

Contribution to European Commission's Rule of Law report

2025



UNITED NATIONS
HUMAN RIGHTS
Regional Office Europe

RULE OF LAW & HUMAN RIGHTS

The 'rule of law' is a concept at the heart of the United Nations' mission. It refers to a principle of governance which is consistent with international human rights standards ([S/2004/616](#)). There is no rule of law within societies if human rights are not protected and human rights cannot be protected in societies without a strong rule of law. This interlinkage is reiterated by the UN Secretary-General in his [New Vision for the Rule of Law](#): *"Human rights and the rule of law are mutually reinforcing – the advancement of the rule of law is essential for the protection of all human rights, and human rights are central to the rule of law."*

The Office of the UN High Commissioner for Human Rights (OHCHR), also known as UN Human Rights Office, is mandated by the UN General Assembly to promote and protect the enjoyment and full realization, by all people, of all human rights. As part of its mandate, OHCHR works to mainstream human rights to strengthen the rule of law ([Management Plan 2024 - 2027](#)).

Established in 2009, OHCHR Regional Office for Europe (ROE) aims to advance the protection and promotion of human rights in the European Union and its member States. ROE works to mainstream international human rights standards to strengthen the rule of law in the EU by engaging in and contributing to the European Commission's Rule of Law Report. ROE furthermore promotes the UN human rights mechanisms and processes by giving their work visibility at the regional level.

OHCHR ROE'S CONTRIBUTION

The contribution by OHCHR Regional Office for Europe (ROE) is grounded in the Universal Declaration of Human Rights and nine international human rights treaties:

- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Convention on the Rights of the Child (CAT)
- Convention on the Rights of Persons with Disabilities (CERD)
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW)
- International Convention for the Protection of All Persons from Enforced Disappearance (CPED)

The current submission consists of a compilation of findings and recommendations contained in reports of UN international human rights mechanisms including human rights treaty bodies, special procedures and the Universal Periodic Review of the UN Human Rights Council. It also includes statements and reports by the UN High Commissioner for Human Rights and his Office.

UN HUMAN RIGHTS MECHANISM

Each of the nine international human rights treaties creates a **human rights treaty body or committee of independent experts** to monitor the implementation of the provisions of the treaty. With the support from OHCHR, the treaty bodies:

- consider reports submitted by State parties detailing how they are implementing the treaty;
- adopt general comments interpreting the treaty provisions, and organize discussions on themes related to the treaties; and
- consider complaints (communications) from individuals alleging that their rights have been violated by a State party, provided that the State has accepted the complaints procedure.

The **UN Human Rights Council (HRC)** is a subsidiary body of the UN General Assembly and the main intergovernmental body within the UN responsible for human rights. It meets at the UN Office at Geneva in three regular sessions each year, and may convene special sessions to respond to urgent human rights situations. The HRC benefits from substantive, technical, and secretariat support from OHCHR.

The **special procedures of the UN Human Rights Council** are independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective. As of November 2024, there are 46 thematic and 14 country mandates. With the support of OHCHR, special procedures undertake country visits, act on individual cases of alleged violations and concerns of a broader nature by sending communications (letters of allegation) to States and other entities; contribute to the development of international human rights standards; and engage in advocacy.

The **Universal Periodic Review (UPR) of the UN Human Rights Council** is a State-led mechanism that conducts a peer review of the human rights situation of each UN Member State once every 4.5 years. It is carried out by the UPR Working Group of the Human Rights Council. In each review, the State under review reports on the actions it has taken to improve its human rights situation and overcome challenges to the enjoyment of human rights. It also receives recommendations from UN Member States for improvement. In addition to the national reports of States under review, the UPR is informed by compilations of stakeholder information and United Nations system reports.

In recent years, States have established **National Mechanisms for Implementation, Reporting and Follow-up (NMIRF)**, some of whom with the technical assistance of UN Office of the High Commissioner for Human Rights (OHCHR). This mechanism, which is often based within the ministry of foreign affairs, has a mandate which includes following-up on all treaty body obligations, UPR recommendations, as well as recommendations from other international and regional human rights mechanisms, and generally works closely with government ministries, national human rights institutions and civil society organizations. (See: [National Mechanisms for Reporting and Follow-up: A Study of State engagement with International Human Rights Mechanisms](#); [A Practical Guide to Effective State Engagement with International Human Rights Mechanisms](#))

The **Office of the UN High Commissioner for Human Rights (OHCHR)** also known as **UN Human Rights Office** is the main human rights entity of the UN to protect and promote all human rights for everyone everywhere. The High Commissioner for Human Rights leads OHCHR. He is the principal human rights official of the United Nations.

INSIDE THE CONTRIBUTION FINLAND

- Period of contribution: January - December 2024
- Contents of contribution:
 - The Committee on Convention Against Torture (CAT) adopted its concluding observation on Finland ([CAT/C/AUT/CO/7](#)) on 1 May 2024 and the report was published on 12 June 2024.
 - The Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence visited Finland and Sweden from 11 to 22 March 2024. At the end of the visit, the Special Rapporteur shared a [preliminary statement](#) and published the official report ([A/HRC/57/50/Add.3](#)) at the 57th session of the UN Human Rights Council (9 September - 9 October 2024)
- Forthcoming relevant information (January - May 2025): N/A
- Resources:
 - [Rule of Law in Europe | OHCHR](#)
 - OHCHR country page - [Finland](#)
 - [Universal Human Rights Index \(UHRI\)](#) allows you to explore over 230.000 observations and recommendations made by the international human rights protection system (treaty bodies, special procedures and the Universal Periodic Review)

Pillar I: JUSTICE SYSTEM

There is no true respect for the rule of law without a judicial power guaranteeing compliance therewith. Judges guarantee compliance with laws and with it the reality of democratic coexistence. The duty to promote equality among all persons, especially to ensure that everyone has the right to access justice on an equal basis with others, rests with the judiciary. Guaranteeing access to justice is indispensable to democratic governance and the rule of law, as well as to combating inequality and exclusion.

Respecting the rule of law through fostering the separation of powers and the independence of justice ensures protection of human rights. The judiciary is the ultimate guarantors of human rights. However, at the same time, judges, prosecutors and lawyers are subject to attacks and violations of their rights, including threats, intimidation, external interference in conducting their professional activities, arbitrary detention, prosecution, and killings. These attacks threaten the impartiality and independence of the judiciary and the legal profession and in turn, deter their role as guarantors of human rights and the rule of law.

For more info:

- [Basic Principles on the Independence of the Judiciary](#)
- [Human rights in the administration of justice: a manual on human rights for judges, prosecutors and lawyers](#)
- [International principles and guidelines on access to justice for persons with disabilities](#)
- [General Recommendation No. 33 on women's access to justice \(CEDAW/C/GC/33\)](#)
- [Special Rapporteur on the independence of judges and lawyers](#)

There is no relevant information under this pillar for the coverage period.

Pillar II: ANTI-CORRUPTION

Corruption has a destructive effect on State institutions and it undermines the functioning and legitimacy of institutions and processes, the rule of law and ultimately the State itself. In particular, corruption effects on the capacity of States to respect, protect and fulfil human rights particularly of those persons and groups in situation of vulnerability and marginalization.

Corruption pose a major challenge to many societies as they divert public revenues and cripple public budgets that should provide healthcare, housing, education, and other essential services, they undermine States' ability to meet their minimum core obligations and their pre-existing legal obligations to maximize all available resources to respect, protect and fulfil human rights.

For more info:

- [Corruption and human rights | OHCHR](#)
- [OHCHR Key messages on the negative impact of corruption in the enjoyment of human rights](#)

There is no relevant information under this pillar for the coverage period.

Pillar III: MEDIA FREEDOM

Free, independent, plural and diverse media are a core component of the right to freedom of expression, a cornerstone of democratic societies and plays an essential role in strengthening the rule of law. Journalists and the media are crucial to ensure transparency and accountability for public and governmental authorities.

For more info:

- [OHCHR and the safety of journalists and the issue of impunity](#)
- [Special Rapporteur on freedom of opinion and expression](#)
- [General comment No.34 on Article 19: Freedoms of opinion and expression \(CCPR/C/GC/34\)](#)

There is no relevant information under this pillar for the coverage period.

Pillar IV: CHECKS AND BALANCES

Civic space is the environment that enables civil society to play a role in the political, economic and social life of our societies. In particular, civic space allows individuals and groups to contribute to policy-making that affects their lives, including by: (1) accessing information; (2) engaging in dialogue; (3) expressing dissent or disagreement, and (4) joining together to express their views. An open and pluralistic civic space that guarantees freedom of expression and opinion as well as freedom of assembly and association, is a prerequisite for making development and peace sustainable.

For more info:

- [OHCHR and protecting and expanding civic space](#)
- [Special Rapporteur on human rights defenders](#)
- [The Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms](#)

Independent authorities

- The Committee against Torture expresses appreciation for the information provided on the steps taken by the State party to implement several recommendations made by the Parliamentary Ombudsman in its capacity as the national preventive mechanism following its monitoring visits to places of deprivation of liberty and would appreciate further information on the implementation of all its recommendations. The Committee notes that, in addition to having a preventive mandate, the Parliamentary Ombudsman has competence to receive and consider individual complaints, but it regrets the lack of further details on the follow-up to such complaints, including their outcomes. Moreover, while noting the explanation provided, the Committee regrets that the State party did not establish the national preventive mechanism as a separate entity under the Parliamentary Ombudsman, with budgetary and staffing autonomy (arts. 2, 11 and 16). ([CAT/C/AUT/CO/7, para. 26](#))
- The State party should continue ensuring that the Parliamentary Ombudsman's recommendations resulting from its visits as the national preventive mechanism are fully considered. It should ensure that individual complaints received by the Parliamentary Ombudsman and referred to the national authorities are properly addressed, that victims obtain redress and compensation, including medical and psychosocial rehabilitation, and that a register of all complaints received and acted upon, including their outcomes, is kept. Moreover, the Committee reiterates its recommendation that the State party consider the possibility of establishing the national preventive mechanism as a separate entity under the Parliamentary Ombudsman, with budgetary and staffing autonomy. ([CAT/C/AUT/CO/7, para. 27](#))

SPECIAL THEME - Transitional Justice

The rule of law is fundamental to lasting peace and security. It is the foundation for conflict prevention, peace-making, peacekeeping, sustaining peace and peacebuilding. A holistic approach to transitional justice, including criminal accountability, truth-seeking, reparations and guarantees of non-recurrence, will help build the foundation for reconciliation and lasting peace. The right to the truth implies knowing the full and complete truth as to the events that transpired, their specific circumstances, and who participated in them, including knowing the circumstances in which the violations took place, as well as the reasons for

them. The right to the truth is closely linked to the rule of law and the principles of transparency, accountability and good governance in a democratic society.

For more info:

- [Transitional Justice | OHCHR](#)
- [Special Rapporteur on truth, justice and reparation](#)

- In October 2021, the Government established the Truth and Reconciliation Commission concerning the Sami People. The Commission is mandated to “identify and assess historical and current discrimination, including the assimilation policy of the state and violations of rights, to find out how they affect the Sámi and their communities in the current situation, and to propose ways to promote links between the Sámi and the state of Finland and among the Sámi people”. It is also mandated to ensure that “the state of Finland will bear responsibility for its actions and, together with the Sámi Parliament, the Skolt Village Assembly and other Sámi operators, will work to strengthen the realisation of the rights of the Sámi people in Finland”. ([A/HRC/57/50/Add.3 paras. 5-6](#))
- Alongside its truth-seeking efforts, Finland has adopted a mechanism to provide reparation for the Sami people in the form of rehabilitation, with the establishment of the Sami psychosocial support unit Uvjj – Uvjâ – Uvja – Untuva. The unit provides countrywide psychosocial support in the Sami languages and, in accordance with Sami culture, to Sami persons who require such support in connection with testimonies or other psychosocial matters. The unit operates with financing provided by the Office of the Prime Minister and comes under the Health and Welfare District of Lapland. It has a very small team of trained Sami professionals and its mandate is currently tied to the existence of the Truth and Reconciliation Commission, although virtually all interlocutors have demanded its extension on a permanent basis. The crucial work carried out by the unit is highly valued by Sami people and very well regarded by numerous other stakeholders. The Special Rapporteur commends the establishment of and the work carried out by the unit and urges the authorities to ensure that it is established as a permanent independent unit within the Ministry of Health and Welfare, with an adequate and autonomous budget and substantially increased human and financial resources to respond to the needs of the Sami population of 10,000 persons. The Government reported that the Finnish Institute for Health and Welfare had signed a cooperation agreement with the Sami Parliament in 2023 to promote the health and well-being of the Sami people. ([A/HRC/57/50/Add.3, para. 10](#))
- With regard to restitution, in 2021 the National Museum of Finland completed the repatriation of the Sami collection to the Sami Museum Siida, which consisted of 2,200 objects, including the oldest known Sami objects in Finland. The repatriation project was funded by both museums, with additional support provided by the Government, including for the construction of an annex to the Sami Museum to store the collection. The repatriation project received national and international praise and was awarded the European 2022 Heritage Europa Nostra Award. 4 In 1995 and 2001, the Government undertook the repatriation to the Sami homeland of Sami remains found in the anatomical collection of the Department of Biomedicine of the University of Helsinki, which were then stored in the Sami Museum Siida. In 2022, the museum organized the reburial of those remains with State funding.⁵ At the reburial ceremony, the Director General of the Department for Art and Cultural Policy of the Ministry of Education and Culture expressed deep regret that the Ministry had granted a permit for excavations in 1934 without the consent of the Sami community. The Special Rapporteur commends these important initiatives. ([A/HRC/57/50/Add.3, para. 11](#))
- Concerning measures of satisfaction, the State of Finland has not made other official apologies to the Sami. It is expected that the work of the Truth and Reconciliation Commission may lead to a public acknowledgment of the harm inflicted on the Sami. Consultations conducted during the negotiations for the establishment of the Commission showed that an apology from the Government was expected, with

reservations by the Sami people if it was not to be accompanied by effective measures to improve their status and redress the harm suffered. During a ceremony to rebury the repatriated remains of Sami people in 2012, the Oulu Diocese of the Evangelical Lutheran Church of Finland apologized to the Sami for the anthropological research carried out on Sami skeletal remains, following their exhumation from Sami cemeteries. ([A/HRC/57/50/Add.3, para. 12](#))

- Reparation in the form of compensation and restitution of ancestral lands or natural resources has not taken place. ([A/HRC/57/50/Add.3, para. 13](#))
- The Special Rapporteur welcomes the adoption of important reparation measures, such as the establishment of the psychosocial support unit and the repatriation of Sami objects and skeletal remains to the Sami homeland. However, he notes with concern the scarcity of other measures to repair the harm inflicted on the Sami people. The design and implementation, in consultation with the Sami people and with their consent, of a comprehensive reparation programme that includes measures of compensation and satisfaction; strengthens the existing measures of rehabilitation; provides transformative reparation; and widens the scope of restitution measures in compliance with international standards on the rights of Indigenous Peoples, will be crucial to remedy the harm done. ([A/HRC/57/50/Add.3, para. 14](#))

SPECIAL THEME - Counter terrorism

Terrorism aims at the very destruction of human rights, democracy and the rule of law. It attacks the values that lie at the heart of the Charter of the United Nations and other international instruments: respect for human rights; the rule of law; rules governing armed conflict and the protection of civilians; tolerance among peoples and nations; and the peaceful resolution of conflict. In addition to direct impact on human rights, terrorism can destabilize Governments, undermine civil society, jeopardize peace and security, and threaten social and economic development. In recent years, the measures adopted by States to counter terrorism have themselves often posed serious challenges to human rights and the rule of law. The independence of the judiciary has been undermined, in some places, while the use of exceptional courts to try civilians has had an impact on the effectiveness of regular court systems. Repressive measures have been used to stifle the voices of human rights defenders, journalists, minorities, indigenous groups and civil society.

States have an obligation to conduct any transfer of individuals suspected of terrorist activity in a manner which is transparent and consistent with human rights and the rule of law, including the right to respect for a person's inherent dignity, the right of everyone to recognition before the law and the right to due process. The transfer of an individual which takes place outside the rule of law and without due process may lead to a number of human rights violations, notably infringements of the right to liberty and security of the person, the prohibition of torture and other cruel, inhuman or degrading treatment and punishment, the right to recognition everywhere as an individual before the law, the right to a fair trial, the right to private and family life, and the right to an effective remedy.

For more info:

- [Fact Sheet No. 32 Human Rights, Terrorism and Counter-terrorism](#)
- [Special Rapporteur on counter-terrorism and human rights](#)
- [Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law](#)

- While acknowledging the State party's need to adopt measures to respond to the risk of terrorism, including the implementation of the National Action Plan for the Prevention of Violent Radicalisation and Extremism (2019–2023), the Committee is concerned that the State party's counter-terrorism legislation, policies and practices still provide for potentially excessive restrictions on the rights of persons suspected or accused of involvement in terrorist acts, including the right to a fair trial and the right to liberty and security of person. The Committee is also concerned about the vague definition of terrorist offences contained in the Criminal Code and the risk of an abusive interpretation of the relevant provision. The Committee regrets the lack of information on persons convicted under counter-terrorism legislation, the legal safeguards and remedies available to persons subjected to counter-terrorism measures in law and in practice, whether complaints have been received about the non-observance of national and international standards in this regard and the outcomes of those complaints (arts. 2, 11, 12 and 16). ([CAT/C/AUT/CO/7, para.46](#))
- The State party should take all measures necessary to ensure that its counter-terrorism and national security legislation, policies and practices are fully in line with the Convention and that adequate and effective legal safeguards against torture and ill-treatment and arbitrary detention are in place. Furthermore, the State party should carry out prompt, impartial and effective investigations into all allegations of human rights violations, including acts of torture and ill-treatment, committed in the context of counter-terrorism operations, prosecute and punish those responsible and ensure that victims have access to effective remedies and full reparation. ([CAT/C/AUT/CO/7, para. 47](#))