strategy is available on the UN website \(https://www.un.org/en/content/disabilitystrategy/\)](https://www.un.org/en/content/disabilitystrategy/).

<sup>86</sup> This Report uses this term to broadly refer to sexual orientation, gender expression or gender identity. LGBTIQ is an acronym for lesbian, gay, bisexual, transgender, intersex and queer. In its international human rights policy, Finland also uses the acronym LGBTIQ+, which is when the definition also includes any other expressions of gender and sexuality.

Despite the partial improvements, sexual and gender minorities still face discrimination everywhere in the world. Particularly vulnerable are those LGBTIQ persons who belong to multiple discriminated minorities or persecuted groups at the same time. According to CSO reports, discrimination and, in extreme cases violence leading to death or injury, against members of sexual and gender minorities has increased.

Finland acts globally to eradicate the criminalisation of homosexuality and calls for the immediate abolishment of the death penalty based on this. The aim is promoted by means such as UN General Assembly resolutions on extrajudicial, summary and arbitrary executions. Finland and Sweden alternate in taking charge of the negotiations on the draft resolution.

Finland consistently defends the rights of sexual and gender minorities as part of the NB8 cooperation of the Nordic countries and the Baltic States as well as in the EU, the CoE<sup>87</sup>, the OSCE and the UN. For example, in the OSCE, Finland has participated actively in statements and initiatives to address serious human rights violations against sexual and gender minorities occurring in the OSCE participating states. We promote formalising the work of the Sexual Orientation and Gender Identity (SOGI) Unit within the CoE. Finland also participates in the work of the Equal Rights Coalition founded in 2016.

Finland participates actively in the LGBTIQ area supplementing Nordic cooperation in gender equality aiming to promote the equal treatment and rights of members of sexual and gender minorities and the development, networks and experience-sharing of civil society.<sup>88</sup>

Finland pledges its support to the mandate of the UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity<sup>89</sup>.

Finland supports international CSOs and the Global Equality Fund aiming to promote the rights of LGBTIQ persons worldwide.

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87 The Recommendation of the Committee of Ministers of the Council of Europe on measures to combat discrimination on grounds of sexual orientation or gender identity (2010) was the first legal instrument guiding states towards implementing the rights of sexual and gender minorities.

88 The cooperation has involved the establishment of the Nordic LGBTI Fund through which funding is granted to projects that contribute to work for the equal rights, treatment and opportunities of LGBTI people in the Nordic countries.

89 Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity.

**Fact box: Global Equality fund (GEF)**

The Global Equality Fund (GEF) supports LGBTIQ communities throughout the world. It provides extensive support and small grants for local CSOs and individual LGBTI actors. The GEF aims to empower LGBTIQ persons and groups and provide the authorities with training. In recent years, the GEF has focused on issues including increasing the digital safety of LGBTIQ persons living in challenging conditions.

Finland, too, has received several recommendations from international treaty monitoring bodies and in the Universal Periodic Review (UPR) process concerning the rights of sexual and gender minorities. A particularly large number of recommendations have focused on the need to reform Finnish legislation so that legal gender recognition, that is, changing one's gender marker in one's personal data, will be based on one's own declaration without a prior requirement of sterilisation. As stated in the Government Programme, a bill will be drafted for a gender recognition act that respects the right to self-determination. Due for submission to Parliament in 2022, the bill will remedy the legislative breach of human rights conventions and treaties. Finland promotes taking gender diversity into account in all EU decision-making and legislation.

**Rights of the Roma**

Finland acts consistently for the equal rights of the Roma. National, EU and international activities is guided by Finland's National Roma Policy 2018–2022<sup>90</sup> under the framework provided by the EU Roma Strategic Framework for Equality, Inclusion and Participation 2020–2030<sup>91</sup>. It is particularly important to consult the Roma and Roma organisations in decision-making concerning them.

The Roma are one of the largest ethnic minority groups in Europe. The EU Agency for Fundamental Rights estimates that more than two-thirds of Roma live below the poverty line. The Roma report that anti-gypsyism has increased in recent years.

90 Finland's National Roma Policy (ROMPO) 2018–2022 is available on the Government website (<http://urn.fi/URN:ISBN:%20978-952-00-4119-9>).

91 To read about the EU Roma strategic framework, visit the EU Roma website (<https://www.euromanet.eu/esi-funds-roma-policies/european-recommendation-on-roma-equality-inclusion-and-participation-for-the-next-decade-now-approved/>).

The Roma face discrimination in various fields of life in Finland, too. The Government promotes improvements in the social status of Roma and the realisation of their equal rights. In Finland, the equal right of Roma to housing has been supported by means including organising training and advice for municipal authorities and owners of state-subsidised housing.

Promoting Roma rights is one of Finland's priorities in the CoE and the human rights activities of the OSCE. Finland participates actively in the CoE Committee of Experts on Roma and Traveller Issues (ADI-ROM)<sup>92</sup> and directs voluntary funding for Roma work in the CoE and OSCE, especially to support access to participation for Roma women and youth. In addition, Finland sends a seconded expert on Roma issues to European organisations.

In spring 2021, the Ministry for Foreign Affairs commissioned an external study for the development of Finland's European activities concerning Roma and in particular to support Roma access to participation as well as cooperation in the Nordic countries and Baltic States.

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92 ADI-ROM started operations in 2020. Its work includes preparing thematic reports and conducting thematic country visits. ADI-ROM intends to participate in the activities of the Committee of Experts on Combatting Hate Speech (ADI/MSI/DIS). The aim is to create a new legal instrument on combatting hate speech.

## 6 Fundamental and human rights as an integral part of sustainable development

*Development cannot be sustainable if fundamental and human rights are not realised. We emphasise the Leave No One Behind (LNOB) principle and the participation rights of civil society as part of sustainable development. We take action to curb climate change and to protect biodiversity so that fundamental and human rights are realised. We promote the right to social security and take action to reduce poverty. Finland respects international obligations and is a responsible actor in refugee policy and in activities relating to international migration.*

### 6.1 Closer interlinkages of fundamental and human rights and sustainable development

Peace, security, sustainable development and human rights are closely interlinked, and Finland emphasises their interconnectivity for example in UN activities. Achieving the Sustainable Development Goals (SDGs) will also contribute to the realisation of fundamental and human rights in Finland and internationally.<sup>93</sup> Finland emphasises compliance with the provisions of international human rights conventions and treaties in the implementation of the SDGs.

The state of the environment, social and economic development, and fundamental and human rights must be reflected in a mutually reinforcing manner in the global implementation of the UN 2030 Agenda for Sustainable Development. The majority of the Agenda's Goals (SDGs) are connected with the obligations of one or multiple international human rights conventions and treaties. The implementation of fundamental and human rights facilitates the unified and coherent implementation of the SDGs.

Sustainable development must strengthen equality, including gender equality. The guiding principle of the 2030 Agenda is to Leave No One Behind (LNOB). Finland acts so

<sup>93</sup> Among others, SDG 5 focuses on gender equality and SDG 10 on reducing inequality within and among countries. Several other SDGs also contain actions to reduce discrimination and ones to implement fundamental and human rights.



that everyone, regardless of their background or characteristics, is a part of development and that development and participation take place without any discrimination. Systematic fundamental and human rights assessment promotes the achievement of the SDGs and the reduction of inequality.

The development of monitoring mechanisms on sustainable development using data sources on discrimination and inequality are presented more broadly in a Ministry of Justice Policy Brief<sup>94</sup>.

Actions taken by the Government to implement the 2030 Agenda are described more extensively in the Government report on sustainable development<sup>95</sup>.

### **Fact box: The 2030 Agenda for Sustainable Development and the rights of persons with disabilities**

Accessibility is one of the rights guaranteed by the UN Convention on the Rights of Persons with Disabilities and a precondition for the realisation of equality. The 2030 Agenda sets inclusive environments as a key means for progress towards the Sustainable Development Goals (SDGs). To leave no one behind, the obligations of the Convention on the Rights of Persons with Disabilities must be taken into account in all activities and persons with disabilities must be included in the planning of activities. Universal Design must be the starting point for processes such as urban and rural planning as well as construction.

94 *YK:n kestävä kehityksen tavoitteet ja syrjinnän seuranta* [UN Sustainable Development Goals and Follow-Up on Discrimination]. Ministry of Justice, Policy Brief 3, *Syrjintä Suomessa* [Discrimination in Finland] 2020. The Policy Brief is available in Finnish and in Swedish on the Equality.fi website (<https://yhdenvertaisuus.fi/documents/5232670/11141214/Kest%C3%A4v%C3%A4+kehitys+ja+syrjinn%C3%A4n+seuranta+Policy+brief.pdf/250c1cf-d003c-1bd1-43d1-4429d8fd7e27/Kest%C3%A4v%C3%A4+kehitys+ja+syrjinn%C3%A4n+seuranta+Policy+brief.pdf?t=1591885009000>).

95 Government Report on the Implementation of the 2030 Agenda: Towards a carbon-neutral welfare society (2020). The report is available on the Government website (<http://urn.fi/URN:ISBN:978-952-383-085-1>).

## 6.2 Fundamental and human rights as part of sustainable development policy

The Sustainable Development Goals (SDGs) and targets of the 2030 Agenda apply to all States, including Finland. Finland has committed itself to the implementation of the SDGs as well as the Paris Agreement on climate change also as a part of the EU.

States have the primary responsibility for implementing the goals, targets and objectives, but implementation takes place in close cooperation with civil society, business enterprises and other stakeholders. In Finland, this cooperation is supported, among others, by the Finnish National Commission on Sustainable Development chaired by the Prime Minister as well as by 'The Finland we want by 2050 – Society's commitment to sustainable development'. The Government Programme of Prime Minister Marin's Government (2019) is based on sustainable development.

Alongside other Nordic countries, Finland tops sustainable development comparisons made internationally and between EU member states. We have achieved or are close to achieving the SDGs relating to reducing poverty, to health, education, water and energy, to reducing inequality, and to peace and the rule of law. According to the Government Report on the 2030 Agenda, the greatest national challenges relate to climate change, consumption and production methods, biodiversity and the level of Official Development Assistance (ODA).<sup>96</sup>

The Government emphasises the realisation of the principle of equality and the rights of the most vulnerable population groups in all areas of sustainable development. Data disaggregated by population group is necessary for actions to reduce inequality to be targeted correctly, efficiently and effectively. Finland promotes the human rights-based approach to achieving the SDGs internationally.

The EU and its member states are committed to the implementation of the Paris Agreement, the UN Convention on Biological Diversity (CBD), several other international and regional environmental agreements, as well as the UN SDGs. The COVID-19 pandemic has highlighted the importance of this activity. Finland aims for a socially, economically and ecologically sustainable European Union.

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<sup>96</sup> More detailed assessments were made during the preparation of the Report of the implementation of the 2030 Agenda concerning all SDGs. To read the preliminary study (summary in English) for the national 2030 Agenda roadmap, visit the sustainable development website (<https://kestavakehitys.fi/documents/2167391/2186383/Esiselvitys%20kansallisen%20Agenda2030%20-tiekartan%20laadinnasta%2012-2020.pdf/0291b731-ab70-ec02-00ad-d5000b0c988c/Esiselvitys%20kansallisen%20Agenda2030%20-tiekartan%20laadinnasta%2012-2020.pdf>).

Finland promotes the harmonisation of environmental issues and the fundamental and human rights perspective in EU activities. In implementing the EU Action Plan on Human Rights and Democracy 2020–2024<sup>97</sup>, Finland emphasises, in addition to civil and political rights, the importance of economic, social and cultural rights, participation rights and the situation of human rights defenders and civil society.<sup>98</sup>

### 6.3 Curbing climate change and defending biodiversity

Climate change, biodiversity and environmental degradation are linked with many human rights enshrined in human rights conventions and treaties and with the fundamental rights guaranteed by the Constitution of Finland.<sup>99</sup> Finland takes action for climate change mitigation and adaptation and to safeguard biodiversity so that fundamental and human rights can be fully realised.

Climate change and biodiversity loss as well as environmental degradation will have the greatest negative effects globally on those who already have less opportunities to adapt to changes and instabilities caused by weather events and biodiversity loss. The longest-lasting effects will be experienced by children and future generations. Finland emphasises actions to strengthen non-discrimination and gender equality as part of sustainable development and effective environmental policy.

Ecosystems that are biodiverse, functional and resilient to changes as well as livelihoods based on them are linked with many fundamental and human rights, such as protection of property, business freedom, and the rights to water, food and health. Biodiversity loss and environmental destruction jeopardise the realisation of human rights. We combat biodiversity loss, taking also into account the state of water systems. Biodiversity also plays a role in the development of new genetic resources and medicines.

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97 Joint Communication to the European Parliament and to the Council: EU Action Plan on Human Rights and Democracy 2020–2024 (JOIN/2020/5 final). To read the Action Plan, visit EUR-Lex (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020JC0005&qid=1619115623550>).

98 To read more (in Finnish and Swedish) about Finland's opinion formation, visit the Parliament website (<https://www.eduskunta.fi/FI/vaski/Liiteasiakirja/Documents/EDK-2020-AK-305056.pdf>).

99 For example, the following fundamental rights under the Constitution: section 7 (right to life and security), section 12 (freedom of expression and right of access to information), section 15 (protection of property), section 17 (the Sámi as an indigenous people), section 18 (freedom to engage in commercial activity), section 19 (housing), section 20 (responsibility for the environment, incl. rights of future generations), section 21 (protection under the law) and section 22 (protection of basic rights and liberties, i.e. fundamental rights).

***Fact box: Indigenous peoples and action against climate change and biodiversity loss***

In areas such as the Arctic region, indigenous peoples live in sensitive ecosystems heavily affected by climate change. Indigenous peoples have the right of equal access to influence and participate in climate policy and biodiversity policy. The traditional knowledge of indigenous peoples can be drawn on in consultation and cooperation with them when looking for ways to adapt to changes in climate and living environments and, consequently, to prevent biodiversity loss.

Alongside CP rights, it is increasingly important to also implement ESC rights in order to be able to protect and use biodiversity and to make use of genetic resources in a fair and sustainable way.

Finland aims to be carbon neutral by 2035, and the national Climate Change Act (609/2015) is undergoing reform to reflect this target. The national Nature Conservation Act (1096/1996) is also being reformed in response to biodiversity loss. The transition to a carbon neutral economy must take place in a socially just manner, with ecological boundary conditions also taken into account.

Mitigation and adaptation measures must be based on scientific research. Equal and meaningful participation of population groups in planning and implementing climate actions increase the sustainability, effectiveness, efficiency and acceptability of actions. Finland emphasises in particular the equal participation rights of women, indigenous peoples, different age groups and local communities as well the utilisation of their expertise.

International climate and environmental movements have become stronger and include more young people in particular.

The climate and environmental movements are a significant part of the global activities of environmental human rights defenders. The UN defines 'environmental human rights defenders' as individuals or groups who in a peaceful manner strive to protect and promote human rights relating to the environment, including water, air, land, flora and

fauna.<sup>100</sup> Finland condemns violence against environmental human rights defenders and supports their capacity to act.

Finland supports the EU aim of global leadership in climate action and in reaching climate neutrality as well as in formulating biodiversity targets. The EU climate and sustainability targets, including the fundamental and human rights perspective, must be mainstreamed throughout Union activity. EU climate policy must take just transition into account.

Finland supports the implementation of the European Green Deal, which, in addition to the obligations contained in international and European human rights conventions and treaties, must take into account UN and OECD guidance on the human rights responsibilities of business activities. Activities must take account of the interests and rights of the most vulnerable population groups, too, and provide everyone with full, meaningful and equal access to influence.

## Legally binding nature and environmental democracy

Existing human rights conventions or treaties do not provide an explicit right to a safe, clean, healthy and sustainable environment. Instead, human rights perspectives relating to the environment emerge through the evolution of case law and interpretive practice. States have positive obligations, such as environmental impact assessments, safeguarding sufficient legislation, and control and supervision conducted by the authorities. Finland welcomes making the case law and interpretive practice of treaty monitoring bodies concerning the environment and human rights more specific.

In October 2021, Finland co-sponsored the legally non-binding resolution adopted by the UN Human Rights Council<sup>101</sup> recognising the right to a clean, healthy and sustainable environment. We participate in the debate on the international definition of the right, including debate within the Council of Europe on both the non-binding and a potential legally binding instrument concerning the environment and human rights.

The priority shall be to examine whether there are any shortcomings in the current level of protection and, if any are discovered, establish the most appropriate means of remedy. The starting point for a potential new environmental human right should be for it not to fall below the current level of protection (extent of protection) or for it not to limit the

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<sup>100</sup> Read more on the UN website (<https://www.unep.org/explore-topics/environmental-rights-and-governance/what-we-do/advancing-environmental-rights/who>).

<sup>101</sup> The Resolution of the UN Human Rights Council is available on the UN website (48/13 (A/HRC/48/L.23/Rev.1 (as orally revised)), paragraph 1). (<https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session48/Pages/ResDecStat.aspx>).

scope of its application (what is protected). It would also be desirable for the potential new human rights instrument not only to compile current interpretive practice but for it to improve the level of protection.

Finland recognises the rights to water and sanitation as human rights and promotes these rights internationally, emphasising the rights of women. Water diplomacy and water projects in development cooperation are a significant part of Finland's foreign and development policy.

The right to adequate food is a human right. In Finland, food security<sup>102</sup> is realised well. Finland boosts the opportunities of people in developing countries to produce and source safe, healthy and nutritious food.

The mandate and capacity to act of the UN Special Rapporteur on human rights and the environment must be secured, taking account of the increasing weight of environmental issues in human rights policy, too.

Environmental and human rights organisations have for their part started to submit complaints concerning insufficiency of environmental measures, claiming that these are human rights violations. An example of these is the judgment by the Supreme Court of the Netherlands ruling that the Dutch State was to immediately reduce greenhouse gas emissions. Such decisions facilitate the evolution of case law relating to the environment, especially climate change mitigation, and human rights. Assessing any human rights violations and remedial measures may, through this avenue, also be considered by international judicial and investigation bodies, too. It is important to increase awareness about the impacts of climate change and environmental measures on the realisation of human rights.

The Constitution of Finland safeguards the right of individuals to participate and influence the development of society and their living environment and everyone's right to participate in decision-making concerning their living environment.

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102 UN organisations define 'food security' as existing when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food to meet dietary needs for a productive and healthy life.

Environmental democracy must be strengthened. At the international level, the Aarhus Convention<sup>103</sup> seeks to ensure access to information, public participation in decision-making and access to justice in environmental matters. Principle 10<sup>104</sup> of the Rio Declaration recognises that sustainable development requires the equal participation of individuals and right of access to information concerning the environment. Finland promotes the implementation of international and regional conventions and treaties and the obligations and commitments included in them concerning access to information and participation.

## 6.4 Social security and social justice as part of sustainable development

Finland promotes development that is socially just and implemented through the full and non-discriminatory realisation of fundamental and human rights.

Social justice<sup>105</sup> is a basic condition for a life in dignity. Everyone must have the opportunity to influence their own life and living environment and to make use of their capacities to improve wellbeing. The conditions for wellbeing must also be passed on to future generations.

Poverty is a significant and multidimensional global human rights challenge and its eradication is a key SDG<sup>106</sup>. In most cases, people living in poverty have less opportunities to enjoy, for example, quality education and health services and their housing conditions are clearly below average. Wealth is often directly proportional to actual opportunities for influence in society. Finland aims for a significant reduction in, and ultimately the eradication of, poverty.

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103 See Decree of the President of the Republic (122/2004) on the entry into force of the Act bringing into force the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters and on bringing into force the provisions of a legislative nature in the Convention. [The Decree is available in Finnish and Swedish on the Finlex website \(https://www.finlex.fi/fi/sopimukset/sopsteksti/2004/20040122\).](https://www.finlex.fi/fi/sopimukset/sopsteksti/2004/20040122)

104 A declaration based on principles of sustainable development of the environment was adopted by the UN Conference on Environment and Development in Rio de Janeiro in 1992.

105 Social justice as part of sustainable development (incl. SDGs of the 2030 Agenda 2030) embodies the idea that the acceptability of the various measures must be examined from the environmental, economic, cultural and social perspectives.

106 SDG 1 is to end poverty in all its forms everywhere and its target 1.2 is, by 2030, to reduce at least by half the proportion of men, women and children of all ages living in poverty in all its dimensions according to national definitions.

International and regional human rights conventions and treaties as well as national legislation contribute to the contents of social security as a condition for a life in dignity. In addition, the treaties and legislation of the EU, including the EU Charter of Fundamental Rights, contain rights belonging to EU citizens and residents.

Under the Constitution of Finland, everyone has the right to earn their livelihood by the employment, occupation or commercial activity of their choice. Public authorities must take responsibility for the protection of the labour force, promote employment and work towards guaranteeing the right to work for everyone. No one may be dismissed from employment without a lawful reason. Everyone has the right to the subsistence and care required for a life in dignity. The property of everyone is protected.

Finland has a fundamental rights and social security system that covers everyone living in the country and increases stability, safety, security and equality in society. The fundamental rights embodied in the Constitution of Finland safeguard rights such as the right to basic education free of charge, indispensable subsistence and social security as well as adequate health and social services. The right to indispensable care and subsistence includes the right to such housing that is necessary for the person's health and vitality. Public authorities must promote the right of everyone to housing and the opportunity to arrange one's own housing.

Under the International Covenant on Economic, Social and Cultural Rights (ICESC), secondary education must be gradually made generally available and accessible to all by all appropriate means. In 2021, Finland raised the leaving age in compulsory education to 18, which also means that upper secondary education is now provided free of charge.

The protection of non-discrimination, gender equality, good governance and protection of law also extends to ESC rights.

Finland promotes International Labour Organization (ILO) measures in the fields of decent work and responsible business. Capacity for business and investment activity, responsible enterprise activity and decent work are strengthened through EU cooperation and in Finland's international activities, particularly in labour, development and trade policy.

The Government guarantees the realisation of fundamental and human rights in its welfare policy and promotes equality in the ongoing reforms of health and social services, social security and the education system. The health and social services reform aims to narrow wellbeing and health disparities, safeguard equal and high-quality health and social services and improve the availability and accessibility of services. The social security reform aims for a clearer and better-functioning system that enables the reconciliation of work and social security in changing life situations. The social security reform addresses



basic security, earnings-based benefits and social assistance as well as the financing and connections between these. Attention is also given to ways to better integrate services with benefits.

## Human rights-based development policy as part of sustainable development

Finland's development policy is aligned with the UN 2030 Agenda for Sustainable Development. Development policy focuses particularly on those strengths where Finland is in a good position to support sustainable development. Finland's development policy is guided by the Report on Development Policy Extending Across Parliamentary Terms.

In a similar manner to Finland's foreign and security policy, also our development policy is human rights-based. Finland's development cooperation promotes the implementation of provisions of human rights conventions and treaties concerning CP and ESC rights in target countries and ensure that key human rights principles<sup>107</sup> are taken into account in all stages of development cooperation. The minimum requirement is that no development cooperation supported or funded by Finland has negative human rights impacts. At the same time, activities must be environmentally sustainable.

The cross-cutting objectives that Finland promotes in its development policy are gender equality, non-discrimination, climate resilience and low-emission development as well as protection of the environment, with an emphasis on safeguarding biodiversity. The cross-cutting objectives help to ensure that all development cooperation measures involve the assessment of impacts specifically on gender equality, the status and rights of women and girls as well as the rights of persons with disabilities, and on climate.

Development cooperation must support the realisation of rights of all individuals and population groups, including those in the most vulnerable position, as well as their participation and opportunities to benefit from development. When setting and monitoring development objectives, Finland promotes the utilisation of decisions and recommendations made by UN human rights bodies and representatives.

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107 Key human rights principles include non-discrimination and equality, participation and inclusion, accountability and transparency.

The right to development<sup>108</sup> must not be seen as a human right separate from other human rights. It is built upon the implementation of the provisions of human rights conventions and treaties. The human rights of all individuals and, as appropriate, population groups, must be protected as part of development in accordance with the provisions of human rights conventions and treaties.

The importance of Africa is increasing in all sectors of Finland's foreign policy. Finland's Africa Strategy<sup>109</sup> adopted by the Government emphasises in particular the importance of strengthening political and economic relations with African countries, the African Union (AU) and other regional organisations. In line with the strategy, Finland highlights issues relating to democracy, human rights, equality and rule of law in its dialogue with African countries and the AU and supports actors promoting human rights, democracy, the rule of law and good governance on the continent.

## 6.5 Responsible refugee policy and migration management

The world is experiencing the worst refugee crisis since World War II. According to the UN Refugee Agency, tens of millions of people have been forced to flee their homes due to war, persecution and conflict. Providing international protection for those in need is a key European value. If a victim of persecution or of serious human rights violations seeks protection in Finland, Finland is committed to providing it. International conventions also oblige Finland to receive asylum-seekers in need of international protection. The Government has increased the number of quota refugees Finland is committed to receive.

From the migration perspective, it is important to create both bilaterally and at the EU level equal and lasting partnerships with countries of origin and transit and, through them, promote shared objectives relating to aspects such as addressing the root causes of irregular migration<sup>110</sup>. In their partnerships, Finland and the EU must seek to advocate that also the migration and asylum policies of partner countries respect international law and human rights.

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108 To read more about the right to development, visit the website of the Office of the UN High Commissioner for Human Rights (<https://www.ohchr.org/en/professionalinterest/pages/righttodevelopment.aspx>).

109 Finland's Africa Strategy is available on the website of the Ministry for Foreign Affairs (<https://um.fi/finland-s-africa-strategy>).

110 Movement of persons that takes place outside the laws or regulations governing entry into or exit from states of origin, transit or destination.

The Government is committed to ensuring the realisation of fundamental and human rights in all its actions. We ensure the implementation of fundamental and human rights in the asylum procedure and make sure asylum applications are processed without undue delays in an individual procedure that guarantees legal protection. Legal protection of asylum seekers is one of the indicators monitored under the National Action Plan on Fundamental and Human Rights and one of the measures of the Government Action Plan for Combatting Racism and Promoting Good Relations between Population Groups.

In the recommendations made by international treaty monitoring bodies, recurring themes relating to migration include a recommendation for taking victims of trafficking in human beings into account in the asylum process and reception, amendments made to national asylum legislation, the quality and legal certainty of national asylum procedure, particularly the detention of minors, as well as family reunification and the right to family life. Finland has already responded to many of the recommendations received and, in addition, monitors the realisation of the rights in practice and drafts the necessary legislative amendments.

The impacts of amendments and application practices of legislation relating to foreign nationals have been assessed in different studies, including a report published by the Government's analysis, assessment and research activities<sup>111</sup> and a study conducted by the Non-Discrimination Ombudsman concerning family reunification of child beneficiaries of international protection<sup>112</sup>. These reports are taken into account in the development of legislation relating to foreign nationals.

Receiving quota refugees is an effective way to provide protection for refugees who are in the most vulnerable situation and to share global responsibility. Together with the European Commission, Finland has also encouraged other EU member states to participate in the reception of quota refugees.

The EU's Common Asylum System (CAS) has been developed for around 20 years. In autumn 2020, the European Commission issued a comprehensive communication towards

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111 The report (abstract in English) is available on the website of the Prime Minister's Office (<https://vnk.fi/-/tutkimus-selvitti-ulkomaalaislain-muutosten-yhteisvaikutusta>).

112 The study (summary in English) is available on the website of the Non-Discrimination Ombudsman ([https://syrjinta.fi/documents/25249352/0/Children+without+families+%E2%80%93+family+reunification+of+under-age+beneficiaries+of+international+protection+\(PDF\).pdf/2ecb870c-69e9-378b-9312-4b63d07b21d9/Children+without+families+%E2%80%93+family+reunification+of+under-age+beneficiaries+of+international+protection+\(PDF\).pdf?t=1612968552586](https://syrjinta.fi/documents/25249352/0/Children+without+families+%E2%80%93+family+reunification+of+under-age+beneficiaries+of+international+protection+(PDF).pdf/2ecb870c-69e9-378b-9312-4b63d07b21d9/Children+without+families+%E2%80%93+family+reunification+of+under-age+beneficiaries+of+international+protection+(PDF).pdf?t=1612968552586)).

a reform of the CAS<sup>113</sup> that will guide EU's action in this policy area in the years ahead. Finland is committed to common European solutions for the development of migration and asylum policy. Obligations under international law as well as fundamental and human rights must be respected in all national and EU action. Finland finds it important that, in addition to a fair procedure, sufficient access to appeal guarantees the realisation of legal protection in all circumstances and that the needs of persons in vulnerable positions are taken into account in an appropriate manner. The Commission has emphasised the need to ensure the realisation of the rights of the child in a migration context, and Finland, from its part, promotes the realisation of the rights of the child and the primacy of the best interests of the child.

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113 To read about the communication, visit the Government website ([https://valtioneuvosto.fi/-/1410869/hallitus-otti-kantaa-eu-n-laajaan-maahanmuutto-ja-turvapaikkapolitiikan-uudistukseen?languageId=en\\_US](https://valtioneuvosto.fi/-/1410869/hallitus-otti-kantaa-eu-n-laajaan-maahanmuutto-ja-turvapaikkapolitiikan-uudistukseen?languageId=en_US)).

## 7 Realisation of fundamental and human rights in digitalisation and communication

*Finland promotes the realisation of the freedom of expression and emphasises the right to information as a key fundamental and human right. We act consistently against hate speech and disinformation. We emphasise the reduction of inequality and the importance of accessibility as part of the development and use of new technology and digital services. The Internet must be a safe environment for all, including girls, women and others who experience discrimination or harassment.*

Society and the world are digitalising at an ever faster pace and are becoming increasingly reliant on data and information transmitted online and on knowledge and services created from them. Rapidly evolving sectors have included machine learning, analytics, blockchains, cloud services and cognitive technologies that affect the ways in which people think.

Growing volumes of information resources and flows as well as the development and introduction of new technology has increasing impacts – positive and negative alike – on many fundamental and human rights<sup>114</sup>. The fundamental and human rights impacts of new technology are decisively different between democratic and authoritarian societies. Digitalisation and authoritarian exercise of power entail major human rights risks, and Finland makes determined efforts to combat these.

Finland's starting point and aim is for fundamental and human rights to be respected and the rule of law to be upheld and for these to be supported by efficient oversight of legality when developing and taking up new technology. We act so that technological development can result in privacy protection, democracy and gender equality becoming stronger. Finland seeks to reinforce the international legal regulation of the sector and, to this end, cooperates particularly with other democratic states. In the regulation of digitalisation and the governance of the Internet, Finland emphasises and promotes

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114 For example: freedom of expression, participation rights, protection of privacy and personal data, right to education, equality, non-discrimination, legal protection and many other fundamental and human rights.

multi-stakeholder cooperation with the public authorities, private actors, academia and civil society.

The Government's multi-stakeholder cooperation is supported by the activities of the Advisory Board on Digitalisation in Everyday Life<sup>115</sup> and the Programme for the Promotion of Digitalisation<sup>116</sup>. The Government aims to support the development of digital services so that all population groups will be able to use them without any discrimination. In spring 2021, the Advisory Board organised two roundtable events themed on human and fundamental rights in digital services in Finland and the EU.

## 7.1 Safeguarding freedom of expression

We promote the freedom of expression nationally, in EU activities and in international cooperation. Freedom of opinion and expression<sup>117</sup> is a key part of fundamental and human rights and democratic society. Finland is a party to several European and international human rights conventions and treaties that lay down the obligation to respect, protect and promote freedom of expression.

International action for media freedom and the safety of journalists has increased considerably. Finland has joined international cooperation of the Media Freedom Coalition and is involved in the partnership of countries advocating, in contexts such as the OSCE and UNESCO, for the safety of journalists. Finland supports sustained action to strengthen the capacity of independent and pluralistic media to act also through measures including channelling funding for the UNESCO International Programme for the Development of Communication (IPDC).

The state of freedom of expression has deteriorated in many states in the wake of other authoritarian exercise of power. Authoritarian regimes seek to restrict access to information and communication by disrupting and preventing the use of the Internet and by pressurising enterprises operating in information networks into restrictions they want. Finland acts for open, accessible and global Internet by, among other things, chairing

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115 The Advisory Board on Digitalisation in Everyday Life is a channel for cooperation and dialogue between CSOs, researchers, authorities and the Ministry of Finance, the Ministry responsible for the digitalisation of public services. [To read more in Finnish and Swedish, visit the website of the Ministry of Finance \(https://vm.fi/digi-arkeen-neuvottelukunta\)](https://vm.fi/digi-arkeen-neuvottelukunta).

116 [To read about the Programme for the Promotion of Digitalisation, visit the website of the Ministry of Finance \(https://vm.fi/en/programme-for-the-promotion-of-digitalisation\)](https://vm.fi/en/programme-for-the-promotion-of-digitalisation).

117 Freedom of opinion and expression includes the right to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of state borders.

the intergovernmental Freedom Online Coalition (FOC) in 2021, and the activities will continue in the years ahead, too.

The importance of producing and making use of scientific knowledge is increasing in the monitoring and implementation of fundamental and human rights. Freedom of science and art is an essential part of freedom of expression and the rights to information, education and culture. Scientists and artists must be able to carry out and publish their work without experiencing any threats or harassment.

As a fundamental and human right, freedom of expression is not unlimited and its limits must be weighed up in relation to other rights and legislation. Human rights, such as freedom of expression, must not be exercised to violate other human rights. Any restriction of freedom of expression must be necessary and be within the boundaries allowed by international and regional human rights norms. The Criminal Code of Finland (39/1889) prohibits acts including the dissemination of information violating personal privacy, defamation, breach of the sanctity of religion, sexual violence against a child, and incitement to hatred.

The limits of the freedom of expression are increasingly defined by court rulings. Based on established case law of the European Court of Human Rights (ECtHR), hate speech does not enjoy the protection of freedom of expression.

## 7.2 Right to information as a fundamental and human rights issue

Finland promotes the right to information as an essential part of the freedom of expression.

Public access to documents, that is, the right of everyone, including the media, to have access to information from the authorities increases citizens' trust in democratic decision-making, governance and communication. Going forward, it must be made easier to make use of information in possession of the authorities.<sup>118</sup> With the sources and amount of information as well as digital services increasing, it is more and more important that everyone has an equal access to information, including through information networks.

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118 Directive (EU) 2019/1024 on open data and the re-use of public sector information calls for new legislation to be enacted. [More information can be found in Finnish and Swedish on the Government website \(https://valtioneuvosto.fi/-/10623/avoimen-datan-direktiivin-myota-muutoksia-julkisen-tiedon-luovuttamiseen\)](https://valtioneuvosto.fi/-/10623/avoimen-datan-direktiivin-myota-muutoksia-julkisen-tiedon-luovuttamiseen).

Under the Constitution of Finland, documents and recordings in the possession of the authorities are public, unless their publication has for compelling reasons been specifically restricted by an act. Everyone has the right of access to public documents and recordings.

December 2020 saw the international entry into force of the Council of Europe Convention on Access to Official Documents (Tromsø Convention), which had already been ratified earlier by Finland. This is the first international legal instrument which recognises a general right of access to official documents held by public authorities. Finland encourages other countries to accede to the Convention and increases awareness of the Convention. Finland promotes the realisation of access to documents in the EU, too.

The Government seeks to further strengthen the realisation of the principle of openness. The Ministry of Justice has appointed a working group to update the Act on the Openness of Government Activities (612/1999) and examine whether the relationship between access to documents of public authorities and the protection of personal data can be made clearer. The work will involve an examination and assessment of any problems in the appropriate realisation of the principle of openness and measures affecting them as well as the adequacy of the scope of application of the Act. The aim is for clearer and more functional legislation that promotes openness in society and meets the requirements of contemporary society.

## Combatting disinformation

Disinformation – false and harmful information that is created deliberately and spread publicly – has been disseminated extensively in Internet and social media services across national borders and in contexts such as ahead of elections. Disinformation<sup>119</sup> may erode trust in democratic institutions and the information provided by them, create rifts and discord between population groups and intensify labelling and discrimination of persons belonging to minorities. During crises posing a risk to health or security, disinformation may be used to threaten, for example, the right to life or to the highest attainable standard of health care. Disinformation is also used for illegal activity, such as incitement to hatred.

States must refrain from all activity supporting the spread of disinformation. We act consistently against disinformation at the national, EU and international levels.

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<sup>119</sup> Also spread alongside disinformation is misinformation – intentionally or unintentionally false or inaccurate information – which is often also detrimental to fundamental and human rights. Efforts to prevent the unintentional spread of erroneous information, such as rumours, also employ means different from those used to combat disinformation.



All measures taken must be in compliance with international human rights obligations and must not violate fundamental rights. Management of the information environment and information contents must be open and liability obligations clear. Civic competences and open debate must be strengthened to identify and combat disinformation.

Finland participates in building EU capacity for combatting disinformation and in developing the EU's strategic communication. Finland actively influences EU initiatives<sup>120</sup> that seek to address the spread of disinformation on digital platforms as well as foreign disinformation campaigns and election interference and participates actively in international cooperation against disinformation. Efforts must be made in the regulation of platform business to tackle manipulating operations, not message content, which is relevant with regard to freedom of expression.

### **Fact box: Freedom Online Coalition**

In late 2020, the intergovernmental Freedom Online Coalition (FOC) adopted a Joint Statement on the Spread of Disinformation Online, the development of which was led by Finland and the United Kingdom. The statement emphasises respect for freedom of expression and other human rights obligations and the responsibility and international cooperation of governments and the private sector. Finland promotes international action against disinformation in particular while chairing the FOC in 2021.

In the international arena, Finland highlights its national strengths, such as the right of all children to high-quality education, media and digital literacy in curricula and in the activities of public libraries, the strength of the public libraries as provider of reliable information, public access to government information, and high trust in fact-based communication by the public authorities. It is important to further strengthen the critical digital and media literacy skills of children and young people in particular in Finland, too. The increased fact-checking by CSOs, the media and as a teaching method of educational institutions is a positive phenomenon.

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120 For example, the legislative proposal on digital services and the European Democracy Action Plan.

## 7.3 Fundamental and human rights perspective on digitalisation

A functional and democratic digital society is based on trust and inclusion. Respect for and promotion of fundamental and human rights are an essential part of strengthening trust and inclusion.

When developing and using new technology, states must comply with the obligations set out in international human rights conventions and treaties and respect and protect the fundamental rights of citizens. Existing key human rights treaties cover, following developments in their interpretation, also activities in the digital environment and services. Regulation to strengthen fundamental and human rights in the development and use of digital technology is being negotiated internationally as well as in Europe. Finland participates actively in this work.

Private business enterprises play a key role in developing new technology and providing social media services. A great deal of public and political debate influencing citizens' opinions takes place in digital networks and social media services that, as a rule, are private businesses. Business enterprises operating in information networks must be responsible for preventing adverse effects of information possessed by them and for eliminating any illegal information detected and preventing its spread.

In their activities, enterprises must treat Internet users and telecommunication in a non-discriminatory manner and respect freedom of expression and other fundamental and human rights. Finland acts so that the UN Guiding Principles on Business and Human Rights, including due diligence, guide business activities in digital networks, too<sup>121</sup>.

Finland works actively in the UN Human Rights Council and other UN bodies as well as in the Council of Europe (CoE) so that digital development and its regulation comply with the provisions of human rights conventions and treaties and implement adopted guidelines in a human rights-based manner.

Finland aims for competence, technology and innovations to be better and better employed to achieve the Sustainable Development Goals (SDGs). Finland actively supports the implementation of the UN Secretary-General's Roadmap for Digital Cooperation and has, for instance, been one of the Champions of the Roundtable group

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121 Finland's activities are guided by a Government decision: UN Guiding Principles on Business and Human Rights and the Finnish National Action Plan. [To read more, visit the website of the Ministry of Economic Affairs and Employment \(https://tem.fi/en/enterprises-and-human-rights\)](https://tem.fi/en/enterprises-and-human-rights).

on Artificial Intelligence and one of the Key Constituents of the groups on Digital Public Goods and on Digital Inclusion and Data.<sup>122</sup>

Finland is currently involved, also in a leadership role, in several global processes relating to innovations and digital development. Active involvement in these fields will continue.

### ***Fact box: Finland's global role in technology and innovations***

Finland supports the UNICEF and UNFPA Innovation Funds and hosts key UN innovation, foresight and social impact investment initiatives in Helsinki. In the Freedom Online Coalition, Finland emphasises the openness, equality and accessibility of new technology and Internet use and in the implementation of the Generation Equality initiative the inclusion of women and girls in particular in digital development. When implementing Finland's Africa Strategy, Finland strengthens partnerships to promote digitalisation and economic development that is sustainable and respects human rights. Cooperation is taking place with the private sectors for its digital solutions to support the realisation of human rights.

The EU plays a significant role in the international legal regulation of digitalisation thanks to advances such as the EU data protection legislation. The rights of the individual laid down in data protection legislation are realised only if people have actual means of accessing, understanding and managing their data and its use. Finland promotes the principles of a human-centric data economy and MyData in the EU and globally.

In late 2020, the European Commission issued its proposal for a Digital Services Act<sup>123</sup>. The Act aims to create an operating model for online platforms that provides ability to act against clearly illegal content without disregard for the rights of the individual.

<sup>122</sup> To read more in Finnish, visit the website of the Ministry for Foreign Affairs ([https://um.fi/kehitysyhteistyon-uusimmat-rahoituspaatokset/-/asset\\_publisher/5mDkc1Hn9MUP/ahaKytInterventionType/id/33431426](https://um.fi/kehitysyhteistyon-uusimmat-rahoituspaatokset/-/asset_publisher/5mDkc1Hn9MUP/ahaKytInterventionType/id/33431426)).

<sup>123</sup> The proposal is available on the website of the European Commission ([https://ec.europa.eu/info/strategy/priorities-2019-2024/europe-fit-digital-age/digital-services-act-ensuring-safe-and-accountable-online-environment\\_en](https://ec.europa.eu/info/strategy/priorities-2019-2024/europe-fit-digital-age/digital-services-act-ensuring-safe-and-accountable-online-environment_en)).

In the EU, the activities of business enterprises are regulated by provisions including competition law and data protection. Finland supports the development of EU legislation on digitalisation development so that fundamental and human rights are respected while also taking account of the global nature of business and the free flow of data. The sector's big corporations have the resources to influence the preparation of legislation; drafting of legislation must be open and guarantee citizens' equal and meaningful access to participation and influence.

## Fundamental and human rights in the development and use of artificial intelligence

The use of artificial intelligence (AI) and automated decision-making are increasing rapidly in the public as well as private sector. New kinds of technology, automation and algorithms as well as blockchain technology are innovated and used increasingly for purposes such as in developing services. Finnish public authorities use AI more and more extensively, with examples of this including administrative decisions of the Social Insurance Institution of Finland (Kela) and the Finnish Tax Administration as well as facial recognition in the border control context.

The development and use of automated decision-making and AI must respect and implement fundamental and human rights, including freedom of expression, right to privacy and protection of personal data as well as participation rights and safeguard the equality and non-discrimination of service users. Developing more human-centred and user-friendly, safer and more environmentally aware robotics (collaborative robotics) and robots that are flexible and less expensive is also a positive phenomenon from the fundamental and human rights as well as equality perspectives.

New-generation communications networks increase the efficiency of data collection and its potential use. For example, evolving surveillance technologies, such as facial recognition and biometrics, can increase security but also be employed to collect data on individual citizens, violating the right to privacy, the right to equal treatment and other human rights. Fundamental and human rights must be respected in the development and use of data collection and surveillance technologies. Evolving digital technology must also strengthen aspects such as the legal protection and equal treatment of citizens.

AI development is largely based on large-scale data collection, increasing computing power and use of algorithms<sup>124</sup>. Discriminating and labelling personal data collection

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124 An algorithm is a sequential programming-language or mathematics description or instruction on how a task must be performed or how software must respond.

methods cause biased information in big data, and algorithms using it may therefore increase inequality between and discrimination of genders or other population groups. Efforts must be made to counter the use of distorting and discriminatory information. Finland acts to increase the transparency of data collection and the machine learning methods that make use of it. To protect fundamental and human rights, it is important to regulate the placing on the market of high-risk AI applications.

Automated decision-making also enables greater efficiency in administration and the more equal treatment of citizens by the authorities. Fundamental and human rights, including right to privacy and protection of personal data, increase user confidence in automated decision-making. Reform of Finnish national legislation concerning automated decision-making is being prepared by the Ministry of Justice.

AI deployment is supported by several projects in Finland. For example, the national AuroraAI Programme<sup>125</sup> aims to employ AI to facilitate people's personalised and timely access to services in various life situations and events. Currently available as a test version, the Job Market Finland<sup>126</sup> service aims to provide services that, among other things, are interactive and provided at the right time to help jobseekers to find the most suitable jobs and employers to find the best applicants for their vacancies.

AI development and deployment must take account of requirements concerning the protection of personal data. The EU General Data Protection Regulation (GDPR) lays down provisions on the data subject's right not to be subject to a decision based solely on automated processing including profiling<sup>127</sup>. In April 2021, the European Commission submitted a proposal for the legal regulation of AI<sup>128</sup>, including the obligation to respect fundamental rights in contexts such as large-scale data collection. Finland supports the strengthening of the protection of fundamental and human rights.

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125 To read about the AuroraAI Programme, visit the website of the Ministry of Finance (<https://vm.fi/en/national-artificial-intelligence-programme-aurorai>).

126 To learn about Job Market Finland visit the Job Market Finland website. (<https://kokeile.tyomarkkinatori.fi/en/Etusivu>).

127 'Profiling' means the automated processing of personal data to evaluate personal aspects relating to a person. Profiling means in particular the analysis or prediction of aspects concerning the person's performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements.

128 To read the proposal, visit the website of the European Commission ([https://ec.europa.eu/commission/presscorner/detail/en/IP\\_21\\_1682](https://ec.europa.eu/commission/presscorner/detail/en/IP_21_1682)).

During its Presidency of the Committee of Ministers of the Council of Europe (CoE) (2018/2019), Finland promoted the assessment of the human rights impacts of AI. Finland participates proactively in the work of the Ad hoc Committee on Artificial Intelligence (CAHAI)<sup>129</sup> of the CoE.

**Fact box: Ad hoc Committee on Artificial Intelligence (CAHAI) of the Council of Europe**

In May 2019, the Committee of Ministers of the Council of Europe (CoE) mandated an Ad hoc Committee to examine the feasibility and potential elements of a legal framework for the development, design and application of artificial intelligence (AI). The Ad hoc Committee on Artificial Intelligence (CAHAI) of the CoE started its work in late 2019. The CAHAI's work is based on the three pillars of the CoE: respecting and promoting human rights, democracy and the rule of law.

The member states of the UN Educational, Scientific and Cultural Organization (UNESCO) aim to adopt, in late 2021, global recommendation instruments on ethics of artificial intelligence and on open science. Finland emphasises the human rights dimension of the recommendations.

Many national and international organisations, business enterprises and universities have also formulated ethical principles concerning the application of AI. These emphasise transparency, fairness, pursuit of good, responsibility and protection of privacy in the development and application of AI. Compliance with the principles will promote fundamental and human rights being taken into account in AI use.

Finland promotes the human rights-based governance, development and application of AI through the Freedom Online Coalition (FOC)<sup>130</sup>. Finland supports UNICEF's two-year project to formulate international policy guidance for governments, businesses and other actors to safeguard and promote child rights in the era of AI.

<sup>129</sup> Ad hoc Committee on Artificial Intelligence (CAHAI). To learn about the Committee, visit the website of the Council of Europe (<https://www.coe.int/en/web/artificial-intelligence/cahai>).

<sup>130</sup> In 2020, the FOC launched a guidance statement [that is available on the FOC website \(https://freedomonlinecoalition.com/wp-content/uploads/2021/06/FOC-Joint-Statement-on-Artificial-Intelligence-and-Human-Rights.pdf\)](https://freedomonlinecoalition.com/wp-content/uploads/2021/06/FOC-Joint-Statement-on-Artificial-Intelligence-and-Human-Rights.pdf).

### ***Fact box: The Impact of Artificial Intelligence on the Freedom of Expression -project***

Finland provides funding in 2020–2021 for the Impact of Artificial Intelligence on Freedom of Expression -project of the OSCE Representative on Freedom of the Media, which covers challenges as well as positive impacts resulting from AI and algorithms for individuals and society. The objective is also to promote a better understanding about regulation and practices concerning machine learning and their impacts on how citizens access and share information and to formulate policy recommendations on the most effective ways to safeguard freedom of expression and media freedom.

The rules of international law must be complied within the development and use of new weapon technologies, too. Finland promotes the global regulation of autonomous weapon systems to which states developing these technologies will also commit. Fully autonomous weapon systems operating beyond human control must not be developed even in the future.

## **7.4 Accessibility and equality in the digital environment**

The number of users of new technology is growing rapidly, but so far the benefits are distributed highly disproportionately between population groups, regionally and between wealthy and developing countries. National competence differences concerning new technology between population groups are considerable throughout Finland, with a large proportion of older persons in particular not using information technology at all. Access to information and services and equal accessibility of services must be safeguarded also in cases where a person themselves is unable to use digital services.

Our aim is to strengthen digital equality nationally and internationally. In the UN bodies and international organisations Finland promotes the bridging of digital divides and ensuring global, equal access to Internet.

The Government promotes the accessibility and ease of use of evolving technology. There is capacity for expanding and developing public digital systems and services to make them accessible by more and more people. The public authorities' digital solutions must be interoperable, secure and available to all on non-discriminatory, fair and reasonable terms.

**Fact box: Digital Inclusiveness in Finland -project**

Implemented by VTT Technological Research Centre of Finland and the University of Jyväskylä, the Digital Inclusiveness in Finland -project aims to provide a comprehensive overview of the national situation regarding digital inclusiveness, best practices, and the roles of the various parties, as well as regarding the metrics that can be used in the assessment of digital inclusiveness. The project is part of the implementation of the Government Plan for Analysis, Assessment and Research.

Public authorities must ensure that everyone in Finland regardless of their financial status has access to the digital environment in public services such as schools or public libraries. Inequality relating to technology development can be reduced through education. The EU Digital Education Action Plan envisions the Nordic countries as setting an example in this.<sup>131</sup>

The EU Directive on the accessibility requirements for products and services (the European Accessibility Act) and the ensuing national legislation oblige the authorities and the private sector to make digital products and services accessible for all, including persons with disabilities. It also expands accessibility requirements to cover certain private-sector websites and mobile applications, too. The Directive must be transposed into national law in every EU member state by 28 June 2022.

The EU Directive on the accessibility of the websites and mobile applications of public sector bodies (the EU Web Accessibility Directive) and the ensuing national legislation require that online services and mobile services are made accessible for all. The legislation is likely to affect the accessibility of private digital services, too.<sup>132</sup>

Accessibility is best ensured in practice when the population groups at risk of unequal treatment are heard in decision-making and have the opportunity to influence technological solutions. Service accessibility must be ensured in public support for digitalisation and in public procurement procedures.

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131 To learn about the EU Digital Education Action Plan, visit the European Commission website (<https://education.ec.europa.eu/focus-topics/digital/education-action-plan>).

132 Once in force, it will promote in various ways aspects such as the accessibility of rail travel information in Finland by people who have visual or hearing impairments.



## 7.5 Equal and safe online environment

Finland acts for an online environment that is open and safe for all. We support the right of human rights defenders to act freely and safely online and offline.

Finland participates actively in efforts promoting digitalisation and cybersecurity that are based on respect for human rights. Almost 80 states<sup>133</sup>, including many non-CoE member states, have acceded to the Convention on Cybercrime of the Council of Europe (the Budapest Convention)<sup>134</sup>. Finland rejects efforts to undermine the significance of the Convention and defends its human rights language.

### Growing significance of data protection

The relevance of data protection as a fundamental and human rights issue is growing. EU data protection legislation<sup>135</sup> and the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data<sup>136</sup> have been reformed. Their evaluations have drawn attention to the challenges posed by digitalisation to data protection, including provisions concerning automated decision-making, facial recognition and profiling.

At the national level, in summer 2019 the Ministry of Justice implemented a national consultation concerning experiences of the application of the General Data Protection Regulation (GDPR) and the Data Protection Act (1050/2018) that supplements it. Spring 2021 saw a similar consultation concerning the application of the Act on the Processing of Personal Data in Criminal Matters and in Connection with Maintaining National Security (1054/2018)<sup>137</sup>. Finland's recent general acts have been in force since 2019.

Information security also implements data protection, which is a fundamental right and which safeguards the realisation of the rights and freedoms of the individual in the processing of personal data. The Government promotes information security competence and other capacity to act safely online.

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133 Situation in September 2021. The number of states acceding to the Convention is increasing.

134 The Convention is available on the website of the Council of Europe ([https://www.coe.int/en/web/cybercrime/the-budapest-convention#%22105166412%22:\[0\]](https://www.coe.int/en/web/cybercrime/the-budapest-convention#%22105166412%22:[0]))

135 Read more on the website of the European Commission ([https://ec.europa.eu/info/law/law-topic/data-protection\\_en](https://ec.europa.eu/info/law/law-topic/data-protection_en)).

136 ETS 108/ CETS 223.

137 Act on the Processing of Personal Data in Criminal Matters and in Connection with Maintaining National Security (1054/2018).

## Combatting hate speech and online harassment

The Government consistently acts at the national, Nordic, EU as well as international levels to eradicate hate speech and online harassment and takes in particular account of the rights of the population groups in the most vulnerable situations and promotes the strengthening of a democratic society that is open for all.

Finland, too, has received recommendations from international and European treaty monitoring bodies for more efficient action against hate speech.<sup>138</sup> The Government prevents hate speech with efficient and appropriate means. It is important for all political decision-makers and societal actors to make joint and active measures against the public use of language that is threatening and incites hatred.

The nature of online harassment and hate speech<sup>139</sup> is often sexist and racist and also more broadly restricts the opportunities of the individuals and population groups targeted to participate in public debate and societal life. Efforts must be made to combat online targeting and shaming of a private person, targeted at political decision-makers, public officials and others in public service roles, journalists, human rights defenders, researchers and others active in the public arena.

The most common motive behind hate crimes is the ethnic background of the victim. Religion, disability, sexual orientation and gender identity also appear in statistics by the Finnish police as motives for hate crimes.<sup>140</sup>

The total number of reported cases of hate crime received by the police in Finland has not increased in recent years. It should, however, be noted that only a small proportion of cases is reported to the police. For example, data collected by overseers of legality

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138 For example, the recommendations of the UN Human Rights Committee concerning Finland's seventh Periodic Report on the implementation of the International Covenant on Civil and Political Rights. [Read more on the Government website \(https://valtioneuvosto.fi/-/suomelle-suosituksia-kansalaisoikeuksien-ja-poliittisten-oikeuksien-toteutumisesta?langageld=en\\_US\)](https://valtioneuvosto.fi/-/suomelle-suosituksia-kansalaisoikeuksien-ja-poliittisten-oikeuksien-toteutumisesta?langageld=en_US).

139 There is no definition for 'hate speech' in Finnish legislation. The definition used for 'hate speech' in Finland is provided in Recommendation No. R (97) 20 of the Committee of Ministers of the Council of Europe according to which the term 'hate speech' covers 'all forms of expression which spread, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance'.

140 The Police University College of Finland publishes annual data on hate crimes reported to the police. [Read more \(abstract in English\) on the Theseus website \(https://www.theseus.fi/bitstream/handle/10024/345708/Polamk\\_katsaus\\_16\\_Viharikos\\_B5\\_web.pdf?sequence=1&isAllowed=y\)](https://www.theseus.fi/bitstream/handle/10024/345708/Polamk_katsaus_16_Viharikos_B5_web.pdf?sequence=1&isAllowed=y). The total number of reported cases has not increased in recent years. Experiences of unsafety have increased among members of minority groups.

indicates that experiences of being unsafe have increased among members of minority groups.

Finnish police personnel have received training<sup>141</sup> to identify hate crimes, including hate speech that fulfils the essential elements of an offence. For example, the Facts against Hate -project<sup>142</sup> develops data collection and local-level cooperation relating to hate crime and hate speech and produces material to support work against hate crime and hate speech. The Capable -project<sup>143</sup> pilots a Centre of Excellence model to support action against hate speech in cooperation with civil society, too.

In Finland, the authorities, employers and educational institutions are obliged to prevent and address harassment and to promote non-discrimination and gender equality. Operating in conjunction with the Ministry of Justice, the National Non-Discrimination and Equality Tribunal of Finland may prohibit continued or repeated harassment and impose a conditional fine to enforce compliance with its injunctions.

Alongside legal means, societal structures that prevent hate speech must be strengthened. The Government emphasises the equal implementation of fundamental and human rights and legal protection and the strengthening of good relations between population groups, social inclusion and participation rights and acts for these aims also at the EU, Nordic and international levels.

Finland defends globally the right of all women and girls to a safe online environment in contexts including the priorities while chairing the Nordic Council of Ministers and the Freedom Online Coalition as well as in the Generation Equality campaign of UN Women.

During this government term, the right to bring charges for unlawful threat has been changed so that the act is now subject to public prosecution if the threat is targeted at a person due to their duties or public position of trust.

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141 The Ministry of the Interior, the Ministry of Justice and the Ministry of Education and Culture implement a total of 64 measures against hate speech and hate crime.

142 To read about the project, visit the website of the Ministry of Justice (<https://oikeusministerio.fi/en/project?tunnus=OM043:00/2019>).

143 To read about the project, visit the website of the Ministry of Justice (<https://oikeusministerio.fi/en/project?tunnus=OM023:00/2021>).

## 8 Monitoring and development of the Government's fundamental and human rights activities

The Government Reports on Human Rights Policy and the National Action Plans on Fundamental and Human Rights Policy have established their role and together guide the implementation of the Government's national, EU-level and international fundamental and human rights policy. This Report has been prepared so that its guidance effect could extend across government terms.

Finland's third National Action Plan on Fundamental and Human Rights<sup>144</sup> covers the 2020–2023 period and its preparation was based on the Government Programme of Prime Minister Sanna Marin's Government<sup>145</sup>. The Action Plan focuses on developing the monitoring of the realisation of fundamental and human rights. The fundamental and human rights indicators<sup>146</sup> developed as part of the Action Plan are used to monitor the long-term changes taking place in the realisation of fundamental and human rights<sup>147</sup>. In addition to the indicators, the Action Plan also contains other actions relating to the development of monitoring, such as measures to improve the knowledge base.

The Constitutional Law Committee of Parliament has regarded it important to promote the realisation of human rights purposefully and systematically.<sup>148</sup> In addition, the Constitutional Law Committee has regarded the Action Plans on Fundamental and Human Rights as important development tools for the Government's fundamental and

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144 The first National Action Plan was formulated during the term of Prime Minister Jyrki Katainen's Government for 2012–2013 and the second during the term of Prime Minister Juha Sipilä's Government for 2017–2019.

145 Programme of Prime Minister Sanna Marin's Government 10 December 2019. Inclusive and competent Finland – a socially, economically and ecologically sustainable society. Publications of the Finnish Government 2019:33, p. 90.

146 [The National Action Plan on Fundamental and Human Rights 2020–2023 is available on the Government website \(https://julkaisut.valtioneuvosto.fi/handle/10024/163742\)](https://julkaisut.valtioneuvosto.fi/handle/10024/163742).

147 The indicators are intended as a permanent structure that will be developed further on the basis of experience gained from their application.

148 Constitutional Law Committee report PeVL 56/2017 vp.

human rights policy that must be prepared for each government term.<sup>149</sup> Fundamental and human rights work based on action plans will need to be continued while at the same time committing over the long term to the development and use of the indicators developed for the monitoring of the realisation of fundamental and human rights.

International and regional treaty monitoring bodies have issued several recommendations to Finland for the development of legislation and Government policy programmes. The Government Network for Fundamental and Human Rights considers the recommendations received and monitors their implementation.

The Government is preparing reform programmes for various policy sectors. Fundamental and human rights assessment is needed in their preparation and goal-setting. Particularly when changes take place in responsibilities and responsible parties relating to ESC rights, it is important to ensure the authorities' fundamental and human rights competence.

### ***Fact box: Databank of recommendations issued by treaty monitoring bodies***

The Government is establishing a databank of recommendations issued by UN and Council of Europe treaty monitoring bodies concerning the implementation of Finland's human rights obligations. In addition, the aim is for the databank to contain information provided and regularly updated by ministries on measures taken to implement the recommendations. The databank would allow the coordinated monitoring of the national implementation of recommendations received by Finland and increase the efficiency of periodic reporting relating to human rights conventions and treaties. It would increase awareness of the realisation of fundamental and human rights in Finland and help to identify fundamental and human rights impacts in the activities of public administration and in law drafting. In addition, the databank would provide a knowledge base for purposes such as the ex-post assessment of legislation. The databank would be a public online service that is open for and accessible by all. It would be provided in Finnish, Swedish and English and maintained by the Legal Service of the Ministry for Foreign Affairs.

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149 Constitutional Law Committee report PeVL 52/2014 vp.

## 8.1 National monitoring of fundamental and human rights

The Government conducts an up-to-date monitoring of the realisation of fundamental and human rights. Under section 22 of the Constitution of Finland, the authorities are required to take action to guarantee the observance of fundamental and human rights. In addition to drafting of legislation, observations relating to the realisation of fundamental and human rights affect policy measures being prepared as well as their implementation.

The supreme overseers of legality – the Chancellor of Justice of the Government and the Parliamentary Ombudsman – oversee the legality of the authorities' activities. Under the Constitution of Finland, in performing their oversight duty, the Chancellor of Justice and the Ombudsman monitor the implementation of fundamental and human rights. The overseers of legality consider complaints and conduct inspections of authorities within the scope of their oversight powers. The oversight powers of the supreme overseers of legality also cover the other supervisory authorities, such as the special ombudsmen. The supreme overseers of legality report annually to Parliament on their activities. The Chancellor of Justice also oversees the legality of the official acts of the Government and the President of the Republic. In that context, the Chancellor of Justice also supervises the realisation of fundamental and human rights.

The Human Rights Centre is an autonomous and independent expert institution that together with the Human Rights Delegation and the Parliamentary Ombudsman forms the Finnish National Human Rights Institution (NHRI). Drawing up reports on the implementation of fundamental and human rights is one of the statutory tasks of the Human Rights Centre. General monitoring and promotion of the implementation of fundamental and human rights as well as monitoring and promoting the rights of persons with disabilities and the rights of older persons are among the main lines of action of the Human Rights Centre. The Human Rights Centre has the opportunity to provide its views as part of the consideration of Finland's periodic reports in international and regional treaty monitoring bodies. In the past two years, the Human Rights Centre has published a summary of observations of the autonomous and independent actors that supervise and promote the realisation of fundamental and human rights. The Human Rights Centre is due to introduce its own fundamental and human rights evaluation and reporting platform.

In addition, Finland has six autonomous and independent special ombudsmen, each appointed under their specific act: the Non-Discrimination Ombudsman, the Ombudsman for Equality, the Ombudsman for Children, the Data Protection Ombudsman, the Intelligence Ombudsman and the Ombudsman for Older Persons. Through activities including their supervisory tasks and reports, the ombudsmen provide important information about the realisation of fundamental and human rights in their respective fields.

Others such as international and regional treaty monitoring bodies, independent rapporteurs and mechanisms, civil society actors and fundamental and human rights researchers also generate data on the realisation of rights in Finland and on issues relating to Finland's international human rights policy that is relevant to fundamental and human rights monitoring.

## 8.2 Promoting democracy and human rights education

The development of democracy and human rights education is an important part of the Government's fundamental and human rights policy and the realisation of the rights. The Government Programme sets the objective of promoting democracy and human rights education and the participation of young people and of reinforcing the obligation to consult young people. The democracy and human rights education and participation of young people (DINO II) -project<sup>150</sup> aims to compile and coordinate measures outlined by the Government to promote democracy and human rights education and to reinforce the obligation to consult young people.

In cooperation with the Ministry of Justice, the Ministry of Education and Culture has appointed a steering group for 2020–2023 for the development of democracy and human rights education<sup>151</sup> tasked with supporting the policies set out in the Government Programme and making proposals for concrete actions. The objectives and concrete actions of the National Democracy Programme, the National Youth Work and Youth Policy Programme and the National Child Strategy form a package employed by the Government to strengthen the meaningful participation of children and young people.

The Human Rights Centre supports the work of educational authorities, institutions and other actors by disseminating and producing human rights education material and tools as well as providing human rights training to the authorities in particular. The Centre also monitors the state of education and training relating to fundamental and human rights in Finland and reports on this to organisations such as the UN.<sup>152</sup>

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150 To read about the DINO II -project, visit the website of the Ministry of Justice (<https://oikeusministerio.fi/en/project?tunnus=OM030:00/2020>).

151 To read more about the steering group (in Finnish and Swedish), visit the website of the Ministry of Education and Culture (<https://minedu.fi/-/ohjausryhma-tukemaan-demokratia-ja-ihmisoikeuskasvatuksen-kehittamista>).

152 The Human Rights Centre Annual Report 2020 (<https://bin.yhdistysavain.fi/1598743/Llj3Imv08VboNNAuWjBJ0WD6Z5/IOK%20TOKE%202020%20EN.pdf>) provides more detailed information about the Centre's activities.

## 8.3 Role of the Government Network for Fundamental and Human Rights

The tasks of the Government Network for Fundamental and Human Rights<sup>153</sup> include monitoring the implementation of fundamental and human rights policy in line with fundamental and human rights instruments adopted by the Government. It also strengthens coordination and dialogue within the Government in fundamental and human rights issues and monitors Finland's fundamental and human rights situation and the national implementation of Finland's human rights obligations and commitments on the basis of information provided by international treaty monitoring bodies, the European Court of Human Rights, the European Union, the supreme overseers of legality, the special ombudsmen, the Constitutional Law Committee of Parliament, national courts and key fundamental and human rights organisations. In addition, the network has the key task of guiding the preparation of the National Action Plan on Fundamental and Human Rights and overseeing its implementation.

The activities of the Government Network for Fundamental and Human Rights are continued. The previous Government Human Rights Report issued in 2014<sup>154</sup> outlined that the work of the Government network of contact persons for fundamental and human rights are to be continued and the participation of all ministries in its work is ensured. According to the Foreign Affairs Committee of Parliament, the establishment of the Government network of contact persons for fundamental and human rights has provided a new tool for the systematic monitoring of the implementation of fundamental and human rights. The network has proved to be a useful channel for coordination and information exchange within the Government. The participation of the supreme overseers of legality and the Human Rights Centre provides added value for the network's activities.

## 8.4 Increasing awareness of and monitoring the implementation of the Report

The Government Network for Fundamental and Human Rights will monitor the implementation of the objectives of this Report. Essential resources required for the implementation of the Report will be agreed upon as part of normal spending limits and budget processes.

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153 The Government appointed the third Government Network for Fundamental and Human Rights on 12 February 2020.

154 Government Report VNS 6/2014 vp.



The Advisory Board for International Human Rights Affairs is an independent expert body appointed by the Government and operating under the Ministry for Foreign Affairs. Appointed in 2020, the current Advisory Board consists of representatives of all parliamentary groups and several Finnish human rights organisations and other CSOs. The Advisory Board plays an important role particularly in monitoring the implementation of Finland's international human rights policy and issuing related recommendations. The Advisory Board for International Human Rights Affairs will monitor the implementation of this Report's themes at the international level in particular.

Towards the end of the government term, the Ministry for Foreign Affairs will commission an independent expert evaluation of the implementation of the Report's themes and prepare, on the basis of the Report, material and other tools to support the implementation methods of Finland's human rights-based foreign and security policy. The Ministry for Foreign Affairs will produce an easy language version of the key content of the Report.

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