**Questionnaire in relation to the General Assembly resolution 68/268**

**Response by the Government of Finland**

**31 January 2022**

The Government of Finland commends the Office of the High Commissioner for Human Rights for its long-term work on the treaty bodies, including by implementing the General Assembly resolution 68/268.

The Covid-19 pandemic has had a major impact on the functioning of the treaty bodies. The effective functioning of the monitoring system must be restored as a matter of urgency. The Government calls for a shared responsibility for strengthening the monitoring system and allowing the treaty bodies to fulfil their mandate in the full respect for their independence.

As regards the implementation of the resolution 68/268, the Government of Finland would like to provide the following information:

**Periodic reporting**

Finland encourages all treaty bodies **to continue reforming their practices internally**. The Government emphasises that **the treaty bodies have competence to develop their working methods within the framework of their respective mandates**. In recent years, the most significant and successful changes have been initiated by the Committees themselves. Therefore, it is of utmost importance that the Committees continue to decide their own Rules of Procedure and working methods, naturally coordinating with each other. The Committees’ capacity to pursue initiatives to further harmonise their working methods and make the monitoring system more effective must be strengthened. Regarding the harmonisation of working methods, it is essential that the Committees share their good practices and engage in regular dialogue.

The Government of Finland has accepted **the simplified reporting procedure** with respect to its periodic reports to be submitted to the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee against Torture and the Committee on the Elimination of All Forms of Discrimination against Women. As regards other core human rights treaties, the Government will positively consider accepting the simplified reporting procedure always when offered.

The Government has had **very positive experiences of the** **simplified reporting procedure**. It facilitates and speeds up the reporting process. The reports submitted to the Committees are processed more rapidly after their submission than previously submitted periodic reports. Moreover, during the simplified reporting procedure, the constructive dialogue between the Government and the Committee becomes precisely targeted, both because of the specified questions and because the report contained more detailed information than before.

The Government welcomes the established word limits for State parties’ reports. This facilitates the preparation of more concise periodic reports, and is also more cost-effective.

Finland is proud to be the first State party which received **lists of issues prior to reporting coordinated by two Committees**, namely the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, in April 2019. These lists displayed the benefits of co-ordination: they covered many topical human rights issues but avoided unnecessary repetition. The Government encourages the Committees to continue this practice.

The Human Rights Committee and the Committee on Economic, Social and Cultural Rights reviewed Finland’s simplified periodic reports based on the lists of issues prior to reporting back-to-back in 2021. This piloting was a very positive experience to the Government. **The back-to-back review** provided an overall assessment of the State party’s human rights situation because the Covenants cover all aspects of life. The concluding observations form an entity, complementing one another, without overlap. If requested by the Committees, Finland is prepared to consider submitting a combined periodic report on the implementation of both Covenants. Based on its own recent experience, **the Government strongly recommends coordinated lists of issues and the back-to-back review of the periodic reports on the implementation of the Covenants** in future.

Finland is in a situation where the Government has six periodic reports waiting for their review by the Committees. Due to the delay caused by the Covid-19 pandemic, the Government is willing to consider some kind of piloting for **the clustering of these periodic reports and their reviews**, if requested by the Committees.

Finland’s two periodic reports on the Covenants **were reviewed online** by the Committees in February-March 2021. **The online review** enabled the participation of a large cross-administrative delegation and a more in-depth dialogue with the Committees. This has also had a positive impact on the handling of the recommendations at the Ministries. The Government is of the view that the online dialogue worked well and was cost-effective. The Government proposes that online reviews be offered regularly to those States parties that wish to use it.

Although the efforts to harmonise different practices have already produced good results, e.g. the harmonised guidelines on reporting, **there are still room for developing and harmonising some practices,** for example regarding the dialogue with States parties under review, consultation with civil society organisations, the format of the concluding observations and follow-up to the implementation of the recommendations. These are just a few examples that differ from one Committee to another. **Harmonised working methods** would further strengthen the treaty body system and facilitate the cooperation between the States parties and the treaty bodies as well as with other stakeholders.

Developing further **the annual meetings of the Chairpersons** would be one way of promoting dialogue between the Committees and thus developing working methods and coordination.

Furthermore, a joint working group of the Committees on **the rules of procedures and working methods** could address the issue of duplication, lack of coherence and fragmentation.

**A coordinated, fixed and multiyear calendar** for all of the Committees would improve reporting, planning and coordination at the country level as well as help all stakeholders participate in the monitoring process. **The predictable review cycle** introduced by the Human Rights Committee is commendable.

Finland has positive experience of **the follow-up to the implementation of concluding observations** on the initiative of the treaty bodies themselves. However, the follow-up practices of the treaty bodies should be harmonised, and the information produced by the follow-up should be shared among all treaty bodies.

**Individual communications**

The Government **welcomes the introduction of a model complaint form** **and a new guidance note for submitting an individual communication** to the treaty bodies. In Finland, the guidance note has been translated into Finnish and Swedish and published together with the model complaint form on the [website](https://um.fi/valittaminen-yk-n-eri-komiteoille) of the Ministry for Foreign Affairs.

The Government is **concerned about the current handling of individual communications**. The procedure is neither predictable nor certain and varies by the Committee. The Government acknowledges that the Office has very limited resources and that the number of individual communications has increased rapidly. However, the Government notes with particular concern that the resources at the Petitions Unit have not been adapted to meet the needs. It is of utmost importance to **allocate new human and financial resources** to the Petitions Unit.

Finland’s concerns relate especially to **the case management** at the Petitions Unit. The Government has encountered numerous problems with missing documents, late and non-uniform acknowledgment of receipt of all documents submitted by the parties, unreasonable delays in communicating observations and comments as well as prolonged processes with unlimited amount of written observations submitted.

**Deficiencies in data protection are serious**. As a result, the Government cannot provide the Committees with all the information essential to processing of the individual communications.

The Government invites the Office to **standardize the process of handling individual communications** **and develop new tools and solutions for effective case management** at the Petitions Unit in order to meet the strict requirements of handling sensitive data. A data protection impact assessment (DPIA) should be carried out concerning the processing of personal data, including the assessment of the mode of operation. For example, the use of cloud services when sending individual communications to the Government is not a safe means and endangers the protection of personal data. Therefore, the Government **encourages prioritizing the establishment of an electronic communication system** that would allow sending documents to and receiving documents from the Petitions Unit securely.

As regards harmonised working methods, the Government invites OHCHR to provide **a uniform acknowledgment of receipt** of all documents submitted by the parties within a specific time-frame.

It would be important to prioritize urgent cases and process them in an accelerated procedure. Establishing **a priority policy** for processing communications with a view to speeding up the processing and adjudication of the most important, serious and urgent cases would make the processing of communications more transparent and predictable.

The Government reiterates the need to establish **a new, permanent mechanism for the assessment of the admissibility of communications** to ensure that communications that clearly do not meet the criteria for admissibility would not be communicated to the State party for its observations. The provision of practical guide/guides on admissibility criteria would be helpful in this regard. The effective procedure for assessing the admissibility of communications would considerably save parties’ resources and strengthen the overall credibility of the communications procedure. This includes the consideration of “split requests” (admissibility and merits) and standardisation of working methods regarding “split requests” for the sake of legal certainty.

The procedure for granting **interim measures** should be enhanced. Granting an interim measure should not be a matter of automation, especially in situations where the matter has already been dealt with at the national level. For all requests, the facts of the case should be assessed and verified and, if necessary, clarification should be requested from the respondent State.

Detailed and stricter **rules of procedure**, among other things, would facilitate more efficient handling of communications.

The importance of **judicial dialogue between the Committees** is of utmost importance. **Fact sheets/guides on the jurisprudence** and **a user-friendly database** of decisions and jurisprudence should be introduced in order to permit searches for both up-to-date and historical information by different search criteria.

The Government encourages the establishment of **a joint treaty body working group on communications to address the consistency of jurisprudence** and the quality of legal analysis. To the extent possible, the thoroughly substantiated reasoning should also contain cross-references to corresponding case-law of other treaty bodies.

Moreover, Finland encourages the treaty bodies to **seek interaction with the regional human rights mechanism**s, including the European Court of Human Rights. Judicial dialogue would contribute to the mutual transfer of knowledge concerning relevant jurisprudence and may thereby foster greater understanding for the other institutions’ approach to certain common problems. Judicial dialogue is a useful tool for avoiding the fragmentation of international law.

Finally, the Government encourages **the development of online, up-to-date statistics on communications and the regular publication of statistics** on the number of submitted and communicated communications, including interim measures granted, the decisions on the admissibility of communications, the suspension of proceedings and the number of adopted views.

**Technical cooperation**

In its resolution, the General Assembly encouraged all Member States to contribute to the United Nations **Voluntary Fund for Technical Cooperation** in the Field of Human Rights. The Government of Finland made a non-earmarked contribution of MEUR 2 to the Voluntary Fund in 2020 and also in 2021.

**Reprisals**

The Ministry for Foreign Affairs has published Guidelines on the protection and support of human rights defenders in November 2014. The Guidelines provide practical tools for the Ministry and its Embassies to cooperate with human rights defenders. The Guidelines are based on the EU Guidelines on human rights defenders.

These Guidelines are currently being updated on the basis of comments received from the Finnish missions abroad, civil society organisations and the recommendations of an independent survey conducted in 2017. In the Guidelines Finland encourages and supports the interaction of human rights defenders with the treaty bodies. The updated Guidelines will be published in 2022.

**Accessibility**

Given the importance of monitoring the implementation of human rights obligations, the work and contributions of the treaty bodies to human rights protection are little known. All treaty bodies must be fully accessible for rights-holders, including persons with disabilities. The accessibility of the treaty bodies, including through the use of new technologies, webcasting and databases, should be enhanced.

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