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The right-wing shock doctrine at the Finnish-Russian border

Finland's government has proposed a law restricting asylum seekers

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The right-wing Finnish government has recently proposed a law restricting asylum-seekers from applying for refuge on the Finnish borders under the pretext of national security. As a group of human rights and migration researchers, we explain how this law violates Finland's international obligations and human rights law.

Last autumn, after witnessing an increase in the arrival of asylum seekers who lack the necessary travel and identity documents at Finland's eastern border, the Finnish Government (a coalition between the National Coalition Party, the Finns Party, the Christian Democrats and the Swedish People's Party of Finland) decided to [restrict all border movement](https://mobilefutures.fi/2023/12/05/finlands-recent-eastern-border-closure-follows-a-predictable-pattern-of-responses-to-unwanted-migration/) [<https://mobilefutures.fi/2023/12/05/finlands-recent-eastern-border-closure-follows-a-predictable-pattern-of-responses-to-unwanted-migration/>]. Since November 2023, the crossing points on the Finnish-Russian border have been closed in order to minimise migration between the two countries (during this time, [around 1300 asylum seekers have arrived](https://suomenkuvaletti.fi/kotimaa/itarajan-yli-on-tullut-59-lasta-nuorin-yksivuotias/) [<https://suomenkuvaletti.fi/kotimaa/itarajan-yli-on-tullut-59-lasta-nuorin-yksivuotias/>] at the Finnish border). On

Friday 15 March, in the name of “Finland’s sovereignty” and “national security,” the government proposed to enact an [extraordinary law](https://valtioneuvosto.fi/documents/1410869/3723688/HE-luonnos+hybridivaikuttaminen+15.3.2024.pdf/bf663bdd-34eb-086a-fc73-69c3a253f9b2/HE-luonnos+hybridivaikuttaminen+15.3.2024.pdf?t=1710501316201) [https://valtioneuvosto.fi/documents/1410869/3723688/HE-luonnos+hybridivaikuttaminen+15.3.2024.pdf/bf663bdd-34eb-086a-fc73-69c3a253f9b2/HE-luonnos+hybridivaikuttaminen+15.3.2024.pdf?t=1710501316201] on “temporary measures to combat instrumentalised immigration.”

The proposed law regulates when the government, without involving the parliament, could decide to temporarily limit the acceptance of applications for international protection at the Finnish-Russian border. In practice, this would mean that asylum seekers could be turned away and moved “to a place where applications for international protection are accepted,” a form of migrant pushback if materialised.

The draft government bill, which infringes on several fundamental international, European and constitutional legal obligations and individual rights — such as the right to asylum, the right to due process, the rights of children and the principle of non-refoulement — proposes an emergency act. As such, it requires the approval of a qualified majority of the Finnish parliament. At the press conference where the draft law was presented, a representative of the Ministry of the Interior admitted that legally, the law is “exceptionally challenging and in tension with constitutional and human rights.” Moreover, the law is in line with the broader policies of one of the main government coalition parties, the far-right Finns Party, which for several years has explicitly aimed to severely restrict access to asylum in Finland.

The multiple serious infringements on human and constitutional rights proposed warrant, even in exceptional circumstances, thorough consideration and carefulness. Yet, the Finnish government is trying to push through the law with an extremely tight time frame. Representatives from public authorities, civil society and other stakeholders and experts have been given no more than six working days to read the complex, 94-page legislative proposal and respond by issuing statements. This is not only an extraordinarily short time, but also it is not nearly enough time to seriously consider the possibly irreparable harm, human suffering and violations of rights which the law will undoubtedly cause.

We see this as an example of a [shock doctrine](https://tsd.naomiklein.org/shock-doctrine.html) [https://tsd.naomiklein.org/shock-doctrine.html], where the Finnish Government exploits [the general sense of fear and national crisis](https://yle.fi/a/74-20079123) [https://yle.fi/a/74-20079123] to establish laws and policies that are questionable from the perspectives of democracy, human rights and the rule of law. In Finland, the Russian war on Ukraine has added to a general sense of emergency, which has fed into increasingly securitised national politics, importantly affecting migration policies. We are writing this open letter in order to question this framing, and, most importantly, the illegal policies pushed through in the name of “national security.”

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