Finland: changes to the procedure for gender recognition are long overdue.

*Human Rights Council adopts Universal Periodic Review outcome on Finland*

Amnesty International deeply regrets Finland’s rejection of seven of the eight recommendations relating to changing its inhumane legal gender recognition procedure.¹ The only explanation given is that, while a working group has evaluated the legislation and proposed many changes, the government has “not agreed on presenting the issue to the parliament”.²

The Trans Act³ must urgently be reviewed and amended to abolish the need for sterilization, other medical treatment, and a mental health diagnosis, as requirements for a person’s gender identity to be legally recognized. Finland must develop a gender recognition procedure that is efficient, transparent, based on self-determination and available to all irrespective of age, medical or financial status.

The recent amendments to the Aliens Act have undermined the rights of refugees and asylum-seekers, including by restricting their access to legal aid. Amnesty International welcomes Finland’s acceptance of recommendations to review its asylum legislation to ensure protection of refugees and asylum-seekers in line with international standards, to prohibit the detention of children, and to facilitate family reunification.⁴

Amnesty International welcomes Finland’s acceptance of many recommendations to combat violence against women⁵ and trafficking.⁶ However, such efforts are systematically under-resourced and Finland must urgently provide the necessary funding for the full implementation of the Istanbul Convention.⁷

Amnesty International also welcomes the acceptance of recommendations to amend the Criminal Code to no longer define rape according to the degree of violence used by the

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⁴ A/HRC/36/8, recommendations 100.152 and 100.153 [Kazakhstan, Honduras]

⁵ A/HRC/36/8, recommendations 100.25, 100.76, 100.101, 100.107-100.109, 100.116, 100.121 and 100.122 [Timor-Leste, Islamic Republic of Iran, Republic of Moldova, Iceland, Sweden, India, Canada, Estonia]

⁶ A/HRC/36/8, recommendations 100.77 and 100.80 [Russian Federation, United Kingdom of Great Britain and Northern Ireland]

perpetrator, but instead on the basis of consent of the victim.\(^8\) Amnesty International disagrees, however, with the government’s assertion that the legislation already in place fulfils the recommendations.\(^9\) It urges Finland to immediately revise the law to define rape based on the absence of consent.

Moreover, Amnesty International regrets Finland’s rejection, without providing a reason, of the recommendation to revise the criteria for prosecuting cases of rape and sexual assault to give adequate consideration to the lack of consent by the victim.\(^10\) Finland should reconsider its position on this recommendation.

Amnesty International welcomes Finland’s acceptance of recommendations to strengthen the national human rights framework;\(^11\) to combat discrimination, racism and xenophobia;\(^12\) and to adequately fund human rights education,\(^13\) and calls on Finland to guarantee adequate resources for their early implementation.

Finally, Amnesty International welcomes Finland’s commitment to submit a mid-term report to this Council.\(^14\)

**Background**

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\(^8\) A/HRC/36/8, recommendations 100.20-100.22 and 100.24 [Namibia, Portugal, Australia, Brazil]


\(^10\) A/HRC/36/8, recommendation 100.111 [United Kingdom of Great Britain and Northern Ireland]

\(^11\) A/HRC/36/8, recommendations 100.28-100.32 [Guatemala, Mexico, Indonesia, Philippines, Canada]

\(^12\) A/HRC/36/8, recommendations 100.54, 100.55, 100.60 and 100.62 [Philippines, Turkey, Namibia, Estonia]

\(^13\) A/HRC/36/8, recommendations 100.34 and 100.94 [Slovenia, Maldives]

\(^14\) Human Rights Council, National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21, Finland, A/HRC/WG.6/27/FIN/1