

2555/9C/2014

10 June 2014

Ministry of Foreign Affairs
The Unit for Human Rights Courts and Conventions

This submission is given to the Ministry of Foreign Affairs to be added as such to the interim report of the Government of Finland to the UN Human Rights Council Universal Periodic Review

The Finnish Human Rights Centre (HRC) is an autonomous and independent expert institution whose task is to promote the implementation of fundamental and human rights and increase cooperation and exchange of information between various actors. The National Human Rights Institution (NHRI) consists of the Human Rights Centre, its pluralistic 40-member Human Rights Delegation and the Office of the Parliamentary Ombudsman.

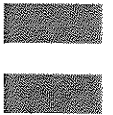
The Institution was established by law (changes to the Law on the Parliamentary Ombudsman 535/2011), effective as of 1 January 2012. The consideration for NHRI accreditation under the ICC is scheduled for the sub-committee meeting in October 2014. More information on the NHRI in Finland can be found on our website www.humanrightscentre.fi/in-english.

The HRC wishes to convey to the Human Rights Council the following comments regarding the consideration of the interim report of the Government of Finland.

Council recommendation 89.42

In the UPR review 2012 Uzbekistan drew attention to ILO no. 100 concerning Equal Remuneration for Men and Women Workers for the Work of Equal Value.

The HRC appreciates the Government's efforts since 2006 to reach equal pay through a special programme. However, discrimination on the basis of pregnancy and family leave continues to be a concern in Finland, and the HRC wishes to draw attention to the comments on this as well as on pay discrimination in the submission to the CEDAW-committee by the Equality Ombudsman in January 2014.



Council recommendation 90.8

In the UPR review 2012 Iceland recommended the efforts in the field of discrimination on grounds of sexual orientation and gender identity to be strengthened. In its reply, Finland accepted the recommendation.

HRC is content with the proposed reform of the Act on Equality between Women and Men (609/1986), which when in effect, will provide for stronger protection for the victims of discrimination. The reform is at the moment under consideration of the Parliament.

However, widespread prejudices, gender-based stereotypes and discriminatory legislation negatively affect the enjoyment of human rights by trans individuals in Finland. Trans individuals' human rights are especially violated within the current process for gender legal recognition.

The requirement to be sterilized as a gateway to gender legal recognition – set by the Act on Legal Recognition of the Gender of Transsexuals (the Trans Act) - is coercive and undermines the ability of individuals to consent freely to this kind of medical treatment. According to the Trans Act, those who are married or in a civil partnership cannot obtain legal gender recognition unless they agree to changes in their marital status. In addition, the current procedure is very lengthy, and can take up to 2-3 years, exposing trans people to discrimination in situations where they are required to present documents with gender markers not corresponding to their gender identity and expression.

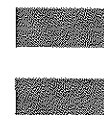
The Ministry of Social Affairs and Health did set up a working group in 2013 to examine whether there is a need to review the Act on Legal Recognition of the Gender of Transsexuals (563/2022). HRC considers it to be most unfortunate that the functioning of the working group was interrupted in the spring 2014. For the HRC at least, it is uncertain whether the reform will be carried out by this government.

Council recommendation 90.22 HRE

In the UPR review 2012 Slovenia recommended that Finland should make human rights education a mandatory part of teacher training.

Finland, in its reply, recognised that public authorities must, through different types of support measures, ensure access to human rights education for all sectors of society, including professional groups, but was, nevertheless, not ready to accept Slovenia's recommendation.

Instead, the Finnish government stated that due to the autonomy of the higher education institutions providing teacher education, any requirement of a mandatory element, imposed to all higher education institutions, is impossible.



The HRC is of the opinion that this position can be questioned from Finland's international human rights obligations point of view. Furthermore, it doesn't seem to be consistent with the government's earlier express recognition of the right to human rights education as an internationally recognised human right in the Government Report on Human Rights Policy in Finland of 2009.

The HRC notes that while the Constitution of Finland and the Universities Act (645/1997) secure autonomy (Section 3) of the universities with the objective of ensuring freedom of science, art and education, including the right of the universities to decide on matters belonging to their internal administration, the universities and other institutions of higher education are not entirely free from state steering, which is effectuated in the form of legislation, policy guidelines (the Development Plan for Education and Research) and performance agreements (with the Ministry of Education and Culture). It is important to note that the state still remains the major funder of the universities and other institutions of higher education.

The Human Rights Centre conducted a national base line survey on the status of human rights education in Finland in 2013. The study was published in February 2014. An English summary is available at the Centre's website: www.humanrightscentre.fi.

In conclusion, the study revealed that human rights education and training is implemented in Finland in various ways and in several sectors. Nevertheless, the field is marked by *heterogeneity and lack of a systematic approach*. Even though more and more attention has lately been paid to the environment and culture of education and training, *teaching on human rights norms and mechanisms is still limited*.

The greatest challenge is the lack of human rights training in the education of teachers and educators, on the one hand, and in the education of civil and public servants on the other.

The HRC wishes in this context to refer to the recommendations adopted by the Human Rights Delegation on the basis of the above mentioned national study on HRE, and wishes to reiterate that

1. The human rights knowledge and skills of teachers and educators should be strengthened.

The teachers and educators in all sectors and levels of education, educational institutions and subjects should have sufficient basic knowledge about human rights, both about their value basis and normative content.

Human rights education and training should be made compulsory in teacher training. Human rights education should be considered a positive resource in teaching, and teachers and educators should be seen as the driving force and role model for a culture favourable to human rights. The directors of educational institutions have a particular responsibility to promote and implement human rights teaching.

Teachers and educators should be made committed to human rights teaching and education in their own teaching contents and methods.

As regards early childhood education and pre-school and basic education, it is important that teachers and educators are familiar with the human rights of the child and respect them and give a primary consideration to the best interests of the child.

In basic and upper secondary education, it is important to strengthen the human rights knowledge of class and subject teachers and in particular of teachers specialised in philosophical and religious subjects, history and social studies.

Universities, polytechnics, vocational institutions and state educational institutions should ensure that their teachers have sufficient competences and applied knowledge of at least those human rights issues that are central to their professional fields. Teachers in liberal adult education and adult education and training should master the basics of human rights and have the competence for promoting human rights in their teaching.

2. The implementation of human rights education should be incorporated into the legislation and the performance agreements between the Ministry of Education and Culture and the universities.

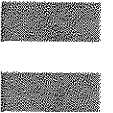
The implementation of human rights education should be incorporated into the legislation and the performance agreements between the Ministry of Education and Culture and the universities. Human rights should not only be included in the value basis of teaching, but they should also be made a clear learning objective.

3. Human rights training should be incorporated into the faculties' strategies and curricula

Human rights training should be incorporated into the strategies and curricula of the faculties of law and education. A compulsory introductory course on human rights should be offered to all new students on the faculty level.

A compulsory introductory course on human rights should also be designed for the students of education and behavioural sciences. Furthermore, human rights issues should be emphasised in the content of other suitable courses. Planning should be carried out in cooperation with the faculties of law.

The HRC lastly notes with satisfaction that a three member committee to study the status of human rights and democracy education in teacher training in universities and polytechnics was appointed by the MEC in September 2013. The report, with a set of recommendations, will be published on the 11th of June 2014.



The HRC urges the Finnish government to fully respect its duty to realise HRE and to enhance its efforts to implement HRE in general and in teacher education, in particular, and to ensure that the aims and contents of HRE are being included in all on-going reforms in the education sector (pre-school, basic, secondary and vocational education).

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