

TARGETED STAKEHOLDER CONSULTATION 2021 RULE OF LAW REPORT

UN HUMAN RIGHTS REGIONAL OFFICE FOR EUROPE (OHCHR)

This document presents the UN Human Rights Office's contribution to the targeted stakeholder consultation held by the European Commission in 2021 in the context of the second annual rule of law report.

It is a compilation of information related to Finland, included in reports and documents of United Nations Treaty Bodies, Special Procedures and the Universal Periodic Review of the UN Human Rights Council, presented in a summarized manner. It also refers to statements and reports of the UN High Commissioner for Human Rights and her Office. The cited material covers the period 2018-2020.

It mentions both positive developments and challenges to the rule of law in Finland, as well as recommendations issued by the UN Mechanisms on how these challenges can be addressed and how the rule of law can be further strengthened.

In light of the methodology proposed by the European Commission the submission is divided in four pillars: national justice systems, anti-corruption frameworks, media pluralism and freedom and other institutional issues related to the checks and balances essential to an effective system of democratic governance.

FINLAND REVIEW

Justice System

➤ *Quality of justice*

In its 2021 concluding observations, the UN Committee on Economic, Social and Cultural Rights noted that the provisions of the Covenant on Economic, Social and Cultural Rights are rarely invoked in courts, especially in view of its status as a constitutional act in Finland's domestic legal order. It found awareness of the Covenant among the legal profession should be promoted, given that domestic law should be interpreted as far as possible in a way which conforms to the rights and obligations under the Covenant. The Committee thus recommended that Finland enhance training for judges, lawyers and public officials on the Covenant and the justiciability of the rights therein ([E/C.12/FIN/CO/7](#), para 4-5).

Other institutional issues related to checks and balances

➤ *The process for preparing and enacting laws*

In its 2021 concluding observations, the UN Committee on Economic, Social and Cultural Rights recommended that, in view of the status of the Covenant on Economic, Social and

Cultural Rights as a constitutional act in Finland's domestic legal order, Finland conduct impact assessments on the Covenant rights, including on equal rights of men and women, for proposed legislation as well as policy-making processes. In particular, the Committee expressed concern that legislative changes and other developments have eroded the rights of the Sámi to maintain their way of life and traditional livelihoods; and at the lack of a legal obligation to conduct consultations with a view to obtaining the Sámi's free, prior and informed consent on matters that affect their lands and resources. The Committee urged Finland to act upon instances of infringements on the rights of the Sámi to maintain their culture, way of life and traditional livelihoods, and recommended that Finland assess the impact of existing laws on these rights and bring the necessary amendments. Moreover, the Committee urged Finland to strengthen the legal recognition of the Sámi as indigenous peoples and the legal and procedural guarantees for obtaining the Sámi's free, prior and informed consent in line with international standards. ([E/C.12/FIN/CO/7](#), para 4-5, 50-51).