Written comments to the sixth periodic report of Finland and to the list of issues adopted by the Human Rights Committee to be taken up in connection with the consideration of the sixth periodic report of Finland

As a cultural and human rights association for non-believers such as atheists, skeptics and agnostics in Finland, the Union of Freethinkers of Finland (Vapaa-ajattelijain Liitto ry) wants to draw the Human Rights Committee's attention to some aspects of discrimination and disrespect of freedom of religion. We hope that the Human Rights Committee could with its actions improve the situation in Finland.

Equal rights and treatment of people regardless of their religion has been declared clearly in the Finnish constitution (Constitution article 6), but the implementation of this right with regular laws and by officials is lacking. The adherence to this basic right should be especially important in the implementation of public services. Yet in practice the requirement for non-discrimination is violated in public comprehensive schools, high-schools, daycare centers and the army, with "tradition" offered as an argument. These fundamental problems link to the so-called negative freedom of religion (Constitution article 11), because the new freedom of religion law from 2003 and associated changes to the education law are inadequate and the interpretations of these laws and related instructions to public officials are incorrect in the light of decisions of the European Court of Human Rights (ECHR).

The Evangelical-Lutheran Church in Finland has been given unjustified privileges such as right to collect their member fees through the tax-collection mechanism of the state, the compulsory church-tax for minors that have been joined to the church as babies and compulsory Lutheran religion
lessons in comprehensive school for such children. However, in this comment we focus on problems that are associated with the practice of religion in public comprehensive schools, high-schools, daycare centers and the army.

The law-defined tasks of schools and daycare-centers do not include practice of religion. According to the education plan, teaching is neutral in regard to religion and politics. Yet in practice the schools arrange religious activities that are integrated to other work in school. Such activities include worship sessions in nearby Lutheran churches, worship sessions inside school premises and religious morning speeches in schools by Lutheran priests and church workers.

When the new education law was written, it was declared that teaching of religion may include introduction to religious hymns, prayers and worship. This kind of introduction is, however, not neutral in regard to religion but indeed confessional. The teaching should be non-confessional. The introducing to religious practices discussed in the education plan does not require regular attendance of worship sessions during the school term nor regular religious morning speeches held by church representatives. The teaching could be arranged without practice of religion. The stated arguments for continued practice of religion are positive freedom to practice religion on one hand and tradition on the other hand.

The freedom of religion, as a freedom right, does not require that public authorities or schools assume the role of organizing the practice of religion. The freedom of religion is a right of an individual and belongs to the sphere of churches and religious groups. If and when a public institution or school takes the task of arranging worship of a single religion, this is discrimination against people with other religions and people without religion. Even if pupils have in theory the right to not participate in the practice of religion, the fact that such practice is organized as the normal and primary activity of the school constitutes psychological violence in form of pressure to participate in such worship.

The Finnish ministry of education provides instructions on way for pupils to avoid school organized practice of religion. But even these contain insulting bias and prejudice. The instructions state that "By the request of the parents, a pupil can for reasons of conscience be released from practice of religion" and "Because the pupil has via the request of his parents [...] possibility to abstain from practice of religion [...]". Such expressions on "release" and "possibility to abstain" are problematic for the fundamental right of freedom of religion and conscience. The expressions create impression that the involvement in the school-organized worship and religious morning speeches is the expected and normal way of behaving, even if no-one can be truly forced to them. From this expected basic norm it is then possible to have exception by explicit process of expressed refusal and even then the refusal must be accompanied with some "reasons of conscience". There is of course no need to explicitly articulate the content of these "reasons of conscience", but still these instructions create pressure and violate the requirement for privacy contained in the freedom of religion.

ECHR has interpreted the negative freedom of religion to include right to not publicly state ones religious convictions. ECHR has ruled that the European Agreement on Human Rights article 9 on freedom of religion grants individual the right to not let his beliefs to be known by others and right abstain from behavior that would reveal his religious views. Hence the article was also applicable to
non-religious persons and this freedom was violated if the state created situation where the person was forced to directly or indirectly reveal his absence of religion (the Grzelak case 2010-06-15)

As it is expressed in Finlands response on 3rd May 2013, preparation for the reform of the Finnish Non-Discrimination legislation have proceeded as planned. Unfortunately in the final form of the law proposal the practice of religion is considered to be outside the scope of the law. Nevertheless this law will be applied to the activities in public sphere, including activities of public officials, public employers and education institutions. Such officials and schools should treat people equally and in non-discriminating way regardless of their religion or absence of religion. As worship is an essential part of the activities of many religions, what does it mean when it is ruled that the Non-Discrimination legislation is not applied to religious worship? Does this enable the civil authorities and organizers of education to violate the principle of non-discrimination when it comes to religious worship? Such a ruling would completely water down the idea of people's right to be treated equally and without discrimination, regardless of their religion and convictions.

The realization of Fundamental Rights should not depend on the size of the minority group in question. However, as the discrimination of non-believers in Finland has been justified by their small numbers, it should be pointed out that there have been significant changes in the worldviews of Finnish people during the 21st century. Between the years 2000 and 2012 the fraction of people not belonging to any religious group rose from 12.7% to 21%. 21% is over one million people, a significant part of the population.(http://tilastokeskus.fi/tup/suoluk/suoluk_vaesto.html#vaestorakenne )At the same time the percentage of people belonging to the Evangelical Lutheran Church has gone down from 85.1% to 76.4%. The portion of children baptized has diminished even faster, for example in Helsinki less than a half of children are baptized as members of the Church.

Another important change is the increasingly personal nature of people's worldviews. Persons religion is no longer significantly determined by Church membership with many religious people outside the religious communities. On the other hand the Evangelical Lutheran Church has lots of atheist, agnostic, skeptical and religiously indifferent members. The results of a study by the Church Research Institute in 2011 (Gallup Ecclesiastica 2011, N=4930) are interesting in this respect (Haastettukirkko, pp. 43-44). Just 27% of Finns chose the option "I believe in God as taught by Christian religion" with another 23% selecting "I believe in God, although in a different way than taught by the Church". Half of the population either doesn't have any religious belief (21%) or are indifferent or cannot say. Differences between age groups are substantial: just 15 percent of people under 30 say they believe in God as taught by Christianity. The claim "Christ has risen from the dead" is considered at least likely by 36 percent of the respondents. The doctrine "all people shall be awaken from the dead, others facing an eternal life and others damnation" was considered at least likely by just 12 percent.

In light of this especially the Evangelical Lutheran Church has no longer a mandate to "represent" all its members in matters of conviction. Approximately a third of the population say they attend religious services at least once per year, and 6 percent attend at least monthly (Haastettukirkko, p. 37). Families are completely free to take their underage children to religious services. In practice they choose not to, although churches are open at least once a week. This is one more reason why it
is not justified for daycare centers and schools to include collective religious services as part of their daily schedule. By doing so they would knowingly give the students a false view of the role of Lutheran worship and Christian doctrines in the Finnish society and the minds of its citizens.

It is time to bring Finnish education and the activities of public authorities into accordance with our Constitution and the Fundamental Rights regarding religions, convictions and worship. Religious worship should be a matter of individuals, families and religious communities, protected by the state. Especially the activities and public services of municipalities and the state should be completely secular. This can be implemented by ruling it clearly in the Non-Discrimination Act. Also in the Local Government Act, now under preparation, it would be in order to state that the activities of municipalities are secular.

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