



International Covenant on Civil and Political Rights

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Human Rights Committee

Report on follow-up to the concluding observations of the Human Rights Committee*

Addendum

Evaluation of the information on follow-up to the concluding observations on Finland

Concluding observations (131st session): [CCPR/C/FIN/CO/7](#), 23 March 2021

Follow-up paragraphs: 15, 19 and 43

Information received from State party: [CCPR/C/FIN/FCO/7](#), 24 March 2023

Information received from stakeholders: [Amnesty International](#), 14 December 2023; [Finnish National Human Rights Institution](#), 15 December 2023; [Finnish League for Human Rights](#), 18 December 2023; [National Council of Women of Finland](#), 18 December 2023

Committee's evaluation: 15 [B], 19 [B] [C] and 43 [C]

Paragraph 15: Hate speech and hate crimes

The State party should redouble its efforts to combat discrimination, hate speech and incitement to discrimination or violence on the grounds of, *inter alia*, race, ethnicity, religion, or sexual orientation and gender identity, in accordance with articles 19 and 20 of the Covenant and the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression. It should *inter alia*:

(a) Improve relevant data collection and take effective measures to prevent both online and offline hate speech, firmly and publicly condemn such speech and intensify efforts aimed at addressing online hate speech;

(b) Strengthen its awareness-raising efforts aimed at promoting respect for human rights and tolerance for diversity, revisiting and eradicating stereotypical prejudices based on race, ethnicity, religion, or sexual orientation and gender identity;

(c) Encourage the reporting of hate crimes, and ensure that hate crimes are thoroughly investigated, perpetrators prosecuted and punished, and victims provided with effective remedies;

* Adopted by the Committee at its 140th session (4–28 March 2024).



(d) **Provide adequate training to central and local authorities, law enforcement officials, judges and prosecutors on addressing hate speech and hate crimes, and to media workers on promoting acceptance of diversity.**

Summary of the information received from the State party

(a) Two statutory amendments (698/2021 and HE 7/2021) approved during the reporting period sought stronger intervention in cases of systematic harassment, threats and shaming, and added motive based on gender in committing a criminal offence to the grounds for increasing punishment, respectively. The Government Action Plan for Combating Racism and Promoting Good Relations between Population Groups (2021–2023) is aimed at curbing hate speech, hate crime, antisemitism and Islamophobia. Reports have been published to support systematic monitoring of hate speech and hate crimes.

(b) The Ministry of Justice and the Non-Discrimination Ombudsman jointly planned and implemented the “I am antiracist” media campaign in September 2021 and January 2022 to increase awareness of structural racism and the attitudes and perceptions behind it.

(c) The National Police Board has made technical adjustments to improve the identification and classification of hate crimes.

(d) The National Prosecution Authority provided training on hate crime, and a module on hate crimes is included in the 2023 national training of judges. In 2021–2022, judges received training on hate speech within the framework of the European Programme for Human Rights Education for Legal Professionals and such courses are regularly advertised. Under the auspices of the “Facts Against Hate” project, mandatory online training on hate crimes and equality was provided for all professionals in the police department. Furthermore, indicators will be provided for identifying hate speech and hate crimes based on religion, Islamophobia and antisemitism.

Summary of the information received from stakeholders

While the Government adopted a statement in August 2023 on measures to promote equality, gender equality and non-discrimination, neither its programme nor that statement include proposals to tackle hate speech. The Government’s approach to combating hate speech and hate crime is fragmented and is mostly sustained by limited projects. The results are not yet reflected in the experiences of marginalized groups. The incidence of hate crime has reportedly increased in the past two years and underreporting remains a significant problem owing to shortcomings in the identification and processing of hate motives in the criminal procedure system. Anti-Muslim racism and xenophobic sentiment have been fuelled by politicians through public hate speech. Political parties are not holding them accountable. No notable investment has been made in training the police; the annual training on hate crimes organized by the Police University College is voluntary and has been cancelled several times for lack of interest.

Committee’s evaluation

[B]

While welcoming the State party’s efforts to combat discrimination, hate speech and hate crimes, including the statutory amendments and the statement on equality, the Committee regrets that the Government’s statement of August 2023 reportedly does not include proposals concerning hate speech. It also regrets the lack of information on the efforts made to encourage the reporting of hate crimes and the fact that underreporting of hate crimes reportedly persists. It requests statistical data on the number of complaints filed, the investigations initiated and their results, including the number of prosecutions and convictions. Furthermore, the Committee is concerned that the incidence of hate crime has seemingly increased over the past two years and that shortcomings in the identification and processing of hate motives in the criminal procedure system reportedly persist. The Committee reiterates its recommendations and requests additional information on measures taken to improve the identification and investigation of hate crimes.

Paragraph 19: Violence against women

The State party should:

- (a) **Encourage the reporting of cases of violence against women, and ensure the safety of women who come forward, including through enhancing the accessibility and effectiveness of restraining orders, and should also consider eliminating the fees for unsuccessful applications of restraining orders;**
- (b) **Ensure that cases of violence against women are thoroughly investigated, and that perpetrators are prosecuted and, if convicted, punished with appropriate sanctions;**
- (c) **Provide victims, in particular those living in remote rural areas, with access to effective remedies and means of protection and assistance, including to accommodation or shelters in all parts of the country and to other support services;**
- (d) **Speed up the legislative reforms to effectively prevent and combat all forms of violence against women, including by amending the definition of rape to include lack of consent as a core feature, explicitly criminalizing forced marriage and reviewing the legislation on restraining orders;**
- (e) **Continue its efforts to provide law enforcement officials, prosecutors, judges and lawyers with appropriate training to effectively deal with cases of violence against women.**

Summary of the information received from the State party

(a) Statutory amendments (HE 1443/2022) to legislation governing restraining orders have been made and will take effect in October 2023, seeking to make restraining orders more effective, reduce infringements and improve the safety of victims of intimate partner violence. An electronically supervised restraining order will be introduced and no fee will be charged to apply for a restraining order, even if the application is turned down or the case lapses. In 2021, the National Police Board issued instructions and guidelines to support both intervention in intimate partner violence and risk assessment, including with regard to restraining orders.

(b) The National Police Board has issued numerous guidelines on police conduct in investigating cases of violence against women. The Supreme Court has highlighted the fact that national case law has considered domestic and intimate partner violence on an individual, case-by-case basis, favouring the application of severe penalties.

(c) The number of shelters, including for families, increased between 2015 and 2021. The current demand for family places in shelters is estimated at between 262 and 367; the aim is to have at least 240 places by 2024. Expanding shelter services further north in the Sami homeland is a priority. The number of Seri Support Centres, which offer services to victims of sexual violence, will increase from 21 to 24 by the end of 2023. At the beginning of 2023, the national helpline for victims of violence in intimate relationships, which operates 24 hours a day, seven days a week, started providing help in eight languages.

(d) New legislation on sexual offences, which came into effect on 1 January 2023, amends the definition of rape in the Criminal Code (39/1889) to one based on lack of consent. The Ministry of Justice published a memorandum in November 2021 on the criminalization of forced marriage and is preparing to appoint a working group to consider penal provisions on forced marriage.

(e) In 2021, the Ministry of Justice arranged two training sessions on violence against women for public legal aid attorneys, in which a total of 54 professionals participated. The Police University College arranges an optional course for police personnel on recognizing and intervening in honour-based violence. Prosecutors actively participate in training events arranged by the National Prosecution Authority and through initiatives such as the European Programme for Human Rights Education for Legal Professionals (HELP). Training on the comprehensive reform of legislation on sexual offences has been arranged

for judges. A HELP course entitled “Violence against women and domestic violence” was provided for judges in 2022.

Summary of the information received from stakeholders

(a) Despite an increase in the number of reported cases of intimate partner violence and sexual violence, the number of official police reports and convictions remains low. The system fails to encourage women to report incidents of violence, and police investigations are often delayed, not prioritized and of poor quality. Legislation concerning restraining orders still requires development.

(b) Investigations into cases of sexual violence take years and are not prioritized. The clearance rate for crimes involving rape is below half, and only about 20 per cent lead to charges, with 15 per cent resulting in a guilty verdict. A 2023 study indicated that persons involved in cases of recurrent violence are still directed to mediation. In practice, mediation is used as an alternative to investigating crimes.

(c) Support services are mainly provided by organizations and do not meet demand. Moreover, their long-term funding is uncertain. The number of family places in shelters is insufficient and funding is inadequate, resulting in uneven regional distribution of shelters across the country. There is a lack of culturally appropriate Sami-language shelters.

(d) Forced marriage is still not a distinct, separate criminal offence and current legislation applies mainly to cases that include clear elements of human trafficking and coercion. The new Marriage Act, which came into force in October 2023, is regrettably inadequate. Under the new legislation on sexual offences, in some instances involving abuse of authority, the crime is still categorized as sexual abuse rather than rape.

(e) More human rights-based training is needed. Victim Support Finland has organized training sessions on violence against women for judges, prosecutors, police and legal aid attorneys; in 2022, only 6 out of 10 sessions were actually held owing to low participation. There are reportedly no plans for systematic and mandatory training.

Committee’s evaluation

[B]: (a), (c), (d) and (e)

While welcoming the State party’s efforts to enhance the accessibility and effectiveness of restraining orders, the Committee regrets the lack of specific information on measures taken to encourage the reporting of cases of violence against women. It reiterates its recommendation and requests further information in this regard, including statistical data on the number of reports filed during the reporting period and the number of applications submitted for restraining orders and their results.

While welcoming the increase in the number of shelters for victims of violence and their families, the Committee regrets that the number of family places in such shelters remains insufficient. It is also concerned at reports that the funding and regional distribution of shelters is inadequate and that there is still a lack of culturally appropriate Sami-language shelters. The Committee reiterates its recommendation in this regard.

While welcoming the new legislation on sexual offences and the amended definition of rape, as well as the establishment of a working group to consider penal provisions on forced marriage, the Committee regrets that cases involving abuse of authority are reportedly still categorized as sexual abuse rather than rape. It is also concerned that forced marriage is still not a separate criminal offence and that current legislation remains inadequate to address all forms of forced marriage. The Committee reiterates its recommendation in this regard.

While noting with satisfaction the steps taken by the State party to continue its efforts to provide training on dealing with cases of violence against women, the Committee is concerned at reports of low participation in such training. The Committee reiterates its recommendation in this regard and requests further information on the number of training courses provided during the reporting period and their impact, including data on the number of professionals who participated and whether such courses are mandatory.

[C]: (b)

While noting the information provided, the Committee regrets the lack of information on the specific steps taken during the reporting period to ensure that cases of violence against women are thoroughly investigated and that perpetrators are prosecuted and convicted. Furthermore, it is concerned at reports indicating: (a) the slow progress of investigations into cases of violence against women; (b) the low conviction rate in these cases; and (c) that persons involved in cases of recurrent violence are often directed to mediation. The Committee reiterates its recommendations and requests further information, including statistical data, on steps taken during the reporting period to ensure that cases of violence against women are promptly and thoroughly investigated, that perpetrators are prosecuted and, if convicted, punished with appropriate sanctions. It also requests additional information on the procedures in place to ensure that cases of recurrent violence are investigated promptly and appropriately.

Paragraph 43: Rights of the Sami Indigenous People

The State party should:

(a) **Speed up the process of revising the Sami Parliament Act, in particular its sections 3, on the definition of Sami, and 9, on the principle of free, prior and informed consent, with a view to respecting the Sami people's right of self-determination, in accordance with article 25, read alone and in conjunction with article 27, as interpreted in the light of article 1 of the Covenant, and of implementing the Committee's Views adopted in November 2018;¹**

(b) **Review existing legislation, policies and practices regulating activities that may have an impact on the rights and interests of the Sami people, including development projects and extractive industries operations, with a view to ensuring, in practice, meaningful consultation with the Sami people to obtain their free, prior and informed consent;**

(c) **Consider ratifying the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization;**

(d) **Step up its efforts to provide government and local officials, police officers, prosecutors and judges with appropriate training on the need to respect the rights of the Sami as an Indigenous People.**

Summary of the information received from the State party

(a) A committee comprised of representatives from the Sami Parliament and governing political parties was appointed for the period 1 December 2020 to 15 May 2021 to prepare an amendment to the Sami Parliament Act. A government proposal to amend the Sami Parliament Act and chapter 40, section 11, of the Criminal Code was submitted to Parliament on 18 November 2022. The proposal was discussed in various parliamentary committees in 2023, but no decision was taken.

(b) The Climate Act (423/2022) and the Nature Conservation Act (9/2023), along with amendments to the Mining Act (621/2011), take into account the rights of the Sami people, ensuring dialogue with them and cooperation with the Sami Parliament. The Ministry of Education and Culture has appointed a working group to prepare a reform of the Antiquities Act (295/1963).

(c) A memorandum will be prepared on the conditions for ratification of the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization, updating the situation in the light of such factors as the statutory amendments that have already been made.

¹ *Sanila-Aikio v. Finland* (CCPR/C/124/D/2668/2015) and *Käkkäläjärvi et al. v. Finland* (CCPR/C/124/D/2950/2017).

(d) In cooperation with the Ministry of Justice, the Sami Parliament arranged a training event on 3 November 2022 on accommodating the rights of the Sami people, focusing also on structural discrimination. Prosecutors from the Northern Finland Prosecution District have participated in training arranged by the Sami Parliament. Cases from that district are mainly assigned to two or three district prosecutors who have expertise in the area. The personnel of the Finnish Forest Administration are particularly committed to the rights of the Sami people and have participated in Sami language courses.

Summary of the information received from stakeholders

There has been a lack of political will to proceed with the amendment to the Sami Parliament Act. Citing a lack of time, the Constitutional Law Committee of Parliament decided not to bring the proposal to the plenary.

The Government Programme 2023–2027 included the Sami Parliament Act as one of the priorities for 2024 and a draft law was submitted to Parliament on 14 December 2023. The new draft simplifies the obligations concerning cooperation and negotiation and removes sections regarding prohibitions on undermining Sami culture and impact assessments.

The Sami people continue to report cases of hate speech and harassment.

Despite the progress made in the new Climate Act (2022) and Nature Conservation Act (2023), there are still serious shortcomings in regulating activities. The amendments to the Mining Act (621/2011) still do not require the State to ensure the Sami people's free, prior and informed consent before granting permission for mining activities on Sami homeland territory.

Committee's evaluation

[C]

While welcoming the draft law to amend the Sami Parliament Act, submitted to Parliament in December 2023, the Committee regrets the continued delays and is concerned that the draft law has reportedly been diluted. It requests further information in this regard. The Committee is concerned that the amendments made to the Mining Act reportedly do not require the Sami people's free, prior and informed consent before granting permission for mining activities on Sami homeland territory. Furthermore, while acknowledging the information provided on the training delivered on the rights of the Sami people, the Committee regrets that hate speech and harassment of the Sami people reportedly persist. The Committee reiterates its recommendations in this regard.

Recommended action: A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The information requested should be included in the State party's next periodic report.

Next periodic report due: 2028 (country review in 2029, in accordance with the predictable review cycle).
