

# COMMISSIONER FOR HUMAN RIGHTS OF THE COUNCIL OF EUROPE

MICHAEL O'FLAHERTY

STATEMENT FOLLOWING HIS VISIT TO FINLAND  
FROM 23 SEPTEMBER TO 26 SEPTEMBER 2024

The Council of Europe Commissioner for Human Rights, Michael O’Flaherty, calls on Finland to continue to honour its strong track record of promoting and defending human rights, following a visit to the country from 23 to 26 September. Focusing on the situation of Roma, in the context of a multi-country review he is undertaking, he observes that Finland’s achievements as a human rights leader, and its engagement at European level to strengthen civil society, can provide important learnings on how to support and work with Roma communities. The Commissioner also addressed issues related to migration and asylum, following his letter on the subject to the Finnish authorities in June 2024.

During his visit, the Commissioner engaged with Roma communities and listened to their concerns about the discrimination they experience in different areas of life. Amidst a climate of rising racism in Finnish society, representatives from the Roma communities conveyed how antigypsyism impacts their daily interactions and access to social rights, including housing, education and employment. They voiced concerns about the impact of antigypsyism on mental health for young Roma. “A Roma name, traditional dress, or looks means that the door is closed in your face”, said a young Roma activist. Roma women and girls are particularly affected due to the traditional clothes they wear, with several discrimination cases currently pending before Finnish courts. The Commissioner appreciates that the Finnish authorities acknowledge the problem of rising racism and he encourages them to step up efforts to address all its manifestations, including antigypsyism and the human rights violations resulting from them. He also underlines that action is needed to counter negative and harmful stereotypes, including by raising awareness about Roma history. In this respect, media can play a crucial role in shaping narratives, contributing to combating hate speech and building a more inclusive and informed society.

The Commissioner also notes that, despite a comprehensive legal framework protecting the rights of Roma, and ambitious national action plans, implementation in practice sometimes falls behind. In this regard, Roma civil society organisations raised concerns about ongoing welfare reforms and budget cuts, and the severe impact these will have on civil society overall, but in particular on the most marginalised groups such as Roma. The Commissioner recommends to the government to consider the compounded effect these reforms would have on Roma civil society and communities and to adjust their plans accordingly.

The Commissioner is particularly concerned about the situation of the group known as “migrant EU Roma” who have immigrated mainly from eastern Europe. Without effective access to the labour and housing market and full access to social services, they often experience homelessness, and live in destitution. While it is commendable that the specific challenges they face are for the first time included in Finland’s third iteration of its national strategy on Roma, more is needed to increase this group’s access to such social rights as housing and employment opportunities.

On the subject of migration, and following his [letter](#) to the Finnish Parliament and several committee chairs of 11 June 2024, the Commissioner sought through his visit to gain a deeper understanding of the situation at the eastern border and regarding the recently-adopted Act on Temporary Measures to Combat Instrumentalised Migration. Under this law, the government can, under certain conditions, temporarily restrict the reception of asylum applications and summarily remove migrants at or near the border, if they consider that migration flows are being instrumentalised by a foreign state.

The Commissioner visited a southeastern border crossing point (Imatra) where he engaged with on-duty border guards and was shown the pilot section of the barrier fence, as well as equipment used for border patrols. At a border guard station in the Southeast Finland Border Guard District, he was provided with a situational update, followed by an exchange with the Chief of the Border Guard at Headquarters in Helsinki. He also visited the Joutseno reception centre and detention unit.

The Commissioner recognises the serious challenges faced by Finland because of the manipulation of migration on the part of a neighbouring state. Such manipulation also is to be condemned for

placing already vulnerable individuals in situations of precarity. He appreciates the need for and the legitimacy of ensuring security at Finland's borders.

However, the Commissioner remains of the view that the temporary measures, if ever implemented, would entail a violation of several international obligations, including the principle of non-refoulement, the prohibition of collective expulsion and access to effective remedies. Furthermore, taking into account experience of other states across the world, the Commissioner is unconvinced that, in the longer term the temporary measures would fulfil their intended purpose of thwarting instrumentalisation of migration and the activities of migrant smugglers. Such measures rather may push asylum seekers and migrants to take increasingly drastic and dangerous measures in order to secure entry. He calls on the authorities to reconsider the law, and in any case, to ensure that it remains unimplemented.

The Commissioner has taken note of the preparations underway within the Border Guard, in the event that the law's temporary measures are activated. In particular, he observed that instructions and training are being delivered to border guards for the identification of particularly vulnerable people, or of those who would clearly face a real risk of death, torture or other degrading treatment in the state from which they arrived. Under the law, these categories of people would be exempted from the temporary measures and would exceptionally be able to make an application for international protection.

While acknowledging the considerable efforts being made by the border guards and others, the Commissioner is concerned about the feasibility of carrying out such complex assessments in compliance with human rights, especially in view of the summary manner in which they are foreseen and lacking other safeguards, such as access to judicial review and remedies with suspensive effect.

The Commissioner welcomes and encourages Finland's intention to continue seeking, at the regional level, long term, coordinated solutions to challenges relating to border security and instrumentalisation of migration. He calls on all states engaged in this reflection to do so in a manner which ensures that established standards, especially the European Convention for Human Rights, the EU Charter of Fundamental Rights and the 1951 Refugee Convention, form the basis for their reflections.

During the visit, the Commissioner met with the Minister of Social Affairs and Health Kaisa Juuso, the State Secretary to the Minister for Foreign Affairs and Minister of Defence Pasi Rajala, the State Secretary at the Prime Minister's Office Risto Artjoki, the Interim Permanent Secretary of the Ministry of Justice Antti Leinonen, the Chief of the Border Guard Lieutenant General Pasi Kostamovaara and the Chief of Division of the Border and Coast Guard Division Major General Matti Sarasmaa, as well as Jani Järäinen, the Head of the International Affairs Unit of the Border Guard Headquarters, the Permanent Secretary of the Ministry of the Interior Kirsi Pimiä, the Non-Discrimination Ombudsman Kristina Stenman, and members of the National Advisory Board on Romani Affairs. As part of his engagement with Roma communities, he visited the Roma War Memorial and met with civil society representatives who work with Roma communities and Roma activists, groups of Roma women, young Roma and non-Finnish Roma. Regarding the situation at the border, the Commissioner visited and exchanged with actors in the Southeast Finland Border Guard District, as detailed above. He discussed broader human rights issues, in Finland and across the region, during the plenary meeting of the Finnish Human Rights Centre's Human Rights Delegation.