

Rule of Law and Democracy
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Re: Questionnaire on “The role of prevention in the promotion and protection of human rights”

The Finnish Human Rights Centre wishes to thank the Office of the High Commissioner for the opportunity to provide information regarding the role of prevention in the promotion and protection of human rights in Finland.

The Human Rights Center (HRC) is an autonomous and independent expert institution whose task is to promote the implementation of fundamental and human rights in Finland as well as increase cooperation and exchange of information between various actors in the field.

According to legislation, one of the tasks of the HRC is to participate in European and international cooperation related to the promotion and protection of fundamental and human rights.

The HRC forms the National Human Rights Institution (NHRI), alongside with its pluralistic 40-member Human Rights Delegation and the Parliamentary Ombudsman. The Institution was established by law, effective as of 1 January 2012, and received **A-status in December 2015**. The HRC generally represents the Finnish NHRI in international NHRI cooperation.

The Centre’s reply is restricted to observations relating to the role of the Finnish NHRI in direct and indirect prevention, mainly from prevention of torture monitoring and human rights education and training point of view, providing thus answers under items **2 and 4 of the OHCHR questionnaire**, in the first hand.

On the National Action Plan and Policy report on fundamental and human rights

The first Finnish National Action Plan on fundamental and human rights was adopted in 2012 (for the years 2012–2013). It is expected to be followed by a second one after the April 2015 Parliamentary elections and setting up of a new Government.

The 2012–2013 Plan’s general part includes references to prevention in the context of promotion, mainly, but can not be said to address the issue in a systematic

way. The role of active promotion is recognised as vital for anticipating and preventing violations, in which context the important role of internal supervision of legality (especially monitoring) is emphasised. Very importantly the Government also raises up the need to make prevention more efficient by involving local level, especially municipalities, in fundamental and human rights discussion. The importance of awareness raising of fundamental and human rights in avoiding violations is further recognised.

A more comprehensive human rights policy report was given in December 2014. In a specific chapter of the report the Government sets out « Active and long term » promotional goals for fundamental and human rights, summarising them under the main heads of monitoring the realisation of fundamental and human rights and strengthening them by means of education and training, alongside with the need to analyse and develop the structures.

Developing rights-based indicators and reinforcing fundamental and human rights education and training at all levels are set out as specific policy guidelines, recommending, in the last mentioned context, education and training to be included as a section in the next National Action Plan.

The Parliamentary Ombudsman not only oversees, but also promotes implementation of fundamental and human rights

The Parliamentary Ombudsmans traditional role is that of overseer of legality. In 1995, in the context of the revision of the fundamental rights provisions of the Constitution, the Ombudsman was assigned the specific task of overseeing implementation of fundamental and human rights (the observance of which according to article 22 of the Constitution shall be guaranteed by the public authorities).

From prevention point of view it is important to note that the promotional role of the Ombudsman has been steadily growing, especially by means of the Ombudsman's own initiatives, statements and submissions as well as in the context of inspections, and can presently be said to be evident in all of the Ombudsman's work, including complaints handling.

In its 2012 Annual Report the Ombudsman also refers to the imprecise difference remaining between oversight and prevention, pointing out that the purpose of an retroactive rebuke ultimately is prevention.

The Parliamentary Ombudsman as a supervisory body for prevention of torture

By an amendment of the Parliamentary Ombudsman Act that entered into force in November 2014, the Ombudsman was assigned long awaited duties of a National Preventive Mechanism under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

This brought with it certain extensions to the Ombudsman's existing competence to conduct inspections of closed institutions and to monitor the treatment of persons held therein. It is worth noting, though, that significant adaptation to the

NPM requirements had already been made during several years in anticipation of the forthcoming assignment, by means of e.g. carrying out of pro-active and un-announced visits to closed institutions and increasing the number of visits.

The major new competence brought alongside with the NPM assignment was the broadening of the Ombudsman's mandate to cover private bodies who oversee or administrate places in which persons are or may be deprived of their liberty, (including vehicles used to hold and transport persons deprived of liberty), whereas the earlier mandate *visavi* private persons was limited to their performance of public tasks. Also the possibility to use external experts is new and is seen to bring in important added value to the Ombudsman's inspection activities.

The NPM activities are integrated with those of the Ombudsman's Office as whole, and the inspections carried out as part of the Ombudsman's normal activities; which is seen to make it possible to use a wider expertise in a more flexible manner and also to be in line with the shift towards proactive and preventative measures.

[For more analysis, see : Ombudsman Petri Jääskeläinen's General Comment : The Parliamentary Ombudsman is to become the supervisory body for prevention of torture published in the English Summary of the *Parliamentary Ombudsman's Annual Report 2013*, pp. 12–17).

The Human Rights Centre advancing education and training in fundamental and human rights

Within the broad assignment of promotion of human and fundamental rights, promotion of information, education, training and research on fundamental and human rights is one of the central statutory tasks of the Human Rights Centre (HRC). The Centre emphasises the importance of human and fundamental rights education and training for the exercise of public authority and for the realisation of the rights of the individuals. It is of the view that the role of fundamental and human rights awareness raising, education and training, in particular of public officials as a means of both direct and indirect prevention of human rights violations cannot be overemphasised.

In view of its above described mandate and the international recommendations the Centre conducted a national base line survey on the status of human rights education in Finland. The study, which was first of its kind, was published in February 2014.

The importance of education in fundamental and human rights had been recognised earlier in the context of e.g. the first national fundamental and human rights action plan (2012–2013). Also the non-governmental organisations, which have for long been important actors and executors in the field of human rights and/or global education, had called for the state to take a stronger responsibility for the provision of human rights training.

The HRC study covered all educational sectors using the HRE definition included in the UN Declaration on Human Rights Education and Training (Art. 2) as its analytical framework. It was implemented as a collection of articles written by

experts in the areas of different educational sectors and human rights education. The authors were requested to evaluate the possibilities, challenges and obstacles of human rights education in the sector concerned and to make concrete proposals for developing HRE.

The HRC study, in conclusion, 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.

As greatest challenges were identified ***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 at central, regional and local level***, on the other.

The Centre's and its Delegation's general recommendations for advancement of fundamental and human rights education and training

On the basis of the findings of the study the Centre, together with its Delegation, adopted a set of seven recommendations of a general nature to enhance systematic implementation of fundamental and human rights education and training in Finland. These were the following:

1. The Government should draft an action plan for human rights education and training.
2. Human rights should be included in all forms of education and training.
3. Human rights should support and promote the realisation of a learning environment where human rights are respected.
4. The human rights knowledge and skills of teachers and educators should be strengthened.
5. The human rights knowledge and skills of public servants and other persons exercising public power and functions should be ensured.
6. The materials and methods for teaching human rights should be developed.
7. Human rights education, teaching, learning and knowledge should be monitored, evaluated and developed.

[For more information, see the English summary of the Survey at the Human Rights Centre's website: www.humanrightscentre.fi]

The Human Rights Centre's increasing focus on monitoring the implementation of fundamental and human rights

Alongside with its efforts to advance education and training the Human Rights Centre is increasing its activities to enhance systematic monitoring, especially as concerns follow-up to international recommendations. This work is supported by a work committee of the Centre's delegation with the participation of representatives of the civil society.

It can also be noted that the Parliament recently approved the UN Convention on the Rights of Persons with Disabilities and its Optional Protocol the ratification of

which will mean the NHRI functioning as the structure for promoting, protecting and monitoring the implementation of the Convention (Art. 33[2]).

International and regional organisations additional role to play

The Centre lastly wishes to re-emphasise the crucial role of fundamental and human rights education and training in prevention. It is of the view that strengthened and more effective and systematic efforts from states are needed to enhance the implementation of the UN Declaration on Human Rights Education and Training of 2011 and the goals set forth in the framework of WPHRE. This could greatly benefit from more concerted support from international and regional organisations.

In this purpose the Finnish HRC wishes refer to the idea of introducing HRE as a regular element in the UPR, presented by the Centre earlier in e.g. in the context of commenting the draft for the 3rd phase of WPHRE.

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