

Mandates of the Special Rapporteur on freedom of religion or belief and the Special Rapporteur on minority issues

Ref.: OL FIN 1/2022
(Please use this reference in your reply)

7 April 2022

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on freedom of religion or belief and Special Rapporteur on minority issues, pursuant to Human Rights Council resolutions 49/5 and 43/8.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the "Animal Welfare Bill" ('Eläinten hzvinvointilaki'), which was recently developed by the Ministry of Agriculture and Forestry and publicly shared to invite views and comments from stakeholders. We are concerned that certain provisions in the bill may fail to meet Finland's obligations under international human rights law.**

According to the information received:

The bill is expected to be presented to the Parliament by the Ministry of Agriculture and Forestry with the aim of enacting a new law on animal welfare, which would replace the current Animal Welfare Act (247/1996). Should it be adopted, the bill will also modify other laws related to the Animal Welfare Act, such as the law on the practice of the veterinary profession (29/2000), the Fishing Act (286/1982), the Penal Code (39/1889) or the Animal Transport Act (1429/2006) and the Hunting Act (615/1993) amongst others.

A public call for opinions regarding the bill was issued on 4 November 2021 by the Ministry of Agriculture and Forestry and concluded on 14 January 2022.

According to the version shared publicly, the bill's main purpose is to promote animal welfare and protection of animals, as well as to increase respect for animals and improve their treatments.

The bill proposes to change the regulations on the slaughter of animals. Art. 64 requires that animals must be euthanized as quickly and painlessly as possible with a method and technique suitable for euthanizing that animal. The animal must be stunned if the method of euthanizing used does not result in the animal dying immediately. The method of stunning must be such that the animal is unconscious until it dies (unofficial translation). Furthermore, art. 65 of the bill states that an animal must be anaesthetized or euthanized in an appropriate manner through a suitable method before the blood draw begins. The animal must not be subjected to other measures related to the slaughtering before the animal has died. Slaughter refers to the euthanizing of animals intended for human consumption other than wild animals (unofficial translation). According to section 4.1.12 of the bill, the change applies not only to the special slaughter method used on religious grounds but also to

poultry slaughtered for private use (unofficial translation).

Should this text be adopted, the aforementioned provisions would have the effect of banning non-mechanical slaughter methods practiced by religious Jewish and Muslim minorities in the country. According to information received, the Jewish community in Finland amounts to around 2,000 people, while the Muslim community amounts to some 20,000 people.

According to the information received, the bill would completely forbid Shechita as a slaughtering method, which is required by the Jewish religion to make animal meat and poultry fit for human consumption (kosher) by Jews.

The interest protected by the bill is the welfare of animals, by avoiding any unnecessary suffering in the slaughtering process. However, according to affected communities, the law permits hunting and related animals' suffering on cultural grounds, violating the principle of equality before the law and non-discrimination as well as disproportionately affecting some religious minorities in the country. Moreover, according to information received, animal welfare is a core tenet of the shechita as any harm to the animal, physical and mental, including the stunning, is strictly forbidden before the incision is made. The incision is made through a sharp surgical instrument (chalaf) used by a qualified shochet. The incision induces a rapid loss of consciousness by causing a rapid or immediate loss of cerebral perfusion.

According to information received, a dialogue would not have been established with affected Jewish and Muslim minorities after they had expressed their opposition to the aforementioned provisions, by means of the inputs provided in the context of the call for opinions, and they had alleged a violation of their right to freedom of religion or belief.

Reportedly, a similar bill banning religious butchering methods was presented to the parliament in 2019 and could not be adopted due to the end of the parliamentary term.

In connection with the above-mentioned alleged facts and expressed concerns, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth.

We refer to the International Covenant on Civil and Political Rights (ICCPR), to which Finland is a state party since 19 August 1975, and in particular articles 2, 18, 26 and 27, which provide for the principle of non-discrimination on any protected ground, the rights to freedom of thought, conscience, religion or belief, equality before the law as well as the right of persons belonging to minorities.

In its interpretation of Article 18 of ICCPR, the Human Rights Committee further explains that “[t]he freedom to manifest religion or belief in worship, observance, practice and teaching encompasses a broad range of acts. The concept of worship extends to ritual and ceremonial acts giving direct expression to belief, as well as various practices integral to such acts, including the building of places of worship and the use of ritual formulae and objects [...]. The observance and practice of religion or belief may include not only ceremonial acts but also such customs as the observance of dietary regulations [...]” (see General Comment No. 22,

CCPR/C/21/Rev.1/Add.4, para. 4).

While the manifestation of religion or belief may be restricted as per Article 18(3) of the ICCPR, to protect public safety, order, health, morals and the fundamental rights and freedoms of others, any such limitation must fulfil a number of obligatory criteria of legality, proportionality and necessity, including being non-discriminatory in intent or effect and constitute the least restrictive measure.

The Human Rights Committee observed that “paragraph 3 of article 18 is to be strictly interpreted: restrictions are not allowed on grounds not specified there, even if they would be allowed as restrictions to other rights protected in the Covenant [...] Limitations may be applied only for those purposes for which they were prescribed and must be directly related and proportionate to the specific need on which they are predicated. Restrictions may not be imposed for discriminatory purposes or applied in a discriminatory manner [...]. The Committee observes that the concept of morals derives from many social, philosophical and religious traditions; consequently, limitations on the freedom to manifest a religion or belief for the purpose of protecting morals must be based on principles not deriving exclusively from a single tradition”. (see General Comment No. 22, CCPR/C/21/Rev.1/Add.4, para. 8).

The Special Rapporteur on freedom of religion or belief stressed that, in order to realize the right to freedom of religion or belief, States must “[g]uarantee equal protection under the law [...] as specifically mandated by article 26 [...]” of ICCPR. “Any interference with the right to manifest one’s religion or belief must be limited to the exhaustive grounds specified by article 18 (3), but in every case while ensuring the freedom of thought, conscience and religion or belief for everyone on the basis of equality and non-discrimination” (see A/HRC/37/49 para 31).

We further recall that the Special Rapporteur on freedom of religion or belief has cautioned that “[r]estrictions on kosher meat...may interfere with the ability of Jews to observe rituals and ceremonies in accordance with the precepts of their religion or belief.” (see A/74/358, para 43)

We would like to respectfully remind your Government of the 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (A/RES/36/55), which in its Article 2 (1): “[n]o one shall be subject to discrimination by any State, institution, group of persons, or person on grounds of religion or other belief.” In Article 4 (1), the General Assembly further states that: “all States shall take effective measures to prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms [...]”. According to article 4(2) “All States shall make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination, and to take all appropriate measures to combat intolerance on the grounds of religion or other beliefs in this matter”.

Furthermore, article 27 of the ICCPR establishes that in those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities have the right, in community with the other members of their group, “to enjoy their own culture, to profess and practice their own religion, or to use their own language”. The 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted in General Assembly resolution 47/135, refers to the obligation of States to protect the existence and the

identity of religious or belief minorities within their territories and to adopt measures to that end (article 1), to ensure that they enjoy their own culture and profess and practice their own religion (article 2), as well as to adopt the required measures to ensure that persons belonging to minorities can exercise their human rights without discrimination (article 4).

Moreover, the Special Rapporteur on freedom of religion or belief urged “States to take steps to empower religious or belief minorities to claim all of their human rights and fundamental freedoms (including those recognized in the Sustainable Development Goals) by recognizing the right of persons belonging to these groups to determine and freely and peacefully practise their own religion or belief, alongside their culture and language, and other traits of their identity, in public and in private, alone and in community with others” - see A/75/385, para 80 (c). The Special Rapporteur noted with concern that “members of minority communities and other persons and groups in vulnerable situations are often disproportionately affected by restrictions on manifestations of religion or belief” (see A/HRC/34/50, para 42).

We would like to recall that the General Assembly, in its resolution 63/181 paragraph 15, “emphasizes the importance of a continued and strengthened dialogue among and within religions or beliefs, at all levels and with broader participation, including of women, to promote greater tolerance, respect and mutual understanding”.

Moreover, as noted by the Special Rapporteur on freedom of religion or belief, the “respect for freedom of religion or belief is closely related to the degree of tolerance and respect for diversity within a society” (A/HRC/37/49 para 88); “States that adopt more secular or neutral governance models may also run afoul of article 18 (3) of the Covenant if they intervene [...] in the manifestation of religion or belief alleging the attempt to protect other rights [...]. Such protection efforts need to be reconciled with the obligations to uphold freedom of religion or belief, although its manifestation can be limited if this leads to the violation of the rights and freedoms of others. When these rights ultimately clash, every effort must be made, through careful case-by-case analysis, to ensure that all rights are brought in practical concordance or protected through reasonable accommodation” (A/HRC/37/49 para 47).

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any information and/or comment(s) you may have on the above mentioned issues.
2. Please provide information on measures your Excellency’s government has taken, or is planning to take, to ensure the compliance of the bill with Finland’s obligations under international human rights law.
3. Please provide information on positive measures undertaken to facilitate a meaningful dialogue on the bill with religious minorities in the country that would result affected should this be adopted.

This communication, as a comment on pending or recently adopted legislation, regulations or policies, and any response received from your Excellency’s

Government will be made public via the communications reporting [website](#) after 48 hours. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

We reiterate our willingness to assist Finland in its efforts to strengthen the country's legislative and institutional framework, guaranteeing the enjoyment of human rights for all in Finland, including the rights to freedom of thought, conscience, religion or belief, freedom from discrimination as well as minority rights amongst others.

Please accept, Excellency, the assurances of our highest consideration.

Ahmed Shaheed
Special Rapporteur on freedom of religion or belief

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Special Rapporteur on minority issues