



FINLAND

SUBMISSION TO THE UNITED NATIONS COMMITTEE ON THE
ELIMINATION OF RACIAL DISCRIMINATION

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AMNESTY
INTERNATIONAL



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INTRODUCTION

Amnesty International submits this document in advance of the United Nations (UN) Committee on the Elimination of Racial Discrimination's (hereinafter the Committee) consideration of Finland's 23rd periodic report on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination in April 2017. This submission summarizes Amnesty International's concerns about Finland's failure to comply with its obligations under the Convention.

LEGAL, INSTITUTIONAL AND PUBLIC POLICY FRAMEWORK FOR COMBATING RACIAL DISCRIMINATION

GOVERNMENT PROGRAMME

The Finnish government is currently formed of three political parties: the Centre Party, the National Coalition Party and the Finns Party. On 29 May 2015, Prime Minister Juha Sipilä's Government adopted a Strategic Programme covering the strategic goals of the government.¹

The programme notes that the "[g]overnment will promote work-related migration that enhances employment in Finland" and that work-related migration boosts the economy and enhances innovation.² The programme notes further that "[t]he Government will encourage open debate about migration policy but will not tolerate racism. We will promote a tolerant and humane national discussion culture." The programme also called for "[a]n independent study of the costs of migration and its impact on Finnish society will be conducted to enable facts-based discussion, better integration policies and better decision-making". However, the programme did not envisage a similar study about the positive effects of migration.³

On refugee and asylum policy the programme noted that "migration should be well managed" and that procedures would be reviewed to speed up the processing, decision-making, and returns as well as to "prevent possible abuses". In addition the programme noted that family reunification criteria would be reviewed to comply with the EU Family Reunification Directive, which is a set of minimum standards with which Finland had already complied. The phrase "to comply with" was effectively a euphemism for restricting the criteria to the bare minimum set in the Directive. Most of the aforementioned plans were put in place during 2016 and addressed in the section below on asylum-seekers and migrants.⁴

PROGRAMS AND ACTIONS SPECIFIC TO HUMAN RIGHTS

In 2012, Finland established a National Human Rights Institution consisting of the Parliamentary Ombudsman and the new Human Rights Centre and its Human Rights Delegation.⁵ The new Institution

¹ Finland, a land of solutions, Strategic Programme of Prime Minister Juha Sipilä's Government 29 May 2015 (English translation) http://valtioneuvosto.fi/documents/10184/1427398/Ratkaisujen+Suomi_EN_YHDISTETTY_netti.pdf/8d2e1a66-e24a-4073-8303-ee3127fbfcac

² Finland, a land of solutions, Strategic Programme of Prime Minister Juha Sipilä's Government 29 May 2015 (English translation) http://valtioneuvosto.fi/documents/10184/1427398/Ratkaisujen+Suomi_EN_YHDISTETTY_netti.pdf/8d2e1a66-e24a-4073-8303-ee3127fbfcac, p.40

³ Finland, a land of solutions, Strategic Programme of Prime Minister Juha Sipilä's Government 29 May 2015 (English translation) http://valtioneuvosto.fi/documents/10184/1427398/Ratkaisujen+Suomi_EN_YHDISTETTY_netti.pdf/8d2e1a66-e24a-4073-8303-ee3127fbfcac, p.40

⁴ Finland, a land of solutions, Strategic Programme of Prime Minister Juha Sipilä's Government 29 May 2015 (English translation) http://valtioneuvosto.fi/documents/10184/1427398/Ratkaisujen+Suomi_EN_YHDISTETTY_netti.pdf/8d2e1a66-e24a-4073-8303-ee3127fbfcac, p. 41

⁵ About the composition of the National Human Rights Institution see <http://www.ihmisoikeuskeskus.fi/in-english/human-rights-actors-in-finland/national-human-rights-institutio/>

strengthens Finland's human rights framework by increasing cooperation and the exchange of information on human rights.

The first National Action Plan on Fundamental and Human Rights for 2012-2013 was adopted in 2012.⁶ While this was a welcome step in developing the national human rights architecture, it lacked clearly defined priorities and sufficient financial resources.⁷ In February 2017, the government adopted a second action plan.⁸ The new plan includes projects on fundamental and human rights education, equality, the right to self-determination and fundamental rights and digitalisation. While a welcome step, the plan lacks resources and ambition leaving many important human rights issues outside of its scope or addressing them only in a limited manner.

In 2015, the Government Network of Contact Persons for Fundamental and Human Rights was established to mainstream human rights into government activities, to increase cooperation between ministries, and to promote the implementation of recommendations from international human rights bodies.⁹ This Network has the potential to strengthen the coherence of the government's human rights policies.

The government is still lacking a systematic approach to assess the human rights impact of its actions and has been urged to review how bills, policies and budget proposals may impact human rights, prior to their adoption.¹⁰ To date, such human rights impact assessments have been limited, or completely lacking, including in respect of bills restricting the rights of asylum-seekers and migrants. The need for a human rights assessment has also been highlighted in the context of austerity measures and the ongoing health, social services and regional government reform process.¹¹

RECOMMENDATIONS

Amnesty International recommends that the Finnish authorities:

- Guarantee adequate resources for the implementation of the National Action Plan on Fundamental and Human Rights and ensure that effective action is taken on serious human rights issues that are not adequately addressed in the Action Plan or completely outside of its scope.
- Strengthen the Network of Contact Persons for Fundamental and Human Rights in order to ensure it has the capacity to fulfil its functions.
- Grant adequate human and financial resources to the Human Rights Centre, which is part of the National Human Rights Institution.
- Systematically assess the human rights impact of all bills, budget and policy proposals, and other government activities, prior to their adoption.

⁶ The National Action Plan on Fundamental and Human Rights 2012- 2013, available at: http://www.ohchr.org/Documents/Issues/NHRA/NAPFinland2012_2013.pdf

⁷ Evaluation of the national action plan on fundamental and human rights (in Finnish) http://oikeusministerio.fi/fi/index/julkaisut/julkaisuarkisto/1396253612431/Files/OMSO_19_2014_Perus- ja_ ihmioikeustointaoh_82_s.pdf

⁸ The National Action Plan on Fundamental and Human rights 2017-2019 (in Finnish and Swedish), available at: https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/79277/OM_9_2017.pdf?sequence=1

⁹ The decision on the establishment of the Government Network of Contact Persons for Fundamental and Human Rights, OM 13/021/2015 is available in Finnish at: http://oikeusministerio.fi/material/attachments/om/uusikansio_4/ij39CwyJV/kansallisen_perus- ja_ ihmisoikeustoimintaohjelman_asettamispaatos_14.10.2015.pdf

¹⁰ Statement of the Constitutional Committee on the Government's report on the General Government Fiscal Plan, PeVL 19/2016, available in Finnish at https://www.eduskunta.fi/FI/vaski/Lausunto/Sivut/PeVL_19+2016.aspx and Statement by the Human Rights Centre's Delegation on Fundamental and Human Rights, available in Finnish at: <https://ihmisoikeuskeskus.fi/directo.fi/@Bin/2533549/IOV+kannanotto+Perus-+ja+ihmisoikeuksien+turvaamisesta+kaikessa+valtioneuvoston+toiminnassa.pdf>

¹¹ For information on the ongoing health, social services and regional government reform, see <http://alueuudistus.fi/en/frontpage>

HATE CRIMES AND ATTITUDES TOWARDS MIGRANTS

Coinciding with the temporary but significant increase in the number of people seeking asylum in Finland in the latter part of 2015 and an increased public discussion of displacement, migration and refugees, hardening attitudes towards those seeking safety gained ground both in general political climate and for example on social media.

According to the annual report of the Police University College, a 52 % increase on suspected hate crimes were reported to the police in 2015 compared to the previous year. These include crimes against a person, group, somebody's property, institution, or a representative of these, motivated by prejudice or hostility towards the victim's real or perceived ethnic or national origin, religion or belief, sexual orientation, transgender identity or appearance, or disability. In the year 2015, the police filed 1 250 reports on suspected hate crime cases. Of the suspected hate crimes, 991 (79,3 %) were suspected racist crimes. Moreover, religion was the motive in 133 (10,6 %) suspected hate crimes. The most common group to be a target of suspected hate crime were individuals with a Somali background. In suspected crimes based on religion, the target religion was mostly Islam.¹²

The most common offences suspected were *assault* (386), *defamation* (217), *petty assault* (146), *menacing* (195) and *criminal damage to property* (125). Since 2010, suspected crimes of *ethnic agitation*¹³ (unofficial translation by Ministry of Justice, the term in Finnish is "kiihottaminen kansanryhmää vastaan") have increased steadily. In 2015, 44 suspected cases of ethnic agitation were reported, compared to 35 during the previous year.¹⁴ In 2015, 133 such offences were suspected online compared to 80 in the previous year. These cases are usually abuses or incitement to discrimination, hostility or violence towards an ethnic group in social media.¹⁵

A new form of racist hate crimes in Finland includes several attempts of arson by Molotov cocktails as well as other attacks towards current or planned reception centers of asylum seekers occurred during 2015 and 2016. At least 15 such attacks were reported in 2015.¹⁶ The arson attempts included, among others, one in Kouvola¹⁷ in September 2015 for which the perpetrator was convicted to one year in prison and one in February 2016 in Petäjävesi¹⁸ leading to a sentence of three and half years in prison. Widely reported incidents also included a September 2015 attack towards Red Cross workers and asylum seekers being transferred to new accommodation in Lahti. The protesters, one of whom wore a Ku Klux Klan outfit, launched fireworks towards the bus carrying the asylum seekers and threw rocks at the Red Cross workers.¹⁹

According to the Ministry of the Interior, of all violent crimes linked to so called violent extremism in Finland in 2015, over a half (33) were linked to racist far right groups. Of these, 19 were perpetrated by members of

¹² Report by the Police University College: Hate Crimes Reported to the Police in 2015 , p. 23 (available in Finnish only):

https://www.theseus.fi/bitstream/handle/10024/116581/Katsauksia_10.pdf

¹³ Ethnic agitation is defined in Chapter 11, Section 10 of the Penal Code: "A person who makes available to the public or otherwise spreads among the public or keeps available for the public information, an expression of opinion or another message where a certain group is threatened, defamed or insulted on the basis of its race, skin colour, birth status, national or ethnic origin, religion or belief, sexual orientation or disability or a comparable basis, shall be sentenced for ethnic agitation to a fine or to imprisonment for at most two years."

Aggravated ethnic agitation is defined in Section 10a: "If the ethnic agitation involves incitement or enticement

(1) to genocide or the preparation of genocide, a crime against humanity, an aggravated crime against humanity, a war crime, an aggravated war crime, murder, or manslaughter committed for terrorist intent, or (2) to serious violence other than what is referred to in paragraph 1 so that the act clearly endangers public order and safety, and the ethnic agitation also when assessed as a whole is aggravated, the offender shall be sentenced for aggravated ethnic agitation to imprisonment for at least four months and at most four years."

¹⁴ Report by the Police University College: Hate Crimes Reported to the Police in 2015 , p. 23 (available in Finnish only):

https://www.theseus.fi/bitstream/handle/10024/116581/Katsauksia_10.pdf

¹⁵ Report by the Police University College: Hate Crimes Reported to the Police in 2015 , p. 8 (available in Finnish only):

https://www.theseus.fi/bitstream/handle/10024/116581/Katsauksia_10.pdf

¹⁶ Report by the Ministry of the Interior on violent extremism in Finland in 2015, p. 8 (available in Finnish only):

http://ulkaisut.valtioneuvosto.fi/bitstream/handle/10024/75390/Vakivaltaisen_ekstremismin_NETTI.pdf

¹⁷ News article by the Finnish Broadcasting Company YLE, 26.5.2016:

http://yle.fi/uutiset/osasto/news/court_confirms_prison_term_for_firebombing_of_emergency_housing_centre/8910728

¹⁸ News article by the Finnish Broadcasting Company YLE, 13.5.2016:

http://yle.fi/uutiset/osasto/news/arsonist_gets_35_years_for_attack_on_reception_centre/8881434

¹⁹ News article by the Finnish Broadcasting Company YLE, 25.9.2015: http://yle.fi/uutiset/osasto/news/ku_klux_klan-clad_protester_in_lahti_anti-asylum_seeker_demonstration/8331484

the neo-Nazi group *the Finnish Resistance Movement (Suomen vastarintaliike)*, part of a Nordic national-socialist movement.²⁰ According to the Ministry, the activities of the group have constantly involved crimes, most typically assaults against victims with opposing political views.²¹

One of the founders of *the Finnish Resistance Movement* was sentenced to two years in prison for aggravated assault in December 2016 following events at one of the organization's rallies in Helsinki, leading to the death of a 28-year old man. The convicted man had previously been sentenced on at least fourteen different charges, including at least seven assaults. *The Finnish Resistance Movement* has earlier been linked to several violent acts, including a riot in Jyväskylä in August 2015 which included assaults on bystanders and led to 22 charges, a stabbing in the library of Jyväskylä in a publication event of a book on the far right in Finland, and a pepper spray attack on a Left party politician in Oulu in 2012.

In March 2017, the National Police Board appealed to the Pirkanmaa District Court to dissolve the Finnish Resistance Movement, nowadays calling themselves the Nordic Resistance Movement. The police board has described the group as violent and openly racist.

Members of the far right have also been linked to and participated in events held by anti-immigration protest groups and a street patrol group.²² In recent years, several members of the Finns Party, a part of the current government coalition, have been convicted of *ethnic agitation* following comments on refugees, Muslims and ethnic minorities online, including social media. Several party members' links to the aforementioned anti-immigration groups have also been reported.²³

RECOMMENDATIONS

Amnesty International recommends that the Finnish authorities:

- Condemn all racially motivated violence and take all necessary measures within the law to protect people from such attacks.
- Ensure political leaders and government officials speak out against discriminatory rhetoric, strictly condemn hate crimes when they occur and make clear that crimes targeting people for discriminatory reasons will not be tolerated.
- Ensure broader policy measures are undertaken to tackle the root causes of intolerance, including by promoting intercultural dialogue and education on diversity and pluralism.
- Ensure that discriminatory motives behind crimes are efficiently recognized, investigated and brought to the attention of courts.
- Collect data on hate crimes at all levels, including reporting, investigation, prosecution and sentencing.
- Ensure that victims of hate crimes are treated in an impartial, respectful and professional manner, that they are provided with thorough and prompt information regarding the status of their case, that they are able to be heard in the legal proceedings, including the investigation phase, and that they are provided with necessary legal or psychological support, as appropriate.

²⁰ Report by the Ministry of the Interior on violent extremism in Finland in 2015, p. 20 (available in Finnish only): http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/75390/Vakivaltaisen_ekstremismin_NETTI.pdf

²¹ Report by the Ministry of the Interior on violent extremism in Finland in 2016, p. 13 (available in Finnish only): http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/79235/03%202017_Vakivaltaisen%20ekstremismin%20tk%201_2017.pdf

²² Report by the Ministry of the Interior on violent extremism in Finland in 2016, pp. 23–24 (available in Finnish only): http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/79235/03%202017_Vakivaltaisen%20ekstremismin%20tk%201_2017.pdf

²³ See, e.g. article by Helsingin Sanomat, 20.9.2016 (available only in Finnish): <http://www.hs.fi/kotimaa/art-200002921786.html>

THE RIGHTS OF REFUGEES, ASYLUM-SEEKERS AND MIGRANTS

Legislative amendments 2015 and 2016 have increased asylum-seekers' risk of being subjected to refoulement and eroded their procedural rights. On 8 December 2015, the Government published its Action plan on asylum policy.²⁴ In 2015, Finland received over 32 000 asylum applicants, a ten-fold increase on previous years. However, the increase was only temporary and in 2016 Finland only received around 5000 asylum applicants. According to the Action plan, its aim was "to ensure management of the number of asylum seekers in this demanding situation". The plan called for restricting family reunification legislation; a review of residence permits given on grounds of international protection; increase review and cancellation of residence permits where grounds for international protection no longer exist; and a review of country of origin information for Afghanistan, Iraq and Somalia.

ASYLUM PROCEDURE

As a response to the influx of asylum-seekers in 2015 (Finland received 32 477 asylum applicants in 2015 and 5657 applicants in 2016) the Government began amending asylum and migration laws. Legislation restricting the right of asylum-seekers to fair and effective asylum determination procedures entered into force in September 2016. In particular, the right to appeal has been restricted. The deadlines for lodging appeals in ordinary cases were cut from 30 days to 21 days before the Administrative Court of Helsinki and from 30 days to 14 days for an application for leave to appeal before the Supreme Administrative Court. Further, the right to appeal a case pertaining to the Aliens Act to the Supreme Administrative Court was restricted. Previously, the Supreme Administrative Court could consider appeals if it was "important for the application of the Act to other similar cases, or for the sake of consistency in legal practice, to submit the case to the Supreme Administrative Court for a decision or if there is some other weighty reason for giving the leave."²⁵ The last part of the sentence was amended so that appeals are currently restricted to situations where there would be particularly serious grounds for giving the leave²⁶, thus creating a further barrier for appeals concerning the Aliens Act. These amendments were only introduced for migration proceedings, therefore placing refugees, asylum-seekers, and migrants in a less favourable position before courts.

Applicants in ordinary asylum determination procedures enjoy the right to stay in the country for the first appeal before the Administrative Court, but do not enjoy this right where they seek leave to appeal from the Supreme Administrative Court, unless the Court separately stays an expulsion. Appeals do not have a suspensive effect when the applicant has filed a new application raising no novel grounds; when the asylum application has been dismissed due to the Dublin regulation; and when the applicant has arrived from a "safe country" or if the application has been dismissed as "manifestly unfounded". In accelerated procedures, the applicant can be removed from the country within seven days from receiving the decision from the Immigration Service.

The risks of refoulement are further exacerbated by significant restrictions of legal aid to asylum seekers. Assistance of legal counsel in the first instance, in particular during the personal interview before the Immigration Service, is no longer covered by legal aid unless there are serious grounds for this, or the applicant is under 18 years.²⁷ The Public Legal Aid Offices determine whether an applicant is in need of legal counsel during the personal interview.²⁸ Previously, all instances in the asylum determination procedure were covered by legal aid, thus ensuring that many asylum seekers received legal support and counsel during the procedure.²⁹ Previously, applicants were also allowed to choose their own counsel. Most sought counsel from specialised lawyers working with the NGO Refugee Advice Centre or for law firms working on migration and refugee law. Currently, asylum seekers may seek legal aid only from the Public Legal Aid Offices, which then determine whether an applicant is in need of legal aid and whether a Public Legal Aid Attorney will provide counsel or whether the applicant can seek support from another lawyer. Public Legal Aid Attorneys are not required to have special expertise to work on refugee law. Currently practice also differs in the Public Legal Aid Offices and it is unclear whether, and how much support asylum

²⁴ Government published its action plan on asylum policy , Press Release, 8 December 2015, http://vnk.fi/en/article/-/asset_publisher/hallitus-julkisti-turvapaikkapoliittisen-toimenpideohjelmansa

²⁵ Section 196 of the Aliens Act, as in force up to 1 September 2016

²⁶ Section 196 of the Aliens Act

²⁷ Aliens Act, Section 9

²⁸ Legal Aid Act (257/2002)

²⁹ The legislation was amended recently and came into force on 1 September 2016

seekers will receive during their asylum determination procedure. These changes undermine the right of the asylum seeker to choose his or her lawyer. As the whole asylum procedure was previously covered by free legal aid, there are no NGOs or law firms offering pro bono services to asylum seekers.

In 2015, the Aliens Act was amended in relation to failed asylum seekers or third country nationals who temporarily cannot be returned to their home countries due to health reasons or technical reasons (for example due to reasons relating to travel arrangements or lacking travel documentation). Previously, under Section 51 of the Aliens Act, these persons were given a temporary residence permit for one year at a time. Currently, a person who cannot be returned will not receive a temporary residence permit if the authorities consider that the person can return to his or her home country “voluntarily”. This practice might lead to a growing number of undocumented migrants in Finland. According to Section 200 a) of the Aliens Act, persons who have been granted a temporary residence permit can be returned, without a separate procedure, seven days after being notified that the reason previously preventing their return no longer prevents their return.

Section 88 a) of the Aliens Act, providing for humanitarian protection, has been repealed. Humanitarian protection was previously granted to persons who did not receive asylum or subsidiary protection but could not return to their home countries due to an environmental catastrophe; a dire security situation in the country because of an international or non-international armed conflict; or due to the poor human rights situation in their home countries. Humanitarian protection resulted in a temporary residence permit, which in recent years had been granted to persons arriving for example from Libya, Yemen, and Somalia. The amendment came into force with retroactive effect in May 2016. Therefore, persons who have previously enjoyed humanitarian protection in Finland will not automatically receive a residence permit when their current permit expires. These persons may have to lodge a new asylum application, they might decide to stay in the country as undocumented third country nationals, or they may be forcibly returned by the government. Before the legislative amendment came into force in 2016, the Immigration Service (Migri) decided in January 2016 to no longer handle applications for humanitarian protection and to not grant any such permits. The Chancellor of Justice of the Government³⁰ concluded in a report that this decision and practice by Migri was against the principle of legality. Migri should have applied the law that was in force as long as it was in force instead of waiting for an amendment to pass parliament. In addition, the Chancellor recommended that future legislative amendments which restrict conditions for residence permits should not come into force with retroactive effect. These conclusions by the Chancellor were published on 3 February 2017 in a decision on his investigation into the lawfulness of certain procedures and activities undertaken by the Immigration Service in 2015 – 2016.³¹

The Chancellor of Justice also took note of how Migri had handled asylum applications by Somali asylum-seekers. In March 2016 the Director of Migri initiated a review process concerning asylum applications by Somalis. All draft decisions wherein international protection was to be granted to Somalis had to be sent to the Legal Service of Migri for review. Draft decisions on refusals were not reviewed. According to the Director of Migri, the review was triggered because Finland had a higher acceptance rate for Somali asylum-seekers than other European countries. The Chancellor found that this review process had been problematic with regard to the due process of the applicants.

DETENTION OF ASYLUM-SEEKERS AND MIGRANTS

Contrary to international standards, Finland continues to detain unaccompanied children and families with children based on their migration status. The detention of unaccompanied children who are under 15 years old was prohibited recently. However, the Aliens Act still allows for the detention of unaccompanied children aged between 15 and 17 for up to 72 hours once there is an enforceable decision on their removal from Finland; the period of detention can be extended by 72 hours for extraordinary reasons. According to statistics Amnesty International has collected from different authorities, 1400 persons were detained in 2015 and 1200 persons were detained in 2016. In 2015, 283 persons were held in police detention facilities, 904 persons were held in the Metsälä detention centre and 213 persons were held in the Joutseno detention centre. Out of these detainees 14 were unaccompanied children and 26 children were detained with their families. In 2016, 297 persons were detained in police holding facilities, 807 persons were held in the

³⁰ “The Chancellor of Justice of the Government, along with the Parliamentary Ombudsman, is the supreme guardian of the law in Finland. The Chancellor of Justice is called upon to resolve, in particular, matters concerning the supervision of the Government, as well as matters of principle or of far-reaching consequence.” See: <https://www.okv.fi/en/chancellor/chancellor-justice/>

³¹ https://www.okv.fi/media/filer_public/58/54/585432a2-fcec-44f5-9ee4-4089f3537d6e/okv_8_50_2016.pdf

Metsälä detention centre and 146 were held in the Joutseno detention centre. Out of these detainees five were unaccompanied children and 24 were accompanied by their families.³²

Children should never be detained for immigration purposes, as it is never in their best interests.

Contrary to EU legislation and international standards, children have no access to education during their detention. Families with children may be detained where no sufficient alternatives exist, and where the child and a social welfare representative's views have been heard. The Aliens Act provides for no maximum time for the detention of families with children. Amnesty International has received reports of lengthy detentions of families and single parents who have been detained with young children and babies for several months. Amnesty International also continues to receive reports that asylum-seekers in need of special care are being detained, in particular pending their removal from the country. These include pregnant women, persons with serious medical conditions, persons suffering from mental illness or trauma related to torture or ill-treatment, and women who have suffered serious violence. Convicted criminals facing deportation are sometimes held in the same detention centres as asylum seekers and irregular migrants, including children.

Detained persons may be placed in solitary confinement cells, or transferred to police holding facilities. Currently, there is no complaint mechanism regarding this disciplinary measure, nor for conditions of detention. Under the Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), adopted unanimously by the UN General Assembly in 2015, solitary confinement is defined as "the confinement of prisoners for 22 hours or more a day without meaningful human contact."³³ Prolonged solitary confinement, defined in the Rules as lasting for longer than 15 consecutive days, is prohibited in all circumstances as cruel, inhuman or degrading treatment or punishment and may amount to torture.³⁴

The Nelson Mandela Rules also provide that "general living conditions... including those related to light, ventilation, temperature, sanitation, nutrition, drinking water, access to open air and physical exercise, personal hygiene, health care and adequate personal space, shall apply to all prisoners without exception,"³⁵ and that contact with families may not be prohibited as punishment.³⁶

Finland also continues to hold asylum-seekers and migrants in police detention facilities around the country, contrary to international standards. A person may be detained in police detention facilities when the immigration detention centres are full. In these situations the District Court decides on the placement of the individual. Persons detained in police facilities spend 23 hours per day in their cell and their contact with the outside world is severely restricted. The circumstances in the police detention facilities amount to solitary confinement under international standards. In addition there is no separation between the sexes in police facilities and men and women are held together. A person may also be transferred from the immigration detention centre to the police detention facility as a sanction or as a precautionary measure. As a first step, solitary confinement inside the detention centre may be used if the person poses a danger to himself/herself or serious danger to the security and order of the detention centre; if it is necessary to keep the person separate for his or her own safety; or if it is necessary under exceptional circumstances in order to determine the identity of the person or the right of the person to enter the country. The director of the detention centre decides on solitary confinement and the decision is not subject to judicial review. In violation of international standards, there is no maximum period for solitary confinement and the duration is subject to review by the director of the detention centre every three days.³⁷ The director may also decide to transfer a person to a police detention facility. According to the Act on the treatment of detained aliens³⁸, this may take place in situations where the same grounds relating to safety and security exist as for solitary confinement in the detention centre, but the director determines that placing the individual in solitary confinement inside the detention centre is not sufficient to avert these threats. There is no maximum time for this placement, and it is not subject to judicial review. In these cases a transfer back to the detention centre from the police holding facility is subject to a decision by the director of the detention centre.³⁹

³² Statistics received by Amnesty International from the National Police Board, the Metsälä detention centre and the Joutseno detention centre. Statistics on file with Amnesty International and available upon request.

³³ UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), adopted by UN General Assembly resolution 70/175, 17 December 2015, Annex, Rule 44.

³⁴ See Rules 44, 43(1).

³⁵ Rule 42.

³⁶ Rule 43(3).

³⁷ Sections 8 and 26, Act on the treatment of detained aliens and the detention centre 15.2.2002/116 (Laki säilöön otettujen ulkomaalaisten kohtelusta ja säilöönottoyksiköstä).

³⁸ Section 9, Act on the treatment of detained aliens and the detention centre 15.2.2002/116 (Laki säilöön otettujen ulkomaalaisten kohtelusta ja säilöönottoyksiköstä).

³⁹ Sections 8 and 26, Act on the treatment of detained aliens and the detention centre 15.2.2002/116 (Laki säilöön otettujen ulkomaalaisten kohtelusta ja säilöönottoyksiköstä).

On 20 December 2016, parliament approved a bill which introduced “directed residence” as a new form of deprivation of liberty for asylum seekers and migrants.⁴⁰ Authorities can now order asylum seekers to live in a specific reception centre and in addition report to the reception centre up to four times per day. Applicants subject to accelerated proceedings may also be subject to the measure. Directed residence and reporting obligations are not subject to the same system of judicial review as immigration detention. A person who wishes to seek judicial review of a decision concerning directed residence must appeal to the Administrative Court in ordinary administrative procedures. This can take months and is not an appropriate complaint mechanism for an individual who is subject to a restriction of their freedom of movement and liberty of person. Amnesty International is further concerned that stringent, daily reporting obligations in combination with directed residence may hinder asylum applicants from enjoying their rights and freedoms and can impair persons from seeking and receiving legal aid, education or medical treatment.⁴¹ Directed residence was introduced as an alternative to detention, however in practice it is not an alternative as there is a markedly lower threshold for triggering a decision on directed residence than for a decision on detention.

Unaccompanied children ages 15-17 can also be subject to directed residence for a maximum time of one week, with the possibility of a one week extension. During this time the child is not allowed to leave the premises of the reception centre/housing where they have been directed to stay. Children would have the right to judicial review within four days of the decision ordering them to directed residence and reporting. Amnesty International is concerned that this “alternative” to detention for unaccompanied children is in fact a form of detention, with the only exceptions being that: it takes place in a reception centre instead of a detention centre; the length of detention is up to two plus two weeks; and judicial review is possible only four days after the initial decision to place the child in directed residence. In fact, the proposed law will make the deprivation of liberty of unaccompanied children easier than it is under the current legislation.

Amnesty International is deeply disappointed that Finland has failed to introduce true alternatives to detention in its legislation.

FAMILY REUNIFICATION

In 2016, the Parliament amended the Aliens Act, significantly restricting the right to family reunification.⁴² A secure income is now a requirement for family reunification for those granted international protection.⁴³ The rigid interpretation by the Immigration Service of the income requirement⁴⁴ risks making the enjoyment of the right to family life very difficult for many refugees and other recipients of international protection, including unaccompanied children.⁴⁵

RIGHTS OF THE CHILD

There is concern that the best interest of the child is not always a primary consideration in matters related to asylum and migration. In part, this is due to inadequate legislation: Section 6 of the Aliens Act provides that

⁴⁰ Approval of the bill : https://www.eduskunta.fi/FI/vaski/Kasittelytiedot/Valtiopaivaasia/Sivut/HE_133+2016.aspx

⁴¹ Government Proposal on changing the Aliens Act, HE 133/2016 vp.

⁴² Amendments to family reunification requirements in force on 1 July available at:

http://www.intermin.fi/en/current_issues/news/1/1/amendments_to_family_reunification_criteria_in_force_on_1_july_68566

⁴³ Various previous amendments made in 2010 and 2012, as well as bureaucratic obstacles, had already made family reunification significantly more difficult to obtain, including by requiring applications to be submitted by the family members residing abroad to Finnish embassies. The sponsor of family reunification cannot lodge an application for family reunification, it has to be lodged by the family members seeking a residence permit in Finland. The application must be lodged in a Finnish Embassy, in a country where the person is legally visiting or residing. This requires most family members to travel to a third country to lodge the application. Family members of Syrian refugees residing in Finland have to travel to Turkey to lodge their application at the Finnish Embassy in Ankara, however, if they are not granted a visa to Turkey, they will not be able to apply.

⁴⁴ The Act will set no euro amounts for sufficient means of subsistence, but Immigration Service has guidelines in which (for example) person who wishes his/her two children and a spouse granted a residence permit based on family reunification is required to have net income of 2600 euros per month. Most Finnish citizens would not meet this criterion.

http://www.migri.fi/moving_to_finland_to_be_with_a_family_member/income_requirement

⁴⁵ Amnesty International, alongside numerous non-governmental organizations, scholars and human rights experts have strongly criticized the tightening of the provisions. Amnesty International Finnish section published a statement (*Järjestöt: Perheenyhdistämisen tulorajoista luovuttava*, rough translation: NGO's: Income requirements for family reunification have to be abandoned) in February 2016; in the statement tightening of the terms of family reunification were criticized and opposed. The Finnish Red Cross, Refugee Advice Center, Finn Church Aid, Save the Children Finland, Finnish Refugee Council, The Federation of Mother and Child Homes and Shelters and Finnish Somali League signed the statement along with Amnesty Finland. Other NGOs, including Seta (LGBTI-rights in Finland) published the statement on their website. In May, a joint petition was handed over to representatives of parliamentary parties, supported by several more NGOs, networks and individuals.

“special attention shall be paid to the best interest of the child”.⁴⁶ The wording differs markedly from that of Article 3 of the Convention on the Rights of the Child, which provides that “the best interests of the child shall be a primary consideration”.⁴⁷

Authorities, legislators and courts frequently invoke Section 6 of the Aliens Act, despite the fact that Article 3 of the Convention on the Rights of the Child should take precedence. Other legislation concerning children mirrors the wording in the Convention, raising concern that children subject to migration proceedings are provided with weaker protections in law.

RECOMMENDATIONS

Amnesty International recommends that the Finnish authorities:

- Ensure the right to suspensive in-country appeal in all asylum determination procedures;
- Ensure access to fair asylum determination procedures, including but not limited to free legal aid and the right to choose counsel, for all asylum-seekers;
- End migration detention of all children;
- Ensure that detention, and alternatives to detention that restrict the freedoms of asylum-seekers, refugees, and migrants are based on law, necessary, and proportionate in all situations;
- Ensure that no one is placed in solitary confinement unless this is done in exceptional cases as a last resort, for as short a time as possible and subject to independent review, and only pursuant to the authorization by a competent authority and never for more than 15 days. Solitary confinement must never be imposed on children, persons with mental, intellectual or psychosocial disabilities, pregnant or breastfeeding women or parents with infants in prison;
- Ensure that refugees and other beneficiaries of international protection can enjoy their right to family life without discrimination, by repealing the amendments to the Aliens Act on family reunification, refraining from further restrictions of the law, and facilitating the family reunification application process;
- Refrain from bringing into force retroactively any legislative amendments which restrict the rights of refugees, asylum-seekers and migrants.

HUMAN TRAFFICKING

Victims of trafficking are not recognized as such and are not provided with adequate protection and assistance. Both the Finnish National Rapporteur on trafficking⁴⁸, the Group of Experts on Action against Trafficking in Human Beings (GRETA)⁴⁹, and several NGOs working in the field have stressed that there is a

⁴⁶ Section 6, Aliens Act: “[i]n any decisions issued under this Act that concern a child under eighteen years of age, special attention shall be paid to the best interest of the child and to circumstances related to the child’s development and health”

⁴⁷ Numerous studies have provided evidence that the best interest of the child is not a primary consideration in asylum and migration proceedings in Finland, a concern reflected in the concluding observations of the Committee on the Rights of the Child. See for example Annika Parsons research for the Ombudsperson of the Minorities 2010: The best interest of the child in asylum and refugee procedures in Finland. (Publication 6, 2010, National Rapporteur in Trafficking of Human Beings, http://ec.europa.eu/justice/news/consulting_public/0009/contributions/public_authorities/042_ombudsman_for_minorities_finland_report.pdf).

⁴⁸ As the National Rapporteur on Trafficking in Human Beings, the Non-Discrimination Ombudsman monitors instances of human trafficking and oversees action against human trafficking and issues proposals.

⁴⁹ Recommendation CP(2015)1 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Finland <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680631bee>

need for continuous, systematic training and guidelines for professionals who may come into contact with victims of trafficking to better identify and support the victims. In particular, human trafficking for the purpose of sexual exploitation often goes unidentified. According to the National Rapporteur,⁵⁰ potential victims of trafficking for sexual exploitation have often not been referred to the assistance system and nor has the trafficking been investigated. In some cases, potential victims of such trafficking have been removed from the country without being offered assistance.⁵¹

Since 12 November 2012, the responsibility for co-ordinating the provision of assistance to all victims of trafficking throughout Finland has been given to the Joutseno Reception Centre for asylum seekers. According to their statistics⁵² altogether 52 new cases of trafficking victims entered the system in 2015, of which 18 cases were trafficked for sexual exploitation. One of the challenges with the current system is that support to and identification of victims of trafficking is strongly linked with criminal proceedings of the case and is unpredictable from the victim's perspective. Legislative amendments, which came into effect in 2015, did not fundamentally change this. On the contrary, a newly added paragraph stating that identification is done primarily by a preliminary investigation official or the prosecutor as part of their criminal investigation perpetuates this link. It is not possible for the assistance system to identify (and provide support) to a victim, for example, in cases where the victim is Finnish and exploitation has occurred in Finland, but the prosecutor has not been able to gather sufficient evidence in the criminal case.⁵³

It is possible for authorities to grant a reflection and recovery period for victims of trafficking during which the investigative authorities are not allowed to contact the victim without their prior consent. During this time the victim has to decide whether she or he is willing to co-operate with the authorities in the criminal investigation. However, the recovery period can only be granted by the assistance system to Finnish nationals and those lawfully residing in the country. A reflection period in accordance with the Aliens Act can be granted by the police or the border guard officials to those without a residence permit. Both the National Rapporteur⁵⁴ and GRETA have recommended that the recovery period should concern all victims of trafficking, despite their migration status. In its evaluation of Finland, GRETA⁵⁵ also found indications that some investigation officials were reluctant to grant reflection periods because of the risk of delaying the criminal process. GRETA has therefore urged the Finnish authorities to ensure, in compliance with the obligations under Article 13 of the Council of Europe Convention on Action against Trafficking in Human Beings, that all possible victims of trafficking are offered a reflection and recovery period together with sufficient protection and assistance during this period. Police and border guard officers should be issued with clear instructions stressing the need to offer the recovery and reflection period and not making it conditional on the victim's co-operation.

Amnesty International also considers that Chapter 9, Section 148 paragraph 6 of the Aliens' Act should be removed. Under the current provision it is possible to remove a non-EU citizen from Finland if he/she is suspected of selling sex.⁵⁶ The particular paragraph raises the threshold for victims to report trafficking to the police, therefore hampering the identification of victims of trafficking. It also works to prevent people who sell sex from reporting violence for fear of being deported and increases their marginalisation and vulnerability to violence.

RECOMMENDATIONS

Amnesty International recommends that the Finnish authorities:

- Ensure that victims of trafficking are recognized as such by the relevant authorities and provided with protection and assistance;

⁵⁰ http://www.svriinta.fi/documents/10181/10854/55526_ihmiskaupparaportti_2014_fin_web.pdf/20fe062b-64c0-4e31-82e1-30cc3ef9392e

⁵¹ A recent report from the National Rapporteur on Trafficking revealed that Nigerian female victims of trafficking for the purpose of sexual exploitation had been deported back to Italy where no adequate support system exists. The report covered decisions and justifications of those decisions made by the Finnish Immigration Services in 2015-2016 (Jan-July). The report states that no sufficient, individual investigation into victims' (and their children's) circumstances were made to assess the risk of re-victimization before deportation. The report is available in Finnish at: https://www.svriinta.fi/documents/10181/36404/nigerialaisselvitys_verkkoon_FINAL.pdf/1b136c3b-e80f-4b57-bedc-339f4a12e68b

⁵² http://www.migri.fi/download/66347_Ihmiskaupan_uhrien_auttamisjarjestelman_tilannekatsaus_2015.pdf?d7c032072c47d388

⁵³ Annual report of the non-discrimination ombudsman (2015). Available only in Finnish

<http://www.svriinta.fi/documents/10181/10834/Vuosikertomus+2015/ab60f2a5-de8b-4b09-91de-5f7b6b7de2f8>

⁵⁴ Annual report of the non-discrimination ombudsman (2015). Available only in Finnish

<http://www.svriinta.fi/documents/10181/10834/Vuosikertomus+2015/ab60f2a5-de8b-4b09-91de-5f7b6b7de2f8>

⁵⁵ Recommendation CP(2015)1 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Finland <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680631bee>

⁵⁶ <http://www.finlex.fi/fi/laki/kaannokset/2004/en20040301.pdf>

- Provide systematic, specialized training and written guidelines on trafficking to professionals who may come in contact with victims of human trafficking in the course of their work;
- Repeal the Aliens Act (repeal Chapter 9, Section 148 paragraph 6) to ensure that sex workers or potential victims of human trafficking, who are non-EU citizens, are provided protection from violence and abuse and not removed from the country because of their involvement in selling sex.

VIOLENCE AGAINST MIGRANT WOMEN

The work carried out by non-governmental organizations and state institutions to combat violence against women is systematically under-resourced in Finland.⁵⁷ An independent evaluation of the national “action plan to reduce violence against women” which was in force 2010-2015 was published in June 2016.⁵⁸ The evaluation indicated that the plan was not fully implemented partly due to lack of funding.

The Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention) came into effect in Finland on 1 August 2015. Finland has not yet implemented key provisions of the Istanbul Convention. In September 2016, the Ministry of Social Affairs and Health prepared a second draft decree to create a body to co-ordinate work combating violence against women in accordance with the Convention. However, it did not propose adequate resources for the body and envisioned only a minor role for women’s or victim support organizations.

Every third woman in Finland has suffered physical or sexual violence by her current or former partner during her lifetime.⁵⁹ However specialized support services are scarce and fall short of international standards. According to the Council of Europe’s recommendations⁶⁰ as well as the Istanbul Convention⁶¹ a state with a population the size of Finland should have around 500 to 550 shelter places. Finland currently has less than 120 places. In 2015, in the capital area alone, 528 women and their children were denied access to shelters due to the shelters being completely full. In the entire country, a total of around 1200 women were denied access to shelters in 2015. According to statistics retrieved from the shelters in the capital area, the situation has only worsened by spring 2016. Over half of those seeking shelter had to be referred to other services.⁶²

It is estimated that annually over 55 000 women suffer sexual violence⁶³ and around 15 000 cases of rape occur annually in Finland.⁶⁴ Despite the fact that the prevalence of sexual violence is high, the state’s support service network for victims is inadequate. There is only one rape crisis centre in the whole country, in Helsinki, which provides both psychological support and legal aid specifically for victims of sexual violence.⁶⁵ There is some positive development towards a more sensitive and comprehensive approach when treating and helping rape victims in hospital settings.⁶⁶ However, Finland still lacks a nationwide, low

⁵⁷ Celeste Montoya (2013) has compared resourcing of measures against VAW in Council of Europe member states 2007-2010. Out of 15 countries Finland was second last. Comparing Finland with its neighboring Sweden, the difference is staggering: Finland with 0,01 euros per capita compared to Sweden with 32,26 euro per capita.

⁵⁸ Törmä, Sinikka ja Pentikäinen, Merja (2016): Tavoitteena naisiin kohdistuvasta väkivallasta ja perheväkivallasta vapaa Suomi. Only available in Finnish. http://iulkaisut.valtioneuvosto.fi/bitstream/handle/10024/75030/Rap_ ja_ muist_ 2016_ 15_ 1.pdf?sequence=1

⁵⁹ European Union agency for fundamental rights (2014): Violence against women – an EU wide survey.

<http://fra.europa.eu/en/publication/2014/violence-against-women-eu-wide-survey-main-results-report>

⁶⁰The Council of Europe Task Force to Combat Violence against Women, including Domestic Violence (EG-TFV) Recommendation Rec (2002)5 on the protection of violence against women.

⁶¹ <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168008482e>

⁶² Numbers retrieved from the shelters themselves and the National Institute for Health and Welfare.

⁶³ European Union agency for fundamental rights (2014): Violence against women – an EU wide survey.

<http://fra.europa.eu/en/publication/2014/violence-against-women-eu-wide-survey-main-results-report>

⁶⁴ Violence against women in Finland (2006), Summary in English

https://helda.helsinki.fi/bitstream/handle/10138/152455/225_Piispa_Heiskanen_Kaariainen_Siren_2006.pdf?sequence=2

⁶⁵ Rape Crisis center Tukinainen www.tukinainen.fi has a main unit in Helsinki and also a smaller unit in Jyväskylä. Also Välitä!-project in Tampere <http://www.seksuaalivakivalta.fi> and Girls House in Helsinki <http://www.tyttojentalo.fi/> also provide psychological support for women and girl victims of sexual violence. These are services provided by non-governmental organizations and not systematically state-funded.

⁶⁶ Suvi Nipuli & Katriina Bildjuschkin (2016). Chain of care to help victims of sexual violence. National Institute for Health and Welfare (THL). Abstract available in English https://www.julkari.fi/bitstream/handle/10024/130504/URN_ISBN_978-952-302-625-4.pdf?sequence=1

threshold service network⁶⁷, available for victims of all forms of sexual violence, providing also long-term support.

Legislative changes are needed to adequately protect victims of sexual violence. For example, rape continues to be defined according to the degree of physical violence or threats used by the perpetrator rather than the lack of consent.⁶⁸ Amnesty International considers that the definition of rape should be revised and aligned with international law so that it is based on the lack of consent rather than the degree of violence or threats used by the perpetrator.

In 2015 Amnesty International conducted a study of implementation of human rights obligations relating to violence against women at municipal level. The study concluded that municipal decision-makers and leaders do not sufficiently recognise the prevalence of violence against women. For example, only 14.5 per cent of the municipal leaders who responded to the survey held that violence against women is an issue which affects their fiscal decisions and 89.5 per cent of the municipalities do not take into account the special needs of women with disabilities who are victims of violence. The needs of women victims of violence must be taken better into account at the municipal level. In particular women with disabilities, women belonging to sexual minorities, asylum-seeking women, and women who speak Finnish poorly are at risk of falling outside of the support systems.

There is a serious lack of data on violence against women among many minority groups in Finland, and there is no disaggregated data on violence against women among LBT women and Sámi women. The lack of data often leads to insufficient support systems and prevention programs. For example, the work on prevention of violence against LBT women and victim support are poorly financed or non-existent.

According to a study by the *Institute of Criminology and Legal Policy* the risk for a migrant woman to become a victim of homicide is nearly twice as high as for a woman born in Finland. Only a fraction of violence experienced by migrant women is identified or reported. Since 2007, no research has been conducted on the prevalence of violence against migrant women in Finland. There are only tracking statistics collected by organizations providing assistance to women victims of violence.

Monika Multicultural Women's Association in Finland (hereinafter Monika) provides assistance to migrant women who are victims of violence, and runs the only specialized shelter for migrant women. Monika reaches approximately 700 women each year. The number of women seeking help at Monika has remained high during the past five years. Only a small part of all the cases Monika deals with are reported to the police. Approximately 15 cases of forced marriage, 40-50 cases of so-called 'honour'-based violence, and 15-20 cases of suspected human trafficking are identified each year.⁶⁹ Due to the lack of space in the shelter, every fourth woman had to be referred elsewhere.

Resources for NGO's providing support services to migrant women facing violence are inadequate. In 2015 and 2016 an increase in the number of asylum-seekers arriving in Finland also increased the demand for specialized services for migrant women. There is a need for better resources and expertise to provide migrant women with needed assistance and support.

Victims of forced marriage are not adequately protected by law. Forced marriage is currently not included in the criminal code as a distinct criminal offence.⁷⁰ There are no known convictions on forced marriage cases under the current provisions of the criminal code, which strongly suggests that the existing framework is not sufficient to protect victims. A recent qualitative study conducted by the Finnish League of Human Rights also came to this conclusion.⁷¹ The research covered for example documents retrieved from pre-trial investigations conducted by the police. The study provides information on the manifestations of the so-called 'honour'-based violence and on forced marriage in Finland as well as recommendations on prevention and regulation.

⁶⁷ Low-threshold services refer to easily accessible services that do not necessarily require co-operation with the authorities, and that provide services for example free-of-charge and also anonymously. Specific attention should be paid to vulnerable groups (Istanbul Convention art. 12 provides a definition).

⁶⁸ Amnesty International report (2010): Case closed – rape and human rights in Nordic countries analyses the narrow definition of rape. <https://www.amnesty.org/en/documents/ACT77/001/2010/en/>

⁶⁹ The same NGO also runs low-threshold resource centers with the possibility of receiving help anonymously. <http://monikanaiset.fi/en/>

⁷⁰ The Istanbul convention calls on criminalization forced marriage (art. 37). Also the Council of Europe parliamentary assembly adopted Resolution no. 1468 on forced marriage and child marriage calling the member states to "consider the possibility of dealing with acts of forced marriage as an independent criminal offence, including aiding and abetting the contracting of such a marriage" <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17380&lang=en>

⁷¹ Hansen, Sams, Jäppinen and Latvala (2016): Kunniakäsitykset ja väkivalta – selvitys kunniaan liittyvästä väkivallasta ja siihen puuttumisesta Suomessa. Summary available in English. https://ihmisoikeusliitto.fi/wp-content/uploads/2016/06/Kunniak%C3%A4sitykset-ja-v%C3%A4kivalta_B5_netiti-002.pdf

There are no comprehensive statistics on the number of victims of forced marriage. NGOs and a handful of public sector actors such as the Unit for Consular Assistance collect statistics. *Monika* reaches around 20 victims of forced marriage each year. The amount of women they reach has been increasing. In 2015, *Monika* reached 25 women, but in 2016 they reached the same number of women already by mid-year.

The special needs of migrant women and children should be taken into account in all planning of services for prevention of violence against women. Adequate financial resources are required to provide better protection, assistance, and services to migrant victims. Persons working with women victims of violence should be better trained in identifying violence and making appropriate interventions.

RECOMMENDATIONS

Amnesty International recommends that the Finnish authorities:

- Establish a network of support services (including walk-in-centres, rape crisis centres and shelters as well as long term support) for victims of gender-based violence including the most vulnerable groups in accordance with the Istanbul Convention;
- Revise the definition of rape to be based on the lack of consent rather than the degree of violence or threats used by the perpetrator;
- Facilitate access to justice for victims of rape to ensure that more cases of rape are reported and prosecuted in court;
- Municipalities should collect local statistics on violence against women and take them into consideration in fiscal decisions;
- Better take into account specific groups of women victims of violence and ensure that they receive the support they need;
- Enact legislation that prohibits forced marriage and provides adequate support for victims;

HUMAN RIGHTS EDUCATION AND TRAINING

A baseline study on the implementation of human rights education and training in the Finnish education system, conducted by the Human Rights Centre in 2014, revealed the lack of a systematic approach. One of the main shortcomings is the lack of human rights training for teachers and civil servants. The provision of human rights education relies largely on non-governmental organizations and the personal commitment of individual education providers.⁷² The Ministry of Education and Culture reached the same conclusion in 2014.⁷³

Amnesty International welcomes the new national core curriculum for basic education which entered into force in January 2015.⁷⁴ It incorporates human rights education in the value basis of school, school culture and in many education subjects.

Finland refers to the KiVa Koulu © programme and the Verso mediation system in its report to the Committee.⁷⁵ The KiVa Koulu © programme seeks to prevent bullying and is a welcome step to create an

⁷² Human rights education in Finland. Baseline study of the Human Rights Centre 2014. https://ihmisoikeuskeskus-fi-bin.directo.fi/@Bin/edcf885de618778dc6d5b86ef34b6644/1475597382/application/pdf/1312219/HR%20education%20in%20FIN_en.pdf

⁷³ In 2014, the Ministry of Education and Culture commissioned a report into how democracy and human rights objectives are implemented in teacher training in universities and polytechnics which concluded that only very few modules deal directly with democracy and human rights. <http://www.minedu.fi/export/sites/default/OPM/Julkaisut/2014/liitteet/tr18.pdf?lang=fi>

⁷⁴ National core curriculum for basic education 2014, made by the Finnish National Board of Education. http://www.oph.fi/english/curricula_and_qualifications/basic_education

equal and secure school environment for all children. Even if a school participates in the programme, its implementation, such as prevention of and intervening in bullying in practice, depends on whether individual teachers take action. It is also notable, that KiVA Koulu © and Verso do not contain elements that would specifically address the bullying or harassment of children due to race, colour, descent, or national or ethnic origin. Nor do they address the objectives of article 7 of International Convention on the Elimination of All Forms of Racial Discrimination to combat “prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups”. Furthermore, KiVA Koulu © and Verso are not mandatory for schools. They come with a fee and their implementation depends on individual teachers.

As regards the education and training of teachers, Amnesty International considers that there should be more education and resources available for human rights education of teacher students and in-service education of teachers.

RECOMMENDATIONS

Amnesty International recommends that the Finnish authorities:

- Make human rights education mandatory for all teacher trainees and include participation and practical skills for teacher trainees to enable them to respect human rights when teaching;
- Provide in-service training for all teachers to acquire the necessary skills in human rights education in order to implement the requirements of the new national core curriculum for basic education.

⁷⁵ Consideration of reports submitted by States parties under article 9 of the Convention, Finland, CERD/C/FIN/23, 17 February 2016, paras 225 and 229

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FINLAND

SUBMISSION TO THE UNITED NATIONS COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION 92ND SESSION, 24 APRIL - 12 MAY 2017

Amnesty International submits this document in advance of the Committee on the Elimination of Racial Discrimination's consideration of Finland's 23rd periodic report on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination in April 2017. This submission summarizes Amnesty International's concerns about Finland's failure to comply with its obligations under the Convention.