AMNESTY INTERNATIONAL

FINLAND

AMNESTY INTERNATIONAL SUBMISSION FOR THE UN UNIVERSAL PERIODIC REVIEW

27TH SESSION OF THE UPR WORKING GROUP, APRIL/MAY 2017

FOLLOW UP TO THE PREVIOUS REVIEW

Of the 78 recommendations made by other Member States during its second UPR in 2012, Finland accepted 71 recommendations, partly accepted four and rejected three recommendations.[1]

Since then, Finland has ratified the Convention on the Rights of Persons with Disabilities and its Optional Protocol,[2] the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[3] the Second and Third Optional Protocols to Convention on the Rights of the Child,[4] and the Optional Protocol to the Covenant on Economic, Social and Cultural Rights.[5]

Finland has yet to ratify ILO Convention 169 on Indigenous and Tribal Peoples[6] and the International Convention for the Protection of All Persons from Enforced Disappearance,[7] as committed to during the 2012 review.

Amnesty International regrets that despite accepting many recommendations relating to violence against women,[8] sufficient resources have yet to be allocated to implement the Istanbul Convention.[9]

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1 Human Rights Council, *Report of the Working Group on the Universal Periodic Review – Finland*, A/HRC/21/8, 5 July 2012, paras 89-91, and Universal Periodic Review – UPR: A mid-term report on the implementation of the recommendations by the Government of Finland (2014).

2 A/HRC/21/8, recommendations 89.1. (Namibia, China, Slovenia, Portugal), and 89.5 (Spain). Finland ratified the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention on the Rights of Persons with Disabilities in May 2016.

3 A/HRC/21/8, recommendations 89.4. (Estonia) and 89.5. (Spain). Finland ratified the Optional Protocol to the Convention against Torture in October 2014.

4 A/HRC/21/8, recommendations 89.3. (Belgium), 89.4. (Estonia) and 89.5. (Spain). Finland ratified the third Optional Protocol on a communications procedure, which enables children to submit complaints regarding specific violations of their rights under the Convention and its first and second optional protocols. The Optional Protocol to the Convention on the Rights of the Child came into force for Finland in November 2015.

5 A/HRC/21/8, recommendations 89.5 (Spain). Finland ratified the Optional Protocol to the Covenant on Economic, Social and Cultural Rights in January 2014.

6 A/HRC/21/8, recommendation 89.8. (Nicaragua) and in Universal Periodic Review – UPR: A mid-term report on the implementation of the recommendations by the Government of Finland (2014)

7 A/HRC/21/8, recommendation 89.2. (Argentina and France) and in Universal Periodic Review – UPR: A mid-term report on the implementation of the recommendations by the Government of Finland (2014).

8 A/HRC/21/8, recommendations 89.14 (Ukraine), 89.15 (Indonesia), 89.16 (Iran), 89.28 (Mexico), 89.29 (Egypt), 89.30 (Brazil), 89.31 (Slovenia), 90.9 (The Netherlands), 90.10 (Norway), 90.11 (Chile), 90.12 (Palestine), 90.14 (Thailand).

9 The Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention) entered into force for Finland in August 2015.

THE NATIONAL HUMAN RIGHTS FRAMEWORK

In 2012, Finland established a National Human Rights Institution (NHRI) consisting of the Parliamentary Ombudsman and the new Human Rights Centre and its Human Rights Delegation.[10] The NHRI strengthens Finland's institutional 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.[11] While this was a welcome step in developing the national human rights architecture, it lacked clearly defined priorities and a sufficient budget.[12] The government is drafting a second action plan amid concerns that the plan will not be sufficiently linked to the overall government programme and that it will again lack resources.

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.[13] 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.[14] 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.[15]

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[10] 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/

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

[12] 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

[13] 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

[14] 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

[15] For information on the ongoing health, social services and regional government reform, see http://alueuudistus.fi/en/frontpage

THE HUMAN RIGHTS SITUATION ON THE GROUND

REFUGEE AND MIGRANT RIGHTS

Legal assistance for asylum-seekers

Recent amendments to the Aliens Act have undermined the rights of refugees and asylum-seekers, including by restricting their right to free legal assistance in the first instance of the asylum determination procedure.[16] Without such assistance asylum-seekers often struggle to advocate effectively for their rights which in turn risks undermining their right to a fair and effective asylum determination procedure. The deadline for appeals in asylum procedures has been significantly reduced.[17] Because most applicants will no longer receive free legal aid before the appeal stage (except for unaccompanied children), they do not have immediate access to a lawyer in case asylum is refused. Twenty-one days is a short time to find, and meet with, a lawyer and an interpreter, and to write and submit an appeal. These amendments increase the risk of asylum-seekers being forcibly returned in violation of the principle of *non-refoulement*.

Immigration detention

Finland continues to detain unaccompanied children and families with children based on their migration status. In 2015, the detention of unaccompanied children under 15 years of age was prohibited.[18] The detention of unaccompanied 15-17 year old children is still allowed for a period of 72 hours, extendable by a further 72 hours.[19] Contrary to EU law, children have no access to education in detention.[20]

There is no maximum time limit for the detention of families with children. Amnesty International has received reports of families and single parents with young children and babies being detained for several months. The organization also continues to receive reports that asylum-seekers with specific care needs are being detained, 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 other ill-treatment, and women who have suffered serious violence.

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[16] Individuals are entitled to free legal aid in the first instance proceedings only if they are especially vulnerable, for example unaccompanied children seeking asylum.

[17] The deadlines for appeals in asylum procedures were reduced from 30 days to 21 days for appeals to Administrative Courts and 30 days to 14 days for seeking leave of appeal to the Supreme Administrative Court

[18] Aliens Act, Section 122, available only in Finnish at: http://www.finlex.fi/fi/laki/alkup/2015/20150813.

[19] Section 122 of the Aliens Act provides that unaccompanied children aged 15-17 may be detained for the purposes of securing a removal from the country.

[20] Article 17, Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals.

Family reunification
In 2016 Parliament amended the Aliens Act, significantly restricting the right to family reunification.[21] A secure income is now a requirement for family reunification for those granted international protection.[22] The rigid interpretation by the Immigration Service of the income requirement[23] risks making the enjoyment of the right to family life very difficult for many refugees and other recipients of international protection, including unaccompanied children.[24]

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 "special attention shall be paid to the best interest of the child".[25] 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".[26]

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.

Violence against women
Efforts to end violence against women are systematically under-resourced in Finland.[27] The government has not fully implemented the Istanbul Convention[28] and has yet to allocate adequate resources for its implementation. A

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[21] 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

[22] 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.

[23] 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/hers 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

[24] 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.

[25] 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"

[26] 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.

[27] Finland is currently lacking over 400 shelter places for victims of domestic violence and has completely insufficient crisis support network for victims of sexual violence. See for example: Törmä, Sinikka and Pentikäinen, Merja (2016): Tavoitteena naisiin

coordination committee mandated to draft an implementation plan is due to be established in 2017, however it is poorly resourced.

Domestic legislation to protect against sexual violence is inadequate. Rape continues to be categorized according to the degree of violence used, or threatened, by the perpetrator rather than the sexual violation itself.[29]

The attrition rate of rape cases remains very high. Some alleged offences never come to the attention of the criminal justice system, either because they are not reported, or the cases are dropped during the legal process. It is estimated that less than 10 per cent of all rapes are reported, and of those reported, only around 20 per cent result in a conviction.[30] Therefore, women who report rape to the police have only a small chance of having their case tried in court.

Women who are victims of trafficking are not recognized as such and not provided with adequate protection and assistance. Human trafficking for the purpose of sexual exploitation often goes unidentified. The Finnish National Rapporteur on trafficking,[31] the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA),[32] and several NGOs have stressed the need for more systematic training and guidelines for professionals who may come into contact with victims of trafficking to identify and support them. According to the National Rapporteur, potential victims of trafficking are often not referred to the assistance system, and in the worst cases, they are deported from Finland without being offered any assistance.[33] The Aliens Act currently allows deportations of non-EU citizens suspected of selling sex.[34]

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kohdistuvasta väkivallasta ja perheväkivallasta vapaa Suomi. Available only in Finnish. Also, a recently published evaluation of the now late National Action Plan to reduce VAW (2010-2015) indicates that it could not be fully implemented partly due to lack of funding. Available only in Finnish at: http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/75030/Rap_ja_muist_2016_15_1.pdf?sequence=1

[28] Council of Europe Convention on preventing and combating violence against women and domestic violence. Violence against women continues to be prevalent in Finland. 30 per cent of women have been physically or sexually abused by their partner or ex-partner at some point in their lives and over 55 000 women experience sexual violence and around 15 000 women are raped every year. These figures are based on European Agency of Fundamental Rights (2015) violence against women survey and Finnish national survey on violence against women (2006). http://fra.europa.eu/en/publication/2014/violence-against-women-eu-wide-survey-main-results-report and https://helda.helsinki.fi/bitstream/handle/10138/152455/225_Piispa_Heiskanen_Kaariainen_Siren_2006.pdf?sequence=2 (English summary available).

[29] Criminal Code chapter 20 section 1 defines rape, http://www.finlex.fi/en/laki/kaannokset/1889/en18890039.pdf. The narrow definition of rape in the Finnish Penal Code has been analyzed in the Amnesty International report *Case closed - Rape and human rights in the Nordic countries* (Index: ACT 77/001/2010).

[30] Annual crime reports are published by the Helsinki University institute of criminology and legal policy. https://helda.helsinki.fi/bitstream/handle/10138/156334/Katsauksia_4_Rikollisuustilanne_2014_2015.pdf?sequence=2

[31] As the National Rapporteur on Trafficking in Human Beings, the Non-Discrimination Ombudsman monitors instances of human trafficking, oversees action against human trafficking and issues proposals, recommendations, statements and advice relevant to developing anti-trafficking work and promoting the status and rights of victims of human trafficking.

The Ombudsman provides legal advice and can also assist victims of trafficking and related crimes in securing their rights.

[32] GRETA 2015/9 Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Finland. First evaluation round. Available at: https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680631bee

[33] A recent report from the National Rapporteur on trafficking revealed that Nigerian female victims of trafficking for sexual exploitation had been deported back to Italy where no adequate support system exists. The report is available in Finnish at: https://www.syrjinta.fi/documents/10181/36404/nigerialaisselvitys_verkkoon_FINAL.pdf/1b136c3b-e80f-4b57-bedc-339f4a12e68b

[34] Aliens Act Chapter 9 section 148, mom. 6 http://www.finlex.fi/fi/laki/kaannokset/2004/en20040301.pdf

Discrimination against transgender and intersex people

Despite legislation against discrimination[35], transgender individuals and intersex children continue to face widespread discrimination, most of which goes unreported.[36]

The current procedure to obtain legal gender recognition in Finland is humiliating and violates transgender persons' right to be free from cruel, inhuman or degrading treatment; the right to the highest attainable standard of health; the right to privacy; and the right to recognition as a person before the law.[37] According to the Act on Legal Recognition of the Gender of Transsexuals[38] the gender registered at birth can be changed only if the person presents a medical statement certifying that they wish to permanently belong to the opposite gender, live in that gender role, and have been sterilized or are infertile.[39]

Intersex infants and children are still subjected to medical procedures for social or cosmetic purposes.[40]

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 a lack of a systematic approach. One of the main shortcomings is the lack of human rights training of teachers and civil servants. The provision of human rights education largely relies on non-governmental organizations and the personal commitment of individual education providers.[41] The same conclusion was reached by the Ministry of Education and Culture in 2014.[42]

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35 Provisions on prohibition of discrimination based on gender identity or gender expression were added to the Equality Act, and came into force in January 2015. Law only available in Finnish: http://www.finlex.fi/fi/laki/ajantasa/1986/19860609

36 One fifth of respondents said they had experienced hate speech or harassment more than once within a month. 81 per cent of the LGBTI respondents said they never reported the incident of hate speech or harassment further. The most common reason for not reporting was that it was not believed that anything would have been done to it. "Usein joutuu miettimään, miten pitäisi olla ja minne olla menemättä". Selvitys vihapuheesta ja häirinnästä ja niiden vaikutuksista eri vähemmistöryhmiin. Selvityksiä ja ohjeita 7/2016. Summary in English. Accessed 14 June 2016.

37 Amnesty International, *The State Decides Who I Am – Lack of Legal Gender Recognition for transgender people in Europe* (Index: EUR 01/001/2014). The report includes a study on the specific human rights situation of transgender persons in Finland. During its 2014 review of Finland, the CEDAW Committee recommended that the State party amend the Law on Legal Recognition of the Gender of Transsexuals (the Trans Act) to ensure that gender recognition is carried out without requiring transgender persons to conform to stereotypical ideas of masculine or feminine appearance or behavior and that it does not require individuals to consent to sterilization.

38 Act on Legal Recognition of the Gender of Transsexuals: http://www.finlex.fi/fi/laki/kaannokset/2002/en20020563.pdf

39 Gender is registered in the Population Information System at birth.

40 According to a new study (2016) and statement by the Finnish National Advisory Board on Social Welfare and Health Care Ethics (ETENE), intersex children in Finland are routinely subjected to medical and surgical treatments, often while very young, in order to align their physical appearances with either of the binary sexes. The operations are performed without the person's prior, free and fully informed consent and neither are parents of intersex children often well informed nor given adequate time or options necessary to provide fully informed consent. The study and statement refers to cases in which there is ambiguity in assigning sex, and does not address unnecessary medical treatment of infants and children with intersex conditions where assigned sex is not in question. Study available only in Finnish: http://etene.fi/documents/1429646/2056382/IS-raportti20160331.pdf/58bf2412-48a9-4521-b5ae-81a3ee3bc07b

41 Human right 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_.pdf

42 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

Amnesty International welcomes the new national core curriculum for basic education which entered into force in January 2015.[43] It incorporates human rights education in the value basis of school, school culture and in many subjects.

Counter-terrorism

In response to information published by Amnesty International and other organizations in 2011 and 2012,[44] the Parliamentary Ombudsman conducted an investigation and published a report on Finland's involvement in the US-led CIA rendition and secret detention programmes.[45] The Ombudsman proposed that relevant authorities consider using the remedies at their disposal, including international cooperation, to better identify rendition flights.[46]

A 2015 report by the University of Helsinki found that the Finnish Security Intelligence Service had held "informal talks", rather than interrogations, with individuals suspected of terrorism-related activities or whose relatives were suspected of terrorism.[47] The individuals were denied their right to have a lawyer present during these "informal talks", because they were not considered formal interrogations.

The Government is considering expanding the powers of military and civilian intelligence authorities by giving them broader rights to conduct communications surveillance and intelligence activities abroad.[48] A constitutional amendment is being drafted to limit the right to privacy and the secrecy of confidential communications on national security grounds.[49] The aim is to enable the acquisition of information on threats against national security at an earlier stage than is possible under current legislation, with no links to the preparation of specific offences required.[50]

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[43] 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

[44] For example, Amnesty International documented links between Finland and known CIA secret detention sites in Lithuania. In particular, two flights had flight plans that connected the aircraft to both Finland and Lithuania: N88ZL in September 2004 and N733MA in March 2006. The latter aircraft was connected to so-called "dummy flight plans", which the 2010 UN Joint study on global practices in relation to secret detention in the context of countering terrorism reported on. The "dummy flight plans" were lodged with aviation authorities in order to conceal the true location of the secret detention facilities. The aforementioned investigation by the Parliamentary Ombudsman concluded that Lithuania did not respond to Finland's requests for information about the status of these flights. Amnesty International considers that Finland should continue seeking a reply from Lithuania.

[45] In his report published in 2014 (Diary number 3834/2/12), the Parliamentary Ombudsman concluded that the Finnish authorities were not involved in the programmes, nor was there any reason to suspect that Finnish territory had been used for prisoner flights, with the knowledge of the Finnish authorities. The investigation was hampered by the loss of data related to the flights. See press release: "Ombudsman finds nothing reprehensible about the actions of the authorities as regards rendition flights", http://www.oikeusasiamies.fi/Resource.phx/pubman/templates/5.htx?id=1046

[46] See above.

[47] Syrjintä, polarisaatio, nuoriso ja väkivaltainen radikalisoituminen – SYPONUR -väliraportti. Karin Creutz & Juha Saarinen & Marko Juntunen, Svenska social- och kommunalhögskolan vid Helsingfors universitet, 2015. Only available in Finnish.

[48] Civilian intelligence powers are drafted by a working group under the Ministry of Interior and military intelligence powers by a Ministry of Justice working group. The mandates of the working groups tasked with issuing bills for creating a legal foundation for communications intelligence, foreign human intelligence, and foreign information systems intelligence powers run from October 2015 to the end of 2016. The appointment decisions available in Finnish at http://www.intermin.fi/tiedustelu (civilian intelligence) and http://www.hare.vn.fi/upload/asiakirjat/21304/244013_Asettamisp%C3%A4%C3%A4t%C3%B6s.pdf (military intelligence). The assignments are widely based on the January 2015 report Guidelines for developing Finnish legislation on conducting intelligence by the Working group for developing legislation on intelligence. Unofficial translation in English available at: http://www.defmin.fi/files/3144/GUIDELINES_FOR_DEVELOPING_FINNISH_INTELLIGENCE_LEGISLATION.pdf.

[49] A working group under the Ministry of Justice, whose mandate runs from October 2015 until the end of September 2016, has been tasked with assessing and preparing a law proposal for amending the constitution to enable limitations to Section 10 of the Constitution of Finland. The assignment of the working group available in Finnish at http://www.oikeusministerio.fi/fi/index/valmisteilla/lakihankkeet/valtiosaanto/luottamuksellisenviestinsuojaperustuslakisaantelyntarkistaminen.html.

[50] According to Chapter 5 of the Police Act (872/2011) on secret methods of gathering intelligence, the Finnish Police's use of communications intelligence powers is currently limited to the prevention, detection and investigation of specific grave crimes.

The Finnish Security Intelligence Service continues to operate without parliamentary oversight.

International justice
The Criminal Code provides for statutory limitations for torture and certain war crimes, which are not in accordance with international law. The time-bar on the right to bring charges for an offence is connected to the sentence scale for a particular crime. The most severe sentence for the crime of torture is 12 years imprisonment and therefore the time-bar for bringing charges is twenty years. The most severe punishment for petty war crimes is two years imprisonment and therefore the time-bar for bringing charges is five years.[51]

The Criminal Code provides that conscripting or recruiting children under the age of 18 years into armed forces, or into groups where the child is used in hostilities, is a war crime during wartime or an international or non-international armed conflict.[52] Recruitment of child soldiers into armed groups is not a crime during peacetime.[53]

The Finnish authorities have investigated a number of crimes under international law and in 2015 the Tampere District Court passed a conviction for a war crime committed in Iraq in 2014. There are no special units in the police, prosecution or immigration services which deal with crimes under international law.
The Finnish authorities have investigated a number of crimes under international law and in 2015 the Tampere District Court passed a conviction for a war crime committed in Iraq in 2014. There are no special units in the police, prosecution service or the immigration service to deal with crimes under international law.

Civilian alternatives to military service and conscientious objection
The length of the civilian alternative to military service in Finland remains punitive and discriminatory. At present, conscientious objectors are obliged to perform 347 days of civilian service, more than double the shortest period of military service of 165 days.

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[51] According to international law, statutes of limitations are not applicable to crimes under international law. See, for example: Rome Statute of the International Criminal Court, article 29; Prosecutor v. Anto Furundzija, Trial Division II, Case IT-95-17/1, 10.12.1998, para 155-157; Committee against Torture, 40th Session, Concluding observations of the Committee against Torture: Sweden, CAT/C/SWE/CO/5, 4 June 2008, para 10.

[52] Criminal Code, Chapter 11, section 5, sub-section 5.

[53] Article 4(1) of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict provides "[a]rmed groups that are distinct from the armed forces of a State should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years." According to an implementation guide to the Optional Protocol article 4(1) does not require armed groups to be actively engaged in an armed conflict before its provisions apply. Recruitment prior to an outbreak of hostilities is also prohibited. (See: Guide to the Optional Protocol on the Involvement of Children in Armed Conflict, Coalition to Stop the Use of Child Soldiers & UNICEF, December 2003, page 17). Article 4(2) of the Optional Protocol requires states to "take all feasible measures to prevent such recruitment and use, including the adoption of legal measures necessary to prohibit and criminalize such practices"

RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

Amnesty International calls on the government of Finland to:

The national human rights framework

- Grant adequate human and financial resources to the Human Rights Centre, which is part of the National Human Rights Institution;
- Complete a comprehensive and adequately resourced National Action Plan on Fundamental and Human Rights;
- Systematically assess the human rights impact of all bills, budget and policy proposals, and other government activities prior to their adoption.

Refugee and migrants rights

- Ensure the right of asylum-seekers to a fair asylum determination process, including by providing free legal assistance at all stages;
- Revise Section 6 of the Aliens Act to ensure that the best interests of the child shall be a primary consideration in all matters concerning children in compliance with Article 3 of the Convention on the Rights of the Child;
- Prohibit the detention of children and families with children solely on the grounds of their migration status;
- Ensure that any measure restricting the liberty of asylum-seekers and migrants, including detention, is lawful and necessary in the circumstances of each individual case, and proportionate to the aim pursued;
- Develop genuine alternatives to the detention of asylum-seekers and migrants;
- Provide asylum-seeking children and children in detention with effective access to education;
- Ensure that refugees and other beneficiaries of international protection can enjoy their right to family life without discrimination, by repealing the law amendments on family reunification, abstaining from further restrictions of the law, and facilitating the family reunification application process.

Violence against women

- Establish a sufficiently resourced coordination unit, a national action plan and adequate resources for the implementation of the Istanbul Convention;
- Ensure that women victims of trafficking are recognized as such by the relevant authorities and provided with protection and assistance;
- Provide systematic, specialized training and written guidelines to professionals who may come in contact with victims of human trafficking in the course of their work;
- Amend the Aliens Act to ensure that potential victims of human trafficking, who are non-EU citizens, are protected and not removed from the country because of their sex work;
- Define rape as a sexual violation in the Penal Code irrespective of the degree of violence used or threatened by the perpetrator;
- Facilitate access to justice for victims of rape to ensure that more cases of rape are reported and prosecuted in court.

Discrimination against transgender and intersex people

- Revise the Trans Act by abolishing sterilization, other compulsory medical treatment, and a mental health diagnosis, as requirements for a person's legal recognition of their gender identity;
- Develop a gender recognition procedure that is quick, transparent, based on self-determination, and available irrespective of age, medical or financial status;

- Ensure that medical procedures performed on intersex infants and children are premised on the best interests of the child.

Human rights education

- 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 and inclusion 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.

Counter-terrorism

- Fully comply with the recommendations of the 2014 report on rendition and secret detention by the Parliamentary Ombudsman and implement measures to prevent future rendition flights;
- Fully respect human rights obligations while countering terrorism;
- Ensure surveillance laws limiting privacy are narrow in scope, clear and foreseeable and that surveillance is targeted, based on reasonable suspicion, strictly necessary to meet a legitimate aim and conducted in a non-discriminatory and proportionate manner;
- Introduce safeguards against abuse and effective, independent and impartial oversight of intelligence activities, including parliamentary and judicial oversight.

International justice

- Remove statutes of limitations for the crime of torture and all war crimes, as well as any other legislative obstacles to the effective investigation and prosecution of crimes under international law;
- Promptly accede to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity without making any reservation;
- Criminalize the recruitment of child soldiers during peacetime;
- Create specialized and fully resourced units within the police, the prosecution and immigration services for the screening, investigation and prosecution of crimes under international law committed abroad, as well as a system for cooperation between these units.

Civilian alternatives to military service and conscientious objection

- Immediately and unconditionally release all prisoners held due to conscientious objection to military service;
- Ensure civilian alternatives to military service are non-punitive and non-discriminatory in character and remain under civilian control.