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HUMAN RIGHTS CENTRE



# **HUMAN RIGHTS CENTRE**

## Annual Report 2017

**HUMAN RIGHTS CENTRE  
ANNUAL REPORT 2017**

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# 1 Human Rights Centre

## 1. Operation of Human Rights Centre

The Human Rights Centre's (HRC) targets for 2017 were established in a Plan of Action adopted by the Human Rights Delegation in September 2016. The HRC considers that it succeeded in achieving these targets within the limits of its resources. Overall, the HRC's activities developed positively and delivered good results. This was partly thanks to personnel resources: for a major part of the year, the HRC's staff included competent young experts in addition to its four permanent officials.

The HRC developed its operations particularly with respect to monitoring the implementation of human rights. The HRC does not have enough resources to systematically monitor all rights and themes, but it has been able to clarify its cooperation and impact in Finland simply by preparing a monitoring plan. The plan also enables better participation in reporting.

It is not enough for the HRC to merely promote fundamental and human rights at a general level. The HRC is part of Finland's National Human Rights Institution (NHRI). This role requires it to monitor the fundamental and human rights situation in Finland and to strive to address potential problems.

### Human Rights Centre's statutory tasks

- Promote information provision, training, education and research on fundamental and human rights
- Draft reports on the implementation of fundamental and human rights
- Propose initiatives and give statements for the promotion and implementation of fundamental and human rights
- Participate in European and international cooperation related to the promotion and protection of fundamental and human rights
- Perform other comparable tasks associated with the promotion and implementation of fundamental and human rights
- Promote, protect and monitor implementation of the UN Convention on the Rights of Persons with Disabilities (CRPD).

During the year, the HRC established routines for its new task of promoting and monitoring the implementation of the CRPD, and its collaboration with other authorities and disabled people's organisations was effective.

Progress was strong in the field of human rights education and training. The HRC's own online lectures were widely distributed, and education and training services took a major step forward. This was possible thanks to careful planning, targeted communications, additional resources allocated to education and training as well as various cooperation opportunities.

The survey on the status of fundamental and human rights research in Finland was completed, but no research seminars were organised in 2017. The HRC's resources are insufficient for carrying out its own research projects, but it follows research in the field. The HRC got a new opportunity to promote and monitor research by being invited to the National Advisory Board of the Academy of Finland's Centre of Excellence in Research on Ageing and Care. Human rights education cooperation with the University of Helsinki is also an excellent opportunity to promote research on a theme that is important to the HRC.

The HRC does not have a separate information official, which hampers its information and communication activities. During the year, the HRC was nonetheless able to plan its activities more systematically. Targeted communication activities concerning education and training were particularly successful.

During the operating year, the HRC participated in international and European cooperation as a member of the ENNHRI and GANHRI Bureaus. Despite its small size, the HRC has been active in different networks and has been able to influence the development of their activities. This is one of the HRC's statutory tasks and priority areas. Therefore, international and

European cooperation has been chosen as the special theme of this annual report. The theme section will discuss in more detail the different aspects of cooperation and the benefits it delivers to the HRC and more generally to fundamental and human rights work.

In recent years, the debate on fundamental and human rights has polarised in Finland like in many other countries, and the importance of these rights has been questioned increasingly often. Opinions are strongly divided particularly on questions concerning refugees and immigration. Social development and reforms as well as new technologies bring new challenges in terms of fundamental and human rights. For example, the regional government, health and social services reform, the new intelligence legislation package and the legislative reform concerning social welfare clients' and patients' right of self-determination are major on-going projects in which fundamental and human rights play a key role.

Information on and understanding of fundamental and human rights are essential for the authorities and the public debate. Information activities should be targeted particularly at education and training. The implementation of fundamental and human rights should be monitored more systematically, and their oversight should be improved. Systematic monitoring would, however, require much more resources than the HRC and other fundamental and human rights actors currently have. This will be a challenge in the coming years. How can efficient oversight and monitoring be developed and promoted in a fragmented fundamental and human rights architecture? To further develop the oversight of legality and prior monitoring of fundamental and human rights, it will be necessary to clarify the division of duties between the Chancellor of Justice and the Parliamentary Ombudsman.

### Statements and initiatives by the HRC in 2017

- Statement to the Ministry for Foreign Affairs for periodic reporting on the European Charter for Regional or Minority Languages
- Statement to the Ministry for Foreign Affairs on the implementation of a recommendation from the Committee of Ministers of the Council of Europe (human rights in university education and professional training)
- Statement to the Ministry for Foreign Affairs on bringing into force the Nordic Saami Convention
- Statement to the parliamentary Foreign Affairs Committee on the Council of Europe Annual Report 2016
- Statement (own-initiative) to the Government on the themes of the UPR recommendations
- Statement and address to the UN at the Universal Periodic Review (UPR) of Finland
- Statement and address at a pre-session organised by UPR Info
- Statement, address and recommendations to the UN on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD, 1965) in Finland
- Statement to the UN High Commissioner for Human Rights for the mid-term review of the World Programme for Human Rights Education
- Statement to the UN on national action plans concerning the Declaration on the Rights of Indigenous Peoples
- Joint statement with the ENNHRI<sup>1</sup> CRPD working group and GANHRI<sup>2</sup> Global Alliance of National Human Rights Institutions. to the CRPD Committee on its draft General Comment No 7
- Statement to ENNHRI on human rights and the privatisation and procurement of public services
- Statement to ENNHRI on its draft strategy for 2018-2021

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1 European Network of National Human Rights Institutions.

2 Global Alliance of National Human Rights Institutions.

## 2. Human Rights Delegation

The Human Rights Centre's Delegation functions as a national cooperative body of fundamental and human rights actors. It deals with fundamental and human rights issues of a far-reaching significance and principal importance, and yearly approves the HRC's plan of action and annual report.

The Human Rights Delegation and its working committee are chaired by the Director of the HRC. The current (second) Delegation is appointed for the term from 1 April 2016 to 31 March 2020. The Delegation has 38 members, including the special ombudsmen, representatives of the supreme overseers of legality and the Sámi Parliament of Finland.

The Delegation has two divisions: a permanent working committee and the Disability Rights Committee. The working committee assists in preparing the Delegation's meetings. The Disability Rights Committee participates in monitoring the UN Convention on the Rights of Persons with Disabilities (CRPD) together with the Human Rights Delegation, the Human Rights Centre and the Parliamentary Ombudsman. These actors may also consult the committee to use its expertise in their work. The Disability Rights Committee serves as a mechanism for persons with disabilities and their representative organisations to participate in the process to monitor the CRPD in accordance with the government proposal HE 284/2014 vp.

### **During the operating year, the Delegation convened four times.**

**At its meeting in March**, the Delegation discussed an international comparative law study on the implementation of Sámi rights. The Delegation also discussed the Tana fishery agreement from the viewpoint of the Sámi Parliament and issues concerning the ratification of the ILO Convention No. 169.

**At the June meeting**, the Delegation discussed the fundamental and human rights research conducted in Finland. The HRC commissioned the Northern Institute for Environmental and Minority Law at the Arctic Centre of the University of Lapland to conduct a survey on the matter. According to the results, the status of fundamental and human rights research is generally good, but the field is fragmented and the studies conducted are 'pointlike' or isolated. The survey also highlighted that the importance of fundamental and human rights research is often questioned and research funding has been cut.

The Disability Rights Committee made a submission on hearing and involving persons with disabilities in the preparations for the regional government, health and social services reform. The committee's submission and the HRC's response were forwarded to the Ministry of Social Affairs and Health and the Advisory Board for the Rights of Persons with Disabilities for information. The Delegation also discussed the UPR process and the recommendations given to Finland.

**At the September meeting**, three workshops were organised on the following themes: issues concerning the legal protection of asylum seekers, monitoring the implementation of the UN CRPD and the practical implementation of linguistic rights.

**The December meeting** focused on a theme discussion about equality and non-discrimination. Topics included the limits of the Non-Discrimination Ombudsman's mandate, equal pay, sexual harassment, multiple discrimination, gender minority awareness at educational institutions and among employers, and the implementation of the Istanbul Convention. Moreover, the Delegation adopted a statement requiring the Government to launch without delay a reform of the Act on Legal Recognition of the Gender of Transsexuals ('Trans Act').

### **Human Rights Delegation's statement on the reform of the Trans Act**

On 13 December 2017, the Human Rights Delegation adopted a statement urging the Finnish Government to launch without delay a reform of the Act on Legal Recognition of the Gender of Transsexuals ('Trans Act'). According to the Delegation, the legal requirement of infertility must be abolished. Transgender persons should also be guaranteed by law the right of self-determination, protection of privacy and personal integrity.

According to the Delegation, the processes for the legal recognition of gender and gender reassignment should be separated. Transgender persons' right to medical treatment and other services based on personal needs should be safeguarded as part of health care services.

In the context of the legal recognition of gender, the Government should consider abolishing the requirement of being of age, taking into account the child's age, level of development and best interests. The name of the Act should be changed to 'Act on Legal Recognition of Gender'.

### **3. Finland's National Human Rights Institution**

National Human Rights Institutions (NHRIs) are statutory bodies for the promotion and protection of human rights. Their responsibilities, composition and methods of operation are defined in the so-called Paris Principles, which were adopted by the UN General Assembly in 1993. According to the Paris Principles, NHRIs should be established by law, be autonomous and independent, and have a pluralist composition. They must have adequate resources and powers of investigation as well as a mandate to protect and promote human rights at national level.

Finland's National Human Rights Institution consists of the Human Rights Centre, the Human Rights Delegation and the Parliamentary Ombudsman. The Human Rights Centre promotes and monitors the implementation of human rights and promotes cooperation. In principle, its mandate also covers private operators, such as businesses. The Human

Rights Delegation promotes the flow of information between different actors and deals with fundamental and human rights matters of a far-reaching significance and principal importance. The Parliamentary Ombudsman oversees and promotes the legality of the activities of authorities and the implementation of fundamental and human rights.

The Global Alliance of National Human Rights Institutions (GANHRI) granted Finland's NHRI an 'A' status in 2014. Institutions accredited with 'A' status are considered to be in full compliance with the Paris Principles. The status entitles Finland's NHRI to participate and take the floor in the sessions of the UN Human Rights Council and to vote in the meetings of GANHRI. As a rule, Finland's NHRI is represented by the Human Rights Centre in international and European human rights cooperation, in accordance with the HRC's statutory duties.



## 2 Promotion of fundamental and human rights

### 1. Promotion of fundamental and human rights education and training

Promoting education and training on fundamental and human rights has been one of the Human Rights Centre's priority activities during all of its years of operation. The HRC has published the first national baseline study on human rights education and training in Finland, promoted human rights education and training based on the results of the study, and supported communication, cooperation and coordination between different actors.

The HRC has monitored the preparation and implementation of the thematic section on human rights education in Finland's second National Action Plan on Fundamental and Human Rights 2017-2019. The action plan was adopted by the Government on 16 February 2017.

**In its statement on the National Action Plan on Fundamental and Human Rights (PeVL 56/2017 vp), the Finnish Parliament's Constitutional Law Committee made the following remarks about fundamental and human rights education and training:**

*The Committee emphasises that well-implemented fundamental and human rights education and training may have a wide impact and contribute to the implementation of all fundamental and human rights. It is particularly important to strengthen the fundamental and human rights competence of teachers, public servants and political decision-makers and to improve the assessment of the fundamental and human rights impacts of legislative projects. The Committee also emphasises the importance of fundamental and human rights competence among municipal and regional decision-makers and public servants.*

## 2. Education and training on fundamental and human rights

In early 2017, the Human Rights Centre published a lecture series on fundamental and human rights. One of the special objectives in 2017 was to ensure that the lecture series is used as widely as possible. Throughout the year, information about the series was provided to teachers through various channels, such as articles targeted at education professionals. In total, education-related communication on Facebook reached approximately 20,000 people and targeted social media messages concerning the lecture series approximately 7,000 people. By the end of the year, the lectures, parts of lectures or the accompanying material had been downloaded in total more than 6,000 times. Moreover, other education and training videos had been downloaded 13,500 times.

The lecture series was published for example on the European Commission's EPALE portal for professionals in adult learning. The HRC also published related articles targeted at education and training professionals, researchers and subject teachers. The articles had a circulation of approximately 4,000. The lecture series was promoted in all human rights education activities, such as school visits and a meeting with researchers and teacher training providers at the FERA Conference on Education.

To celebrate the UN Human Rights Day on 10 December, the HRC had two human rights videos translated into Finnish and Swedish. The videos were widely advertised to teachers, among others. The HRC also reminded all Members of Parliament and Parliament personnel of Human Rights Day.

### **The HRC gave presentations on fundamental and human rights and its activities for example to:**

- public servants at different ministries
- students of educational sciences, constitutional law, political science and forensic anthropology at the University of Helsinki
- UN Youth of Finland.

### **The HRC presented human rights education for example to:**

- representatives of the Afghan Parliament
- representatives of the Ombudsman of Turkmenistan
- judges and prosecutors participating in the European Judicial Training Network's (EJTN) Exchange Programme for Judicial Authorities.

### 3. Building fundamental and human rights competence in education services

During the year, the Human Rights Centre and the Parliamentary Ombudsman started a joint project to increase fundamental and human rights competence in education services. Two visits were made to regional state administrative agencies and three joint inspections and visits to schools (in Siuntio, Kuopio and Turku). The implementation of fundamental and human rights in the daily school life was assessed comprehensively from the viewpoints of management, pupils and school staff. During visits, participants discussed development needs concerning fundamental and human rights. Topics discussed at regional state administrative agencies included complaints concerning the education sector. The project will continue in 2018 with the provision of training targeted at the managers of education authorities and the principals of educational institutions. The training will be provided as part of an education tour organised by regional state administrative agencies.

At the end of the year, the HRC and the Deputy-Ombudsman visited the Finnish Education Evaluation Centre (FINEEC). Topics discussed with FINEEC included evaluating the implementation of human rights contents in school curricula.

### 4. International cooperation in human rights education

Human rights education was also promoted in international cooperation with other national human rights institutions. In June, the HRC participated in a workshop organised by the European Network of National Human Rights Institutions (ENNHRI) in Sarajevo. The workshop focused on a strategic approach to human rights education in formal education. The HRC also designed and coordinated a workshop on the systematic development of human rights education for the 8th International Conference on Human Rights Education held in Montreal.

### 5. Promotion of research on fundamental and human rights

In 2016, the HRC launched a study on the promotion of fundamental and human rights research in collaboration with the Northern Institute for Environmental and Minority Law (NIEM) at the University of Lapland Arctic Centre. The survey mapped fundamental and human rights experts' views on the current state of research in the field and on future research needs. A report on the study was published in 2017.

The HRC participated in the 2017 FERA Conference on Education at the University of Lapland. The conference included presentations on research results concerning the state of fundamental and human rights research and human rights education. The conference brought together approximately 250 participants, including key actors and researchers in the education sector, teacher training providers and teachers from across the country. Information on human rights education in teacher training was exchanged in a thematic group presentation, for example.

## 6. Information provision

As in previous years, information and communication activities were carried out by public servants working at the HRC alongside their other tasks and with the help of temporary resources. A communication strategy and a communication plan were prepared with an external expert.

Press releases, statements and news about current affairs in the field of fundamental and human rights were published on the HRC website. The news articles covered the HRC's activities as well as international and domestic fundamental and human rights matters. In 2017, the website section on human rights education and training was reformed. Information was reorganised under different themes, and a list of useful links, materials and training videos was compiled under the section.

At the end of 2017, the HRC had approximately 2,100 followers on Facebook and 1,100 followers on Twitter. Theme days, such as UN Day and Human Rights Day, were used in information campaigns. In total, communication activities concerning human rights education and training reached an audience of approximately 20,000 people. According to communication statistics, particularly the freely available learning material and information activities associated with theme days aroused interest.

## 7. Events

Events are an important way of providing information and training on topical fundamental and human rights themes. The HRC frequently plans and organises events together with other actors.

To reach a wider audience, many seminars were streamed live online. Interpretation in various spoken languages and sign language was also available when necessary.

### **'National Action Plan on Fundamental and Human Rights: from text to action' - seminar and workshops, 22 May 2017**

The seminar presented Finland's second National Action Plan on Fundamental and Human Rights. The main speaker at the event was Michael O'Flaherty, director of the EU Agency for Fundamental Rights (FRA), who discussed the importance of national action plans. The second part of the seminar consisted of workshops to discuss the implementation of the action plan and its various priority areas. The event was organised in cooperation with the Ministry of Justice.

### **HRC's publications in 2017**

- Human Rights Centre Annual Report 2016 (in print and electronic format, full text available in Finnish and in Swedish, a summary available in English)
- Fundamental and human rights research in Finland - experts' views (available in electronic format only; full text available in Finnish, a summary available in Swedish and English)
- Unofficial translation into Finnish and Swedish of the Committee on the Rights of Persons with Disabilities General Comment No. 1 - Article 12: Equal recognition before the law (available in electronic format only)
- HRC's international newsletter (6 issues, available in electronic format only)
- HRC's domestic newsletter (3 issues, available in electronic format only)

### **Theme seminar on accessibility, 1 June 2017**

The HRC organised a theme seminar on accessibility issues together with the Advisory Board for the Rights of Persons with Disabilities. The seminar addressed current legislative projects concerning accessibility, including the built environment and electronic services. The discussion was based on the CRPD<sup>3</sup> Committee's general comment on accessibility.

### **Refugee law seminar - 'Making International Refugee Law Relevant Again: How to Move Beyond Crisis Thinking', 5 September 2017**

At the seminar, James Hathaway, a leading expert on refugee law, gave a keynote lecture on the current state of international refugee law and the global asylum regime and system for sharing responsibility. According to Hathaway, there is no need for a new Refugee Convention, but the implementation of the existing Convention must be improved because the current situation is unsustainable. In a panel discussion, panellists highlighted problems concerning the legal protection of asylum seekers and the possibility of mistakes in the process. Vulnerable asylum seekers are not identified early enough, the availability of high-quality legal assistance is poor and court proceedings are too heavily emphasised in the process. The event was organised in cooperation with the Erik Castrén Institute of International Law and Human Rights.<sup>4</sup>

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3 UN Convention on the Rights of Persons with Disabilities (CRPD).

4 [Link to a video recording of the HRC's refugee law seminar \(5 September 2017\).](#)

### **Educa trade fair**

The HRC participated in Finland's largest professional event for the education sector, the Educa trade fair. In 2017, the fair attracted more than 16,000 visitors. The HRC coordinated and paid for a stand and stage programme on human rights education. According to estimates, the stand was visited by more than 3,000 people. In addition to presenting the HRC, the stand provided information on the organisation's educational materials on human rights. The HRC collaborated with the Finnish Committee for UNICEF, Amnesty International Finnish Section and the Finnish League for Human Rights.

Towards the end of the year, the HRC started preparing for the next Educa trade fair organised in early 2018. Together with different organisations, the HRC planned a human rights education stand and stage programme presenting a school culture based on the rights of the child and respect for human rights.

# 3 Monitoring the implementation of fundamental and human rights

## 1. Monitoring as a precondition for promoting fundamental and human rights

In this context, monitoring means collecting information on the implementation of fundamental and human rights and maintaining up-to-date situational awareness. The information collected is used to develop and target various measures to promote the implementation of rights. Monitoring information helps determine how the rights of different persons and groups are respected formally and in practice.

The government proposal HE 205/2010 vp<sup>5</sup> notes that “efforts are needed to improve cooperation and information exchange practices, for example, when collecting information and preparing different reports at national level”. The proposal also states that there are no legal provisions on the Parliamentary Ombudsman’s wider duty to promote or monitor the implementation of fundamental or human rights, as required in the Paris principles (e.g. providing information on human rights, conducting research on human rights, providing human rights education and training, and reporting on the national fundamental and human rights situation). The Ombudsman also has no duties

to monitor the implementation of human rights conventions. The proposal goes on to suggest that the HRC prepare reports on the implementation of fundamental and human rights.

The Finnish Parliament’s Constitutional Law Committee has in several statements considered it important to promote the implementation of fundamental and human rights in a target-oriented manner and to ensure the structured monitoring of their implementation. In its statement 56/2017 vp on the National Action Plan on Fundamental and Human Rights, the committee noted that the effectiveness and efficiency of the plan should be carefully monitored. In its statement 52/2014 vp on the Government’s Human Rights Report, the committee considered it important to create a process based on the action plan to systematically monitor the fundamental and human rights situation in Finland. This would enable all problems identified to be addressed efficiently and coherently.

## 2. Monitoring themes in 2017

During the year under review, the HRC prepared its first strategy paper on monitoring the implementation of fundamental and human rights. According to the paper, the HRC will pay particular attention to the priority areas of its own activities and to those themes or

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5 Government proposal to Parliament on acts to amend the Parliamentary Ombudsman Act and the Act on the Chancellor of Justice of the Government (HE 205/2010 vp).

rights whose implementation is not promoted and monitored by a designated special ombudsman. Monitoring will mainly be based on cooperation and the use of existing reliable information (in light of the HRC's limited resources). The HRC will conduct its own surveys and studies where necessary.

In 2017, the HRC continued to monitor fundamental and human rights education and training as well as the implementation of the rights of persons with disabilities. The implementation of the National Action Plan on Fundamental and Human Rights was monitored at a general level: the HRC participated in the meetings of the Government network of contact persons for fundamental and human rights as an independent expert. The HRC's monitoring activities focused on two special themes: asylum seekers' access to justice and the need to reform the Act on Legal Recognition of the Gender of Transsexuals.

### **Legal protection of asylum seekers**

The HRC monitored how asylum seekers' access to legal protection, legal advice and legal aid was realised in practice after the legislative amendments adopted in 2016. Among other methods, information was gathered by consulting different authorities, overseers of legality, special ombudsmen, representatives of the judicial system, organisations and experienced private attorneys.

In its monitoring activities, the HRC has identified problems and weaknesses in different parts of the asylum process. Some of these problems can be explained by the lack of expert legal advice and aid. Many asylum seekers in reception centres are not given enough information about their rights, and they are not always referred to legal aid.

Vulnerable asylum seekers are not properly identified. In this context, vulnerable persons include unaccompanied minors, disabled persons and victims of torture, rape or other forms of serious violence. The early identification of

vulnerable asylum seekers is important because they are entitled to legal aid already in the first phase of the asylum process. In the monitoring activities, particular attention has also been given to the system of representatives of unaccompanied minors seeking asylum.

The fact that legal aid attorneys are paid a fee per case (instead of by the hour) has affected asylum seekers' access to expert legal assistance. In 2016, the maximum fee paid to legal aid attorneys, as determined by the Legal Aid Act, was changed to a fixed fee irrespective of the amount of work required. As a result of these changes, licensed legal counsels or advocates acting as asylum seekers' legal aid attorneys are no longer entitled to remuneration for all their work and the fees are not reasonable.

### **Reform needs concerning the Trans Act**

In 2017, the HRC conducted a background study on the right of self-determination, physical integrity and equal treatment of transgender persons. It examined material, opinions, recommendations and case-law concerning the legal recognition of the gender of transgender persons.

A report on the study will be published in the spring of 2018. In addition to the situation in Finland, the study mapped the practices and preconditions for the legal recognition of gender in certain other countries. The examination focused on legislation, best practices and other support measures, among other aspects. The material analysed mainly concerns the years 2014-2017.

### **Study on the experiences of elderly people receiving home care services**

During the operating year, the HRC and the Office of the Parliamentary Ombudsman commissioned a survey in which elderly people and their families were interviewed about their experiences with home care services. In total, approximately 450 people aged over 75 years

were interviewed. Approximately a half of the interviewees received home care services. The survey is an important source of information because people over the age of 75 are usually excluded from surveys.

The elderly people and their family members interviewed estimated the need for home care services to be twice the amount of services currently provided. The results confirmed the impressions gained in the oversight of legality: the care provided does not always meet the need perceived by the customer and the provision of care is not always based on appealable decisions. If care was provided, interviewees were usually satisfied with its quality. Some of the elderly respondents felt lonely and insecure

### 3. Monitoring the implementation of international human rights conventions

The HRC participates in periodic reporting on human rights conventions in different ways in accordance with the priorities it has chosen. It also monitors the implementation of recommendations issued by treaty monitoring bodies.

#### **Convention on the Elimination of All Forms of Racial Discrimination (ICERD)**

In 2017, the HRC took part in periodic reporting concerning the UN Convention on the Elimination of All Forms of Racial Discrimination (CERD). It issued a statement and spoke at the

#### **CERD Committee recommended Finland to:**

- effectively investigate, prosecute and sanction cases of racist hate speech and racially motivated violence
- ensure that asylum seekers, refugees and other immigrants in vulnerable situations are not detained in punitive settings
- maintain sufficient capacity in reception facilities, providing adequate shelter, basic services and humanitarian assistance
- respect the right of the Sámi people to self-determination in defining who is eligible to vote for Members of the Sámi Parliament (reiterated recommendation)
- revise its legislation to solve issues concerning land rights and to ratify the ILO Convention No. 169<sup>6</sup>
- obtain the free and informed consent of the Sámi people prior to the approval of any project affecting the use and development of their traditional lands and resources
- take measures to integrate Roma into labour and housing markets and include Roma children in education
- take measures to combat racial discrimination against persons perceived to have foreign backgrounds
- strengthen its efforts to promote tolerance, diversity and equality in school curricula.

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<sup>6</sup> International Labour Organisation (ILO), Indigenous and Tribal Peoples Convention (No. 169).



hearing organised for Finland and discussed topical themes with the members of the Committee on the Elimination of Racial Discrimination (CERD Committee). In its statement and oral remarks, the HRC highlighted issues concerning the legal status of the Sámi people, foreign nationals and hate speech, among others. It gave 11 proposals for recommendations, which the Committee partly used in its own recommendations to the Finnish Government.

In its concluding observations, the Committee appreciated the self-critical nature of the report submitted by the Finnish Government and the constructive dialogue with the Finnish delegation. Positive aspects included the new Non-Discrimination Act and the ratification of several human rights conventions and protocols. The Committee also welcomed certain projects and programmes implemented by the Government, such as the National Action Plans on Fundamental and Human Rights as well as the integration programme.

Finland will report to CERD Committee on the implementation of some of these recommendations in 2018. Finland's next periodic report on the implementation of CERD is due in 2021.

### **European Social Charter (ESC)**

In its 2017 annual report, the European Committee of Social Rights criticised Finland for the inadequacy of allowance paid after the termination of employment and other appropriate compensations. Limitations on access to student financial aid for non-EEA nationals and the lack of the possibility to reinstate worker representatives were also highlighted in the report. The HRC widely disseminated information on the report and its recommendations to Finland in different languages.

### **Council of Europe Framework Convention for the Protection of National Minorities (FCNM)**

The Committee of Ministers of the Council of Europe adopted a resolution on the protection of national minorities in Finland. The resolution was based on periodic reporting concerning the Council of Europe Framework Convention for the Protection of National Minorities (FCNM).

#### **Issues highlighted in the resolution:**

- Sámi people - the significance of constructive dialogue and the ratification of the ILO Convention No. 169 and the importance of addressing the interests of all parties
- Swedish language - efforts to guarantee knowledge, visibility and presence of the language in society and implementing the Action Plan related to the Strategy for the National Languages of Finland
- combating hate speech and hate-motivated offences.

The HRC encouraged NGOs to participate in periodic reporting by submitting their own statements. The HRC widely publicised the different stages of periodic reporting processes and distributed the related recommendations via different media in all language versions.

#### 4. UN Universal Periodic Review

In 2017, the HRC participated in the third cycle of Finland's Universal Periodic Review (UPR). In February 2017, Finland submitted its national report on the implementation of recommendations from the previous cycle. The report examines achievements and challenges in the implementation of human rights in Finland.

During the drafting process, the HRC commented on and further specified the report prepared by the Government. It also submitted its own parallel report already in September 2016. In its report, the HRC evaluated in particular the implementation of the rights of vulnerable persons in Finland and the Government's efforts to take fundamental and human rights into account in its own activities.

In April 2017, the HRC presented its views on the human rights situation in Finland in an unofficial pre-session organised by the NGO UPR Info in Geneva.

The intergovernmental dialogue on Finland took place at the UN Human Rights Council session in May. Six of the recommendations presented in the HRC's parallel report were included in the Summary of Stakeholders' Information compiled by the Office of the United Nations High Commissioner for Human Rights (OHCHR). The summary is one of the background documents used in the UPR process.

#### **Finland received a total of 153 recommendations from 70 member states on topics including**

- racism, discrimination, hate speech and violence against women
- abolition of the infertility requirement from the conditions of legal recognition of gender
- human rights education
- the rights of asylum seekers and refugees
- employment of people with disabilities, and accessibility in general
- the need to strengthen the resources of the National Human Rights Institution (NHRI) and the National Action Plan on Fundamental and Human Rights.

In June, the HCR submitted an own-initiative statement to the Government on the UPR recommendations to draw attention to recurring themes. The statement encourages the Government to accept certain recommendations, such as reforming the Trans Act, ratifying the ILO Convention No. 169, revising the legislation on asylum seekers and refugees and preparing a disability policy programme. The HRC also encouraged the Government to accept

#### **What is UPR?**

Universal Periodic Review (UPR) is a process conducted at four-year intervals at the session of the UN Human Rights Council in Geneva. During the review, other UN members can give Finland recommendations on how to promote and safeguard human rights. They can also ask questions about the human rights situation in Finland. The process is an intergovernmental 'peer review' mechanism and as such incomparable with the monitoring carried out by the UN treaty monitoring bodies. The review is based on the national report submitted by the member state, information received from the UN's human rights mechanisms, as well as reports from the national human rights institution, NGOs and other actors. The member state under review can either accept or note the recommendations given.

the recommendations on allocating adequate resources for human rights education, the NHRI and the National Action Plan on Fundamental and Human Rights.

In August, the HRC participated in a hearing organised by the Ministry for Foreign Affairs on the Government's draft response to the UN.

**After national discussion, Finland stated that of the 153 recommendations it had received, it would**

- accept 120 recommendations
- partially accept 6 recommendations
- note 27 recommendations
  - Noted recommendations include recommendations concerning the Trans Act reform and the ratification of the ILO Convention No. 169.

The Human Rights Council accepted the final report on Finland in September. The HRC, representing Finland's NHRI, addressed the participants at the event. It thanked the Government for the dialogue and hoped that the Government will actively commit to promoting the recommendations it accepted and utilise the second National Action Plan on Fundamental and Human Rights in their implementation. With regard to noted recommendations, the HRC drew particular attention to the reform of the Trans Act and encouraged the Government once again to remove the infertility requirement from the conditions of legal recognition of gender.

Finland has committed to submitting a voluntary mid-term report on the implementation of the recommendations in 2019. The HRC will monitor the implementation.

The HRC widely disseminated information on the UPR process at its different stages and distributed the recommendations via different media in all language versions.

## 5. Complaints to international judicial and investigation bodies

Human rights complaints are handled by judicial and investigation bodies operating under the UN and the Council of Europe. These include seven UN-treaty monitoring bodies, the European Committee of Social Rights, and international judicial bodies such as the European Court of Human Rights.

### UN Treaty Monitoring Bodies:

- The Committee on the Elimination of Racial Discrimination (CERD-Committee)
- The Committee on Economic, Social and Cultural Rights (CESCR-Committee)
- The Human Rights Committee (ICCPR-Committee)
- The Committee on the Elimination of Discrimination against Women (CEDAW-Committee)
- The Committee Against Torture (CAT-Committee)
- The Committee on the Rights of the Child (CRC-Committee)
- The Committee on the Rights of Persons with Disabilities (CRPD-Committee)

The HRC widely disseminated information on individual and collective complaints and participated in the ENNHRI<sup>7</sup> Legal Working Group's activities concerning complaint processes.

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7 European Network of the National Human Rights Institutes.

## European Court of Human Rights (ECtHR)

- In 2017, 181 complaints against Finland became pending at the European Court of Human Rights (ECtHR).
- No new complaints were submitted to the Government for comment.
- The ECtHR adopted two judgements concerning Finland.
- At the end of the year, 14 complaints against Finland were pending at the ECtHR.

On 27 June 2017, the Grand Chamber adopted a judgement in the case *Satakunnan Markkinapörssi Oy and Satamedia Oy v. Finland* (application no. 931/13). According to the judgement, the applicant companies' right to freedom of expression (Article 10 of the European Convention on Human Rights, ECHR) was not violated when the companies were prohibited from publishing extensive taxation information and operating an SMS service where anyone could obtain people's taxation information by their names. However, the six-year proceedings did violate the right to a fair trial (Article 6).

In the case *A.-M.V. v. Finland* (53251/13), the ECtHR adopted a judgement on 23 November 2017. According to the judgement, Finland had not violated the right to liberty of movement (Article 2 of Protocol No. 4) or the right to respect for private and family life (Article 8) of the complainant, an intellectually disabled person who had been appointed a mentor (*edunvalvoja*), by refusing to make changes in the mentor arrangements. According to the judgement, the complainant had the opportunity to participate in all stages of the proceedings, and his will and wishes had been taken into account. The judgement became final on 23 June 2017.

## European Committee of Social Rights (ECSR)

- The ECSR processed three complaints submitted against Finland.
- It declared admissible two new complaints, which were still pending at the end of the year.

With respect to complaint no. *108/2014*, the Committee concluded that the Finnish labour market subsidy is insufficient and therefore violates the rights guaranteed by the European Social Charter. Complaints no. *106/2014* and *107/2014* concerned the right to protection in cases of termination of employment (Article 24 of the European Social Charter). There is an upper limit to compensation that may be awarded in cases of unlawful dismissal, which may result in situations where the compensation awarded is not commensurate with the loss suffered. Moreover, Finnish legislation makes no provision for reinstatement in cases of unlawful dismissal. Thus, the complaints concerned violations of the European Social Charter.

The complaints *Central Union for Child Welfare (CUCW) v. Finland: Complaint No. 139/2016* and *University Women of Europe v. Finland: Complaint No. 129/2016* were declared admissible. They concern the restrictions on early childhood education and care introduced in 2016 and unequal pay. The latter of the two complaints was lodged by an umbrella organisation against 15 member states.

## UN treaty monitoring bodies

- The UN treaty monitoring bodies adopted no judgements concerning Finland in 2017.
- The Committees submitted six new individual complaints to the Government for comment.
- At the end of the year, ten complaints were pending.

The following ten complaints were pending at the end of the year:

- Committee against Torture (CAT): two complaints about the asylum procedure
- Human Rights Committee (CCPR): two complaints about the Sámi definition and one complaint about the right of access to children and guardianship
- Committee on the Elimination of Racial Discrimination (CERD): one complaint about the Sámi definition
- Committee on the Elimination of Discrimination against Women (CEDAW): two complaints about violence against women, but in one of the complaints the main issue is the right of access to children and guardianship
- Committee on the Rights of the Child (CRC): one complaint about the right of access to children and guardianship, and one complaint about male circumcision.

# 4 Special task: promoting and monitoring the implementation of the UN Convention on the Rights of Persons with Disabilities

## 1. Promoting and monitoring the UN Convention on the Rights of Persons with Disabilities

According to Article 33(2) of the UN Convention on the Rights of Persons with Disabilities (CRPD), States Parties shall designate or establish an independent mechanism to promote, protect and monitor implementation of the Convention. In Finland, the tasks of this independent mechanism have been assigned to the Human Rights Centre (HRC) and its Human Rights Delegation together with the Parliamentary Ombudsman.

During the under review, the objective was to establish the HRC's role in the vast group of operators involved in the rights of persons with disabilities. Important areas included developing cooperation with the authorities and organisations representing persons with disabilities and planning activities in the long term. The HRC's priorities are now more clearly focused on promoting and monitoring the implementation of the rights of persons with disabilities.

During the operating year, the HRC organised a workshop on legal remedies for disabled people's organisations. The purpose of the workshop was to familiarise the participants with non-discrimination legislation and to lower the threshold for using the legal remedies available. After the workshop, three organisations lodged their first complaints. Two of them

### Strategic priority areas in disability affairs during the operating year:

- promoting social inclusion
- promoting participation in decision making
- promoting non-discrimination
- promoting the right of self-determination
- monitoring the implementation of the rights of persons with disabilities and developing the monitoring activities
- raising awareness of rights.

complained to the Parliamentary Ombudsman on problems concerning transport services and one to the Non-Discrimination Ombudsman about the access to education of a visually impaired person.

## 2. Monitoring the implementation of the rights of persons with disabilities

The HRC and the Finnish Disability Forum have together prepared a comprehensive online survey on the rights of persons with disabilities. The survey will be conducted in spring 2018. Its results will help monitor the rights of persons with disabilities. The cooperation will also pro-

vide valuable information for a parallel report that the Finnish Disability Forum will submit to the Committee on the Rights of Persons with Disabilities in summer 2018.

During the year under review, the HRC prepared its first strategy paper on monitoring the implementation of fundamental and human rights. The strategy includes a separate section on monitoring the rights of persons with disabilities.

### 3. Inclusion and cooperation

One of the main priorities in activities concerning disabled people is to promote the social inclusion of persons with disabilities and raise awareness of their rights. During the year, employment and accessibility were highlighted as special themes.

The HRC and other authorities responsible for the tasks referred to in Article 33 of the CRPD organise joint meetings four times a year to discuss topical matters concerning the national implementation and monitoring of the CRPD. The purpose of these meetings is to ensure that the authorities are kept up to date on each other's plans.

The HRC and the Non-Discrimination Ombudsman started planning an information campaign on the rights of persons with disabilities. The media campaign is to be implemented during 2018, and its aim is to change the attitudes towards persons with disabilities and increase their social inclusion. It will also aim to increase awareness of the rights of persons with disabilities and their position in Finnish society.

During the operating year, the HRC commissioned and published Finnish and Swedish translations of the first two general comments of the Committee on the Rights of Persons with Disabilities concerning equal recognition before the law (Article 12) and accessibility (Article 9).

### 4. Participating in international activities

The HRC participates in international and European cooperation to increase its expertise in matters concerning persons with disabilities and to identify best practices. During the year, the HRC participated in a discussion event organised by the Committee on the Rights of Persons with Disabilities (CRPD Committee)<sup>8</sup> on a draft general comment about Article 5 of the CRPD. The HRC also participated in a Conference of States Parties to the CRPD held in New York. In connection with the conference, GANHRI<sup>9</sup> organised a parallel event at the HRC's initiative. The event focused on involving persons with disabilities in the activities of human rights institutions to promote and monitor the implementation of the CRPD. At a meeting organised by the HRC, representatives of human rights institutions discussed ways to increase the visibility of the rights of persons with disabilities in GANHRI's activities.

During the operating year, the HRC was actively involved in the work of ENNHRI's<sup>10</sup> CRPD working group. The working group prepared a statement on the CRPD Committee's draft general comment on Article 5. This statement was combined with GANHRI's statement and submitted to the CRPD Committee in December 2017.

The HRC participates in the work of the Office of the Parliamentary Ombudsman disability affairs team. During the year, topics discussed at the meetings included the tasks of the national mechanism from the viewpoint of the Office of the Parliamentary Ombudsman and the HRC. Participants also discussed opportunities for cooperation with the Disability Rights Com-

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8 A committee that monitors the implementation of the UN Convention on the Rights of Persons with Disabilities.

9 Global Alliance of National Human Rights Institutions.

10 European Network of National Human Rights Institutions.

mittee and ways to increase inclusion. Moreover, the disability affairs team also proposed the creation of a website on the rights of persons with disabilities.

During the year, the HRC participated in two visits made by the Parliamentary Ombudsman to residential units for persons with intellectual disabilities. Based on these visits, the HRC and the Parliamentary Ombudsman have started preparing a more extensive joint project on the right of self-determination.

## 5. Disability Rights Committee

According to Article 33(3) of the CRPD, States Parties shall fully involve persons with disabilities and their representative organisations in the monitoring process. Therefore, the Human Rights Delegation has a permanent sub-committee, the Disability Rights Committee. The Committee may submit proposals and express its views to the Parliamentary Ombudsman and the HRC on how they could improve the implementation of the rights of persons with disabilities and the performance of tasks to implement the CRPD. The Committee can also propose disability rights issues that the Human Rights Delegation should address.

The Committee convened nine times during the operating year.

During the operating year, the Committee prepared a submission to the HRC and the Human Rights Delegation. In the submission, the Committee expressed its concern over the fact that persons with disabilities are not sufficiently involved and allowed to participate in the regional government, health and social services reform. The Human Rights Delegation considered it important to forward the Committee's submission to the Ministry of Social Affairs and Health and the Advisory Board for the Rights of Persons with Disabilities for information and possible further measures.

In its own reply to the submission, the HRC considered it important to examine what the obligation to involve, as referred to in the UN CRPD, means in practice and how it should be complied with at national level. As a result of the Committee's submission, the HRC decided to launch a study on the involvement obligation during 2018.

### **At its meetings, the Disability Rights Committee:**

- planned and outlined its activities
- discussed various topical themes
- heard presentations by external experts e.g. on the regional government, health and social services reform, the School Health Promotion study, the hearing of children with disabilities, and on the ensuring of the right to self-determination in housing services provided by intellectual disability services.



# 5 Theme article: Human Rights Centre's European and International Cooperation

## 1. Basis for cooperation

Participating in European and international cooperation (hereinafter 'international cooperation') is one of the Human Rights Centre's statutory tasks. According to the detailed rationale of the government proposal on establishing the HRC, the HRC will participate in those forms of European and international cooperation in which national human rights institutions (NHRIs) usually take part. The government proposal goes on to note that the HRC's most important partners will include other NHRIs as well as the United Nations Human Rights Council (UNHRC), bodies monitoring the implementation of human rights conventions, the International Coordinating Committee for National Human Rights Institutions (currently known as GANHRI), the institutions of the Council of Europe and the EU Agency for Fundamental Rights (FRA).<sup>11</sup>

The HRC's cooperation with bodies monitoring the national implementation of human rights conventions adopted by the UN and the Council of Europe is mainly focused on monitoring the realisation of human rights. The

monitoring of fundamental and human rights in Finland and the HRC's role in these activities are discussed in Part III of this report. The HRC's international cooperation concerning human rights education and disability rights are discussed in Parts II and IV, respectively. This theme article will provide information on the HRC's other cooperation activities with NHRI networks and FRA. It is sometimes difficult to distinguish between monitoring and other cooperation activities, and these functions are also mutually supportive.

The above-mentioned government proposal clarifies the division of international cooperation duties within the Finnish NHRI. According to the proposal, the HRC's main role in European and international NHRI cooperation is to represent Finland's national institution, while the Parliamentary Ombudsman engages in international relations concerning the Ombudsman's remit.<sup>12</sup> General monitoring and reporting tasks concerning fundamental and human rights fall within the HRC's statutory duties. The Parliamentary Ombudsman participates, for example, in the meetings of the European Network of Ombudsmen and the International Ombudsman Institute. Moreover, the Parliamentary Ombudsman is also engaged in other cooperation activities associated with the Ombudsman's duties as the National Preventive

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<sup>11</sup> Government proposal HE 205/2010, p. 28. Cf. the UN Paris Principles (1993), which state that NHRIs cooperate with the United Nations and any other organisation in the United Nations system, the regional institutions and the national institutions of other countries that are competent in the areas of the protection and promotion of human rights.

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<sup>12</sup> Government proposal HE 205/2010, p. 28.

Mechanism (NPM) under the Optional Protocol to the UN Convention against Torture (OPCAT).

In accordance with the division of duties, the HRC and the Parliamentary Ombudsman may also jointly participate in events that would otherwise fall within the responsibilities of only one of them. Joint participation may be justified, for example, if events or statements concern the accreditation of the Finnish NHRI or the promotion, protection and monitoring of disability rights, a task assigned to the NHRI as a whole.

Based on the above, the HRC's - and the Finnish NHRI's - engagement in international cooperation is based on determining who participates in cooperation activities and whom they work with. However, to fully understand the added value of international cooperation, one must examine the objectives of cooperation and the wide field of duties assigned to the HRC.

## 2. Objectives of international cooperation

Even though the Human Rights Centre's primary task is to promote fundamental rights and monitor their implementation in Finland, international cooperation is a central part of its activities. These tasks are mutually supportive. The government proposal on the HRC states that "if a matter is connected to Finland, the Human Rights Centre could also address international human rights issues, such as topics concerning the EU's internal fundamental and human rights situation or human rights themes in Finland's foreign policy" and that "by participating in the international activities of national human rights institutions, the Centre would share information on Finland's fundamental and human rights situation in European and international forums and bring new human rights expertise to Finland by monitoring in international institutions

the fulfilment of human rights obligations in accordance with international standards".<sup>13</sup>

By monitoring international developments in the field of human rights and identifying best practices, the HRC gains new perspectives on and additional grounds for carrying out its other statutory tasks, such as promoting information provision, training, education and research on fundamental and human rights, drafting reports, proposing initiatives or giving statements. It can also disseminate information on international publications, statements and other human rights events among target groups in Finland. Conversely, the HRC's other statutory duties provide content and examples for its international cooperation activities. In the government proposal this point is used as one of the reasons for establishing the centre: "The idea of establishing a national human rights institution is based on the fragmented nature of the current fundamental and human rights architecture and the need to coordinate the gathering, evaluation and exchange of information on the implementation of fundamental and human rights, particularly for international cooperation."<sup>14</sup>

The HRC's fifth statutory task - performing other comparable tasks associated with the promotion and implementation of fundamental and human rights, i.e. tasks not included in other statutory duties - is a special part of the wide range of duties assigned to the centre. According to the government proposal, this refers primarily to the independent monitoring of compliance with international human rights conventions, implementation of recommendations and conclusions issued by international monitoring bodies on Finland and enforcement of judgments issued by the European Court

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13 Government proposal HE 205/2010, p. 19 and 21.

14 Government proposal HE 205/2010, p. 6.

of Human Rights. Even though monitoring has been emphasised as a separate task, it can also be considered to form a part of the HRC's international cooperation activities. It plays a special role in promoting the coordination of Finland's national and international obligations on fundamental and human rights.

#### **Overlapping elements of HRC's international and European cooperation:**

- Exchanging information (incl. sharing best practices) to support the HRC's other statutory tasks and by utilising these other tasks
- Cooperating and exerting influence with other NHRIs to promote human rights in general
- Monitoring international developments in the field of human rights and raising awareness among national stakeholders
- Promoting the coordination of Finland's national and international human rights obligations.

In accordance with the emphasis highlighted in the government proposal, the key objective of HRC's international cooperation activities is to provide information and tools for promoting the implementation of fundamental and human rights in Finland. Cooperation is of concrete use particularly in the development of new activities and operating models, given the HRC's own limited resources.

Based on experiences gained, being active in international forums also helps understand the national fundamental and human rights situation in a wider context. This enables the HRC to identify areas where the promotion of fundamental and human rights should be further strengthened and best practices it could share with others. It also helps identify the capacity building needs of the HRC or other

fundamental and human rights actors.

As an independent and autonomous fundamental and human rights actor, the HRC has a wide discretion to decide how to carry out its statutory tasks, including its participation in international cooperation.

The following sections will present the HRC's key international partners and illustrate the forms of cooperation in which the HRC has engaged in recent years. Particular emphasis is placed on the year 2017.

### **3. Cooperation with ENNHRI**

Since the Human Rights Centre was founded in 2012, cooperation among European NHRIs has developed rapidly. From the start, the HRC has been actively involved in European activities. In 2013, a permanent secretariat was established for the **European Network of National Human Rights Institutions** (ENNHRI) in Brussels. Since then, the network has significantly increased its activity. The network's membership currently includes 41 NHRIs.

ENNHRI's highest decision-making body is the General Assembly, in which all ENNHRI members are represented. Among other things, the General Assembly adopts ENNHRI's strategic plan, annual budget and operational plan. ENNHRI also has a board, the European Coordinating Committee (ECC). It is made up of six members elected to serve for three-year terms. One of the ECC members is elected as ENNHRI's Chair. In 2016–2019, ENNHRI's Chair is the Croatian Ombudswoman (Croatian NHRI) Lora Vidović. All ECC members must be 'A' status NHRIs (accredited by the Global Alliance for National Human Rights Institutions, GANHRI).<sup>15</sup> The ECC drives ENNHRI's operations in accordance with the General Assembly's decisions. ENNHRI also has a Finance Committee

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<sup>15</sup> These institutions are in full compliance with the criteria set for NHRIs in the UN Paris Principles.

that oversees ENNHRI's financial situation and fundraising. ENNHRI is financed by annual membership fees and project funding from the European Commission.

The HRC has been a member of the ECC since 2016. The position has given the HRC an important opportunity to observe European human rights discussions and the establishment of regional cooperation among NHRIs. The HRC's main objective during its term on the ECC has been to contribute to the creation of a network that will give its members better opportunities to promote and protect fundamental and human rights at national level. Another key objective is to strategically influence the fundamental and human rights situation in Europe through the network and its secretariat.

The year 2017 was particularly important for the ECC because ENNHRI drafted a strategy for the years 2018–2021. The ECC and ENNHRI members evaluated the activities carried out in previous years and exchanged views on ways to develop ENNHRI's operation in the coming years. During the strategy drafting process, the HRC took part in a membership survey and made two submissions on the draft strategy. As an ECC member, the HRC participated in drafting the strategy, aiming to ensure that it is based on the needs of ENNHRI members,

#### **Objectives of the ENNHRI Strategic Plan 2018-2021:**

- build NHRI capacities, e.g. by organising training and exchanging information
- support NHRIs throughout the accreditation process
- support NHRIs under threat
- strengthen the NHRI network and external relations
- contribute to human rights policy and the implementation of human rights in Europe.

makes use of the members' existing expertise in fundamental and human rights and clarifies the roles of ENNHRI's secretariat and members. The HRC also considered it important to ensure that targets and objectives are realistic given the resources available and to prioritise theme-based activities. The ENNHRI General Assembly adopted the new strategic plan in November 2017.

In addition to supporting its members, ENNHRI will in the coming years focus on establishing and targeting its activities in accordance with thematic priorities.

#### **ENNHRI's three priority themes for 2018-2021:**

- migration and asylum issues
- rule of law and democratic space
- economic, social and cultural rights.

The ENNHRI membership survey also highlighted the importance of the rights of persons with disabilities. These rights will be a central theme in 2018.

The ENNHRI General Assembly formalised seven working groups by adopting their rules of procedure. Some of these working groups have been operating for years, and the activities of others are becoming established.

In 2017, the HRC participated particularly in work of the Economic, Social and Cultural Rights Working Group, the CRPD Working Group and the Communications Working Group. It also followed the activities of other working groups and took part in surveys and information exchange. Like the whole network, working groups also discussed their own strategic objectives and prepared rules of procedure for adoption by the General Assembly.

### **ENNHRI working groups in 2018:**

- Legal Working Group
- Asylum and Migration Working Group
- Economic, Social and Cultural Rights Working Group
- Convention on the Rights of Persons with Disabilities (CRPD) Working Group
- Communications Working Group
- Business and Human Rights Working Group
- Sustainable Development Goals Working Group

The Economic, Social and Cultural Rights Working Group set as one of its objectives to build the NHRIs' capacities to assess human rights impacts and analyse economic and social policy. The CRPD Working Group's objectives include coordinating the NHRIs' activities concerning the CRPD and promoting its implementation in Europe.<sup>16</sup> The Communications Working Group intends to enhance and support the network's communication activities. It will also prepare a communication strategy for ENNHRI.

From the HRC's viewpoint, one of the most important benefits of participating in these working groups is the opportunity to deepen cooperation and exchange information on themes that are important to the HRC. Over the years, the HRC has also participated in various events and trainings organised by ENNHRI and used the ENNHRI secretariat's newsletters in its monitoring activities. Through ENNHRI, the HRC also participates in and gains information on, for example, the work of different Council of Europe working groups and the EU fundamental and human rights agenda. Furthermore, the HRC has participated in drafting and commented on some of ENNHRI's joint statements.

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<sup>16</sup> In this report, the CRPD Working Group's activities are also discussed in Part IV on promoting and monitoring the implementation of the UN CRPD.

### **4. Cooperation with GANHRI**

The **Global Alliance of National Human Rights Institutions** (GANHRI) (until 2016, the International Coordinating Committee, ICC) is the international association and leadership body of national human rights institutions (NHRIs).

GANHRI's Head Office is managed by an operations manager and located in Geneva. Its activities are funded almost entirely by membership fees. GANHRI's supreme decision-making body is the General Meeting, in which all members accredited with an 'A' status have the right to vote. GANHRI also has a Bureau that manages the organisation's activities. The GANHRI Bureau convenes twice a year. The HRC's Director Sirpa Rautio serves as a member of the GANHRI Bureau in 2016-2019. Since 2016, GANHRI's Chairperson has been Prof Dr Beate Rudolf, director of the German Institute for Human Rights.

GANHRI serves as a link between human rights institutions and the UN human rights architecture and activities. It facilitates engagement particularly with the Office of the UN High Commissioner for Human Rights (OHCHR) and the UN Human Rights Council (UNHRC), located in Geneva, but increasingly also with human rights mechanisms and processes in New York. GANHRI aims to increase the in-

volvement and strategic influence of NHRIs in the UN's human rights activities. Its mission is to support cooperation, information exchange and solidarity among NHRIs and to facilitate their engagement in human rights work. It aims to strengthen the NHRIs' role at national level but particularly in the UN and other international organisations.

One of GANHRI's tasks is to accredit NHRIs. This means that it reviews how well the composition, activities and other features of NHRIs comply with the criteria of autonomy, independence and pluralism enshrined in the Paris Principles. In practice, this peer review is undertaken by GANHRI's Sub-Committee on Accreditation, which consists of members representing each of GANHRI's regional groupings. The credibility and transparency of the accreditation system is of fundamental importance to the institutions' activities, and constant efforts are made to develop and increase these features. Only NHRIs accredited with an 'A' status have the right to speak at the UN Human Rights Council, for example. The Finnish NHRI was granted 'A' status in 2014. The accreditation is valid for five years.

GANHRI emphasises interinstitutional solidarity and a global perspective on human rights and their promotion and protection. One of its most important forms of activity is providing peer support to human rights institutions under various threats. Another strong theme is the emphasis on UN Sustainable Development Goals (SDG) and human rights. GANHRI also has working groups on the rights of elderly people, business and human rights, and SDGs, among others. These working groups consist of members representing regional groupings of NHRIs. Therefore, the HRC is not a member in these groups, but it follows their work. Topics discussed in 2017 included establishing a working group on the rights of persons with disabilities and enhancing cooperation and participation in international disability forums, such as the Conference of States Parties to the CRPD in New York.

## 5. Cooperation with the European Union Agency for Fundamental Rights (FRA)

The European Union Agency for Fundamental Rights (FRA) provides independent and evidence-based expert advice to the EU institutions and Member States. Among other things, it conducts fundamental rights surveys on various themes across the EU, provides advice and assistance to those working with fundamental rights and, upon request, delivers opinions on proposals for EU legislation. FRA aims to raise awareness of fundamental rights and promote full respect for the rights in the EU. In addition to EU institutions and Member States, FRA cooperates with NHRIs, NGOs and international organisations, among others.

Sirpa Rautio, the present director of the HRC, has been a member of the FRA Management Board since 2015. In July 2017, she took office as the Board's new Chairperson. Director Rautio's personal position on the FRA Management Board supports the HRC's and the Finnish NHRI's activities and their ability to promote fundamental rights in Finland and the EU. The Management Board defines FRA's priorities, adopts its budget and directs its operation. It is composed of independent members appointed by EU Member States, two representatives of the European Commission and one independent person appointed by the Council of Europe.

In 2017, FRA celebrated its 10-year anniversary. The Management Board adopted the FRA strategy and work programme for coming years and issued a set of recommendations to the European Commission on developing FRA's mandate. In the next few years, FRA will make efforts to further strengthen its cooperation with national human rights actors, thereby promoting the more efficient use of its research findings and the implementation of EU fundamental rights in Member States.

The HRC has started a new form of cooperation with FRA by launching preparations for a training project on the EU Charter of Funda-

mental Rights. The purpose of the project is to provide public servants at Finnish ministries with tailored training on the Charter. Between 2018 and 2019, the HRC will also, in cooperation with the Ministry of Justice and FRA, conduct a national fundamental rights barometer to survey the level of general awareness of fundamental rights in Finland, views on the importance of different rights and experiences of their implementation in everyday life. In 2017, the HRC also stepped up its information activities concerning FRA publications.

Collaboration with FRA opens up many opportunities for the HRC to carry out its tasks. By raising awareness of the Charter of Fundamental Rights, the HRC can promote the coordination of Finland's national and international human rights obligations. The fundamental rights barometer will provide experience-based knowledge of the implementation of fundamental rights. This knowledge can be used in the HRC's information and education activities, reports, statements and, more broadly, its monitoring activities. FRA's high-quality work on fundamental and human rights indicators can also be applied in efforts to improve monitoring at national level. FRA is also an important source of information on emerging human rights issues brought about by rapid technological development.

## 6. Conclusion

This article has discussed the HRC's various forms of international cooperation, presenting the numerous actors involved and the range of themes addressed. Even though the HRC's primary starting point in international cooperation is to promote the implementation of fundamental and human rights in Finland, it is important to remember that many fundamental and human rights challenges are shared problems, spanning across borders. Therefore, it is crucial to continue developing and strengthening cooperation among NHRIs so that they can independently and together with others remind states and citizens of the fact that, rather than being a burden, human rights are an asset and opportunity for societies.

## **Annex 1.**

# **Human Rights Centre's personnel in 2017**

**Sirpa Rautio**, Director

**Mikko Joronen**, Expert

**Kristiina Kouros**, Expert

**Leena Leikas**, Expert

**Elina Hakala**, Associate Expert (1.12. 2013-31.10.2017)  
and Coordinator for International Affairs (1.11.17-)

**Emilia Hannuksela**, Trainee (12.12.2016 -12.3.2017)  
and Associate Expert, FTA (13.3.2017- 31.3.2018)

**Tuija Kasa**, Trainee (1.5.-31.10.2017)  
and Associate Expert, FTA (1.11.2017-30.6.2018)



## Annex 2. Members of the Human Rights Delegation 2016-2020

1. **Aarnio Reijo**, Data Protection Ombudsman
2. **Kimmo Hakonen**, Secretary General, Office of the Chancellor of Justice
3. **Tuomas Kurttila**, Ombudsman for Children
4. **Jukka Maarianvaara**, Ombudsman for Equality
5. **Kirsi Pimiä**, Non-Discrimination Ombudsman
6. **Maija Sakslin**, Deputy Parliamentary Ombudsman
7. **Tiina Sanila-Aikio**, Chair, Sámi Parliament
8. **Pentti Arajärvi**, Professor (2016- emeritus), University of Helsinki, Docent, University of Eastern Finland
9. **Niklas Bruun**, Professor, Hanken School of Economics
10. **Elina Castrén**, Executive Director, Finnish Refugee Advice Centre
11. **Elina Grundström**, Chair, Council for Mass Media
12. **Leena Heinämäki**, Senior Researcher, Northern Institute of Environmental and Minority Law, Arctic Centre, University of Lapland
13. **Inka Hetemäki**, Director of Advocacy and Programs, UNICEF Finland
14. **Juha Hänninen**, Director, Chief Physician, Terhokoti
15. **Esa Iivonen**, Leading expert, Mannerheim League for Child Welfare
16. **Markku Jokinen**, Executive Director, Association of the Deaf
17. **Arto Kallioniemi**, Professor of Didactics, University of Helsinki
18. **Antti Karanki**, Chair, Trasek
19. **Kalevi Kivistö**, Minister, Association of Pensioners interest groups EETU ry
20. **Eija Koivuranta**, Managing director, Family Federation of Finland
21. **Kristiina Kumpula**, Secretary General, Finnish Red Cross
22. **Kalle Könkkölä**, Executive Director, Kynnys - the Threshold Association
23. **Niina Laajapuro**, Policy Director, Amnesty International, Finnish section
24. **Heli Markkula**, Expert, Finnish Youth Cooperation - Allianssi
25. **Kaari Mattila**, Secretary General, Finnish League for Human Rights
26. **Petri Merenlahti**, Theological Advisor for the Archbishop, Evangelical-Lutheran Church of Finland
27. **Elina Nieminen**, Lawyer, The Finnish Association of People with Physical Disabilities
28. **Eeva Nykänen**, Chief Specialist, National Institute for Health and Welfare
29. **Paula Paloranta**, Secretary General, Chamber of Commerce Finland
30. **Elina Pirjatanniemi**, Director, Åbo Akademi Human Rights Institute
31. **Pauli Rautiainen**, Professor of Public Law, University of Tampere
32. **Antti Sajantila**, Professor, University of Helsinki
33. **Kimmo Sasi**, Advisor
34. **Shafae Hamed**, Service advisor, City of Helsinki
35. **Ida Sulin**, Lawyer, Association of Finnish Local and Regional Authorities
36. **Antti Teittinen**, Head of Research, Finnish Association on Intellectual and Developmental Disabilities
37. **Jarkko Tontti**, Author
38. **Riku Virtanen**, Researcher

## Annex 3.

# Members of the Disability Rights Committee

1. **Kalle Könkkölä**, Chair, Kynnys - the Threshold Association
2. **Elina Nieminen**, Vice-chair, Finnish Association of People with Physical Disabilities
3. **Markku Jokinen**, Member, Association of the Deaf
4. **Antti Teittinen**, Member, Finnish Association on Intellectual and Developmental Disabilities
5. **Riku Virtanen**, Member, Åbo Akademi Institute for Human Rights
6. **Mikko Joronen**, Expert Member, Human Rights Centre
7. **Minna Verronen**, Expert Member, Office of the Parliamentary Ombudsman

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