

Status of Human Rights in Finland for the 41st Session of the Universal Periodic Review

Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organisation dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. The purpose of this report is to raise concerns regarding human rights violations in the Republic of Finland (Finland) for the 41st Session of the Universal Periodic Review (UPR).

Background

2. Finland is a country located in northern Europe with an estimated population of 5.5 million people¹. The country is predominately Christian with approximately 67% of the population identifying as Lutheran, 1% as Greek Orthodox, and 29% as unspecified².

3. Finland's previous UPR was held on 3 May 2017³. As a result of the review, Finland received 153 recommendations, 123 of which Finland supported⁴. Despite Finland's liberal abortion provisions, there were no recommendations made to value innocent human life and protect the unborn. There were no recommendations made regarding freedom of religion.

Legal Framework

4. Under Section 7 of Finland's Constitution, "Everyone has the right to life, personal liberty, integrity and security. No one shall be sentenced to death, tortured or otherwise treated in a manner violating human dignity"⁵.

5. Furthermore, under Section 19 of the Constitution:

Those who cannot obtain the means necessary for a life of dignity have the right to receive indispensable subsistence and care.

Everyone shall be guaranteed by an Act the right to basic subsistence in the event of unemployment, illness, and disability and during old age as well as at the birth of a child or the loss of a provider.

The public authorities shall guarantee for everyone, as provided in more detail by an Act, adequate social, health and medical services and promote the health of the population. Moreover, the public authorities shall support families and others responsible for providing for children so that they have the ability to ensure the wellbeing and personal development of the children⁶.

6. Under Section 1 of Law No. 239 of 24 March 1970 on the interruption of pregnancy, as amended by Law No. 564 July 1978 and Law No. 572 of 12 July 1985:

1. A pregnancy may be interrupted at the request of the woman and in conformity with the provisions of this Law:

1) if continuation of the pregnancy or delivery of a child would endanger her life or health on account of a disease, physic[al] defect or weakness in the woman;

2) if delivery and care of a child would place a considerable strain on her in view of the living conditions of the woman and her family and other circumstances;

3) if she became pregnant under the circumstances referred to in Sections 4 and 5 of Chapter 25 or Sections 1,3,8 and 9 of Chapter 20 of the Penal Code, or under the conditions referred to in Section 6 of Chapter 20 provided the act was committed in gross violation of the woman's freedom of action;

4) if she was less than 17 or more than 40 years of age at the time of conception, or has already had four children;

5) if there are grounds for presuming that the child will be mentally retarded or will have, or will later develop, a serious disease or a serious physic[al] defect;

6) if a disease, mental disturbance or other comparable cause, affecting one or both parents, seriously limits their capacity to care for the child⁷.

7. Furthermore, under Section 5 of this Act:

Abortions must be performed at the earliest possible stage of pregnancy.

An abortion may not be performed after the twelfth week of pregnancy on any grounds other than a disease or physical defect in the woman.

If the woman was not yet 17 years of age at the time of conception or there are other special reasons, the State Medical Board may however authorize abortion at a later stage of pregnancy, although not after the 20th week.

5a. Notwithstanding the provisions of Section 5, the National Board of Health may authorize the termination of a pregnancy if, as a result of amniocentesis or an ultrasonic examination, serological tests, or another reliable examination, it is established that the embryo is affected by a serious disease or physical disability, provided that the 24th week of pregnancy has not expired⁸.

8. Additionally, this Act provides no protections for the conscientious objection of health care providers⁹.

9. Finland is a party to the Convention on the Rights of Persons with Disabilities (CRPD) which recognises:

the valued existing and potential contributions made by persons with disabilities to the overall well-being and diversity of their communities, and that the promotion of the full enjoyment by persons with disabilities of their human rights and fundamental freedoms and of full participation by persons with disabilities will result in their enhanced sense of belonging and in significant advances in the human, social and economic development of society and the eradication of poverty¹⁰.

10. As further stated in Article 1 of the CRPD, “[t]he purpose of the present Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity”¹¹.

11. In addition, under Article 10 of the CRPD, “States Parties reaffirm that *every* human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others”¹². Furthermore, under Article 15 of the CRPD:

1. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his or her free consent to medical or scientific experimentation.

2. States Parties shall take all effective legislative, administrative, judicial or other measures to prevent persons with disabilities, on an equal basis with others, from being subjected to torture or cruel, inhuman or degrading treatment or punishment¹³.

12. Finland is also a party to the Convention on the Rights of the Child (CRC) which states under Article 6:

1. States Parties recognize that *every* child has the inherent right to life.

2. States Parties shall ensure to the maximum extent possible the survival and development of the child¹⁴.

13. Similarly, Article 6 of the International Covenant on Civil and Political Rights (ICCPR), to which Finland is also a party, states that “[e]very human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life”¹⁵.

Abortion in Finland

14. A Finnish study analyzing national health care data of women who either gave birth, had an abortion, or had a miscarriage between 1987 and 1994¹⁶ proved a remarkable fact. The researchers found that after adjusting for age, women who had an abortion were 3.5 times more likely to die within a year than women who carried their pregnancy to term¹⁷. Despite the fact that this study completely undermines the false narrative that abortion is much safer than giving birth, Finland has kept its liberal abortion laws in place.

15. For example, under the law, abortion is permissible based on the simple fact that a family is viewed as having “too many” children, in this case four. This provision is akin to population control. A baby who would be born perfectly healthy can legally be killed simply because, in the government’s view, the family already has “too many” children.

16. Abortion is also permissible if giving birth to and caring for a child would result in a “considerable strain on [the mother]”¹⁸. The financial situation of a family should also not be grounds for an abortion. Many options, including adoption, exist for families who do not feel they are capable of properly caring for their child. Under this provision, the government of Finland is essentially saying that an innocent human being would be better off dead than becoming a “strain” on a family.

17. With regard to abortions for “potential” birth defects, we are seeing an increasing trend in Europe -- and around the world -- where prenatal screenings are used to detect potential birth defects. These screenings, which are known to be largely inaccurate¹⁹, are being used as a justification for abortion. Under Finnish law abortion is permissible if tests show that the “embryo is affected by a serious disease or physical disability”²⁰. This type of language is being used to justify aborting babies that *may* have Down syndrome. In fact, according to the Finnish National Institute for Health and Welfare, abortions of babies who may have Down syndrome have increased from 50% to 70% over the last decade²¹. This provision discriminates and further stigmatises people with Down syndrome, despite the fact that these individuals are perfectly capable of living and long and fulfilling lives. Furthermore, this provision in Finland’s law is in express contradiction to the CRPD, which states that “*every* human being has the inherent right to life”²².

18. Additionally, Finland’s abortion law lacks protections for conscientious objectors²³. According to a Finnish gynecologist, this has resulted in “several cases where the temporary contract of a midwife has not been renewed” and that it has prevented people who wish to work in health care from entering the field²⁴. No health care worker should be required to carry out or take part in a procedure that deliberately takes the life of the human being. Abortion is not health care, it is a procedure that fosters insensitivity to, and disdain for, the life in the womb.

19. Furthermore, within Finland, nearly 95% of abortions that are carried out are done so with medication. The two pills used to carry out medical abortions are mifepristone and misoprostol²⁵. Mifepristone works by blocking the hormone that helps maintain the interior of the uterus²⁶. The second pill, misoprostol, then works to contract the womb and dispel the baby²⁷. Abortion medication is not healthcare, and in fact can be very dangerous and result in serious medical complications for the mother such as:

- an undetected ectopic pregnancy, which can be dangerous and is a medical emergency,
- blood clots remaining in the uterus,
- heavy bleeding,
- severe pain,
- fever,
- excessively heavily bleeding (defined as going through two or more pads within an hour span),
- strong-smelling vaginal discharge
- passing clots for two or more hours that are larger than the size of a lemon²⁸.

Conclusion

20. Finland must uphold its obligation to protect *all* innocent human life. The government must recognise the inherent dignity of the human person, from conception to death. Therefore, we request that Finland reform its laws to protect the life of the mother and the unborn baby, with no exception for financial means, size of the family, or medical diagnosis.

¹ *Finland*, THE WORLD FACTBOOK (21 Jan. 2022), <https://www.cia.gov/the-world-factbook/countries/finland/>.

² *Id.*

³ *Universal Periodic Review – Finland*, OHCHR, <https://www.ohchr.org/EN/HRBodies/UPR/Pages/FIIndex.aspx>.

⁴ UPR of Finland – Thematic List of Recommendations, OHCHR, https://lib.ohchr.org/HRBodies/UPR/Documents/Session27/FI/UPR27_Finland_ThematicList_of_Recommendations_E.docx.

⁵ Constitution of Finland sec. 7, https://www.constituteproject.org/constitution/Finland_2011.pdf?lang=en.

⁶ *Id.* sec. 19.

⁷ Law No. 239 of 24 March 1970 on The Interruption of Pregnancy, as Amended by Law No. 564 on 19 July 1978 and Law No. 572 of 12 July 1985, sec. 1, <https://cyber.harvard.edu/population/abortion/Finland.abo.htm>.

⁸ *Id.* at art. 5.

⁹ *Opinions on Conscientious Objection to Induced Abortion Among Finnish Medical and Nursing Students and Professionals*, BMC (25 Mar. 2015), <https://bmcmethics.biomedcentral.com/articles/10.1186/s12910-015-0012-1#ref-CR8>.

¹⁰ Convention on the Rights of Persons with Disabilities, preamble, <https://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>.

¹¹ *Id.* at art. 9.

¹² *Id.* at art. 10 (emphasis added).

¹³ *Id.* at art. 15.

¹⁴ Convention on the Rights of the Child art. 6, <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx> (emphasis added).

¹⁵ International Covenant on Civil and Political Rights, Dec. 16, 1966, S. Treaty Doc. 95-20, 6 I.L.M. 368 (1976), 999 U.N.T.S. 171, art. 6.

¹⁶ Mika Gissler, et al., Pregnancy-associated deaths in Finland 1987-1994 definition problems and benefits of record linkage, 76 *Acta Obstetrica et Gynecologica Scandinavica* 651 (1997).

¹⁷ *Id.*

¹⁸ Law No. 239 of 24 March 1970 on The Interruption of Pregnancy, as Amended by Law No. 564 on 19 July 1978 and Law No. 572 of 12 July 1985.

¹⁹ *Pregnancy: Should I Have Screening Tests for Birth Defects*, UNIVERSITY OF MICHIGAN, <https://www.uofmhealth.org/health-library/aa21828>.

²⁰ Law No. 239 of 24 March 1970 on The Interruption of Pregnancy, as Amended by Law No. 564 on 19 July 1978 and Law No. 572 of 12 July 1985 art. 5a.

²¹ *Down Syndrome Terminations Rise in Finland*, YLE NEWS (28 Oct. 2018), <https://yle.fi/news/3-10479878>.

²² Convention on the Rights of Persons with Disabilities, *supra* note 10, at art. 10.

²³ *Citizens' Initiative Calls for Right to Conscientious Objection in Health Care*, HELSINKI TIMES (28 Aug. 2014), <https://www.helsinkitimes.fi/finland/finland-news/domestic/11797-citizens-initiative-calls-for-right-to-conscientious-objection-in-health-care.html>.

²⁴ *Id.*

²⁵ *Abortion*, FINNISH STUDENT HEALTH SERVICE, <https://www.yths.fi/en/health-information-resource/abortion/>.

²⁶ *Mifepristone*, MAYO CLINIC, <https://www.mayoclinic.org/drugs-supplements/mifepristone-oral-route/side-effects/drg-20067123?p=1>.

²⁷ *Id.*

²⁸ *Abortion Pill: What is a Medical Abortion*, HEALTHLINE, <https://www.healthline.com/health/abortion-pill>.