

CULTURAL SECURITY REGULATION IN EUROPE: A CASE STUDY OF IMMIGRANTS IN FINLAND

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Abstract

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The cultural security of migrants in Finland is a rarely discussed topic. Like most European Union (EU) countries, Finland focuses the majority of its efforts on combating discrimination and, in many cases, overlooks aspects of cultural security for vulnerable minorities. Exactly such overlooking happened in 1996 when the Finnish legislation sufficiently limited ways of halal slaughtering — an essential ritual for Muslims. The subject of research is the cultural security of migrants in Europe with particular attention to Finland, reflected in analysed legal instruments such as the Finnish Animal Welfare Act 247/1996 and Animal Welfare Decree 396/1996 and academic papers defining challenges that religious minorities face in the European states. As discussed in the article legal concept of corporate due diligence can become this alternative aimed at harmonising halal standards, strengthening Muslim immigrants' trust, and preventing misrepresentation of Muslim cultural security. This qualitative, descriptive, and conclusive research aims to identify potential mechanisms to foster cultural security for Muslim immigrants, discuss issues provoking cultural security from the perspective of the case study of halal slaughtering limitations, and answers the question of how the concept of due diligence can contribute to efficient regulation of cultural security in the future.

Keywords: Securities Regulation, Cultural Security, Due Diligence, Compliance, Migrants, Human Rights, Commercial Circulation

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1. INTRODUCTION

Integration of immigrants requires an adaptation process that includes a mutual understanding of both the cultures of the host and country of origin (Berry, 1997). In most cases keeping the cultural heritage of the country of origin provide a feeling of comfort as the "culture is the focal point for the nation's survival" (Nowicka, 2014, p. 177).

Halal food is a cultural right and an essential aspect of cultural security for Muslim society. Food is a sensitive part and relevant need (Sherwani, Ali, Ali, Hussain, & Zadrán, 2018) of social and family interaction among Muslims, and consumption of such halal food is a prestigious habit for belonging

in social status (Steptoe, Pollard, & Wardle, 1995; Furst, Connors, Bisogni, Sobal, & Winter Falk, 1996; Sherwani et al., 2018) since halal absorption is Sunnah and Prophet Muhammad's dietary practice. Consuming non-halal or haram food is breaking the rule of Islam as evil deeds. None would like to do so, as family communication matters among Muslims (Syukur & Nimsai, 2018).

The cultural security of immigrants in Finland is a rarely discussed topic. The Constitution of Finland guarantees freedom of religion and freedom of conscience. More detailed provisions on ensuring the right to exercise freedom of religion are laid down in the Freedom of Religion Act. In addition, the Act contains provisions on registered religious

communities and their membership, on joining and leaving religious communities, and on practices concerning solemn declarations and the taking of the oath (Ministry of Education and Culture, n.d.). Nonetheless, Finland, like the majority of European Union (EU) countries, focuses the majority of its efforts on combating discrimination and, in many cases, overlooks aspects of cultural security for vulnerable minorities.

Muslim people form a significant group of immigrants in Finland, which amounted to approximately 65,000 people (Statistics Finland, n.d.). The ability to sustain fundamental religious and cultural rituals is crucial for Muslim migrants' cultural security in host nations. One of such religious rituals is halal slaughtering. The Animal Welfare Act of Finland, enacted in 1996, limited this ritual by mandating butchers to sedate or pre-stun animals before the killing, therefore, contradicting halal slaughtering practices. Furthermore, twenty-one European countries prohibit religious slaughters in which animal welfare laws take precedence over Muslim and Jewish immigrants' religious and cultural convictions. In turn, a neighbour of Finland, Estonia, limited halal practices but at the same time provided capacity on an exceptional basis to practice religious freedom on a full scale (Global Legal Research Center, 2018). Such capacity is implied in the imposed obligation to Muslim religious communities to inform public welfare bodies ten days prior to slaughtering and conduct the killing process before inspection of the animal welfare inspector (Global Legal Research Center, 2018).

The outcome of European authorities' minimal efforts to safeguard Muslim migrants' cultural security can be observed in the fact that halal products are available on the European market. Commercial circulation of imported halal products was ensured by domestic corporate law of particular states, where population composition is altered by arriving Muslim migrants. On the other hand, halal products perplexed Muslim migrants in various ways, raising issues about whether anything labelled as halal on the market is indeed halal.

The restriction of animal slaughtering Muslim halal ways infringes the fundamental cultural human rights and aspects of cultural security, allowing people to practice their own culture and freedom of religion. Moreover, confusing commercial circulation of halal products in countries that imposed limitations on ritual slaughtering destroys Muslim beliefs.

Our argument is to protect cultural and religious food securities that provide a structural advantage by growing the demands among Muslim and non-Muslim consumers in proper knowledge and transparency in branding, packaging, and commercial importing of Halal products. Modern understanding of animal welfare in aspects of stunning the animal before slaughtering is controversial among the Muslim community. Some accept it as halal, and some are not (Bergeaud-Blackler, Fischer, & Lever, 2015).

Even considering that Muslim consumers are protected by Article 8 of Regulation (EC) No. 178/2002¹, which places legal restrictions on deceptive and fraudulent practices that can mislead

and confuse them, many studies throughout the world have found that just seeing the halal label may signal potential consumer about the reliability of product's indication of "halalness" and strengthens the intent to buy halal food (Bashir, 2019; Mutmainah, 2018; Wilkins, Butt, Shams, & Pérez, 2019; Marzuki, Hall, & Ballantine, 2012). Moreover, according to the study by Wilkins et al. (2019), many non-Muslims might have served halal food without knowing about it. The study of Mostafa (2021) has also provided data about information diffusion through social media influences commercial content to achieve a competitive advantage of halal authenticity without the need to check whether it is reliable.

The relevance of the topic can be explained by the fact that the number of Muslim migrants in Europe is overgrowing every year, and even nowadays, the number of Muslim people in some of the European states affects the domestic population structure. The fact of such population changes raised the necessity to respect their values and culture and develop strategies for integrating migrant culture, values, and traditions into the host society on an equal basis with the traditions, values, and cultures of native peers. Moreover, in the case of halal slaughtering, the authors observed a sufficient gap in academic research: limitation or even restriction of halal slaughtering has been researched chiefly from the perspective of positive outcomes for the protection of animals but rarely researched from the perspective of adverse effects to cultural security of religious minorities in host countries. So, the present article may contribute to filling identified gaps. To do so, the authors must respond to the following questions:

RQ1: Why is cultural security crucial for migrants' integration into new societies?

RQ2: Why is halal slaughtering so essential to Muslims?

RQ3: Would a more active integration of the due diligence concept into domestic legislation help attain cultural security balance?

The rest of the article is structured as follows. Section 2 reviews the literature. Section 3 provides the methodology. Section 4 presents the research results where the authors analyse the *de-facto* and *de-jure* sides of halal slaughtering limitations and its affection on cultural security. In Section 5, the authors discuss the potential need for the integration of due diligence into domestic legal systems. Section 6 concludes the article.

2. LITERATURE REVIEW

The primary subject of current research is the cultural security of religious minorities in Europe and their regulation in domestic legislation. The primary legal instruments of the research, reflecting identified case study, are the Finnish Animal Welfare Act 247/1996 and Animal Welfare Decree 396/1996, which imposed limitations discussed in this article. As Finland is the state of the EU, recognising important international legal instruments, the author paid particular attention to relevant international acts regulating aspects of cultural security, including the International Covenant on Civil and Political Rights and the Charter of Fundamental Rights of the European

¹ <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32002R0178>

Union 2012/C326/02. Furthermore, the authors applied an existing case of the Court of Justice of the European Union — *Centraal Israëlitisch Consistorie van België e.a. and Others* — to the application of the affections of animals protection norms to religious minorities' rights, including the right to perform religious rituals. In general, the authors used a variety of legal acts to evaluate the *de-jure* side of cultural security protection, including creating the capacity for religious minorities to carry out their fundamental rights.

In the theoretical (*de-facto*) analysis, the authors started by defining cultural security as the main subject of the current research. The authors used the definition of cultural security given by Coffin (2007) — philosophy and a way of operating that ensures all individuals and groups are treated with regard to their unique cultural needs and differences. To understand what is halal slaughtering and why pre-stun animals before the killing is an inappropriate way of halal slaughter, the authors used the work of Farouk et al. (2014). Mentioned contribution explained that the slow decline in blood pressure following a halal pre-slaughter head-only stun and neck cut causes blood splash (ecchymosis) in a range of muscles and organs of slaughtered livestock, which is a result creates concerns about the quality of meat (Farouk et al., 2014). After reviewing the primary research subject, the authors paid attention to the concept of due diligence, which is referenced to strengthen cultural security. From a variety of reviewed literature, including a contribution of the Working Group on Business and Human Rights (n.d.), the authors concluded that due diligence is the care that a reasonable person exercises to avoid harm to other persons or their property. The attitudes of Muslim migrants to cultural limitations in host societies, evaluation of cultural security in European states, and visions of Muslim migrants to the future in Europe the author analysed and used in current research from a variety of contributions, such as the works by Boese and Phillips (2015) and Yeasmin (2017) and reports of United Nations Human Rights (UNHR) about the state of cultural human rights in Europe.

3. METHODOLOGY

The present contribution is qualitative, conclusive, and descriptive research, where facts about violations of cultural human rights of Muslim minorities and subsequently conclusions about the weakening of their cultural security have been made based on case study and analysis of secondary sources. In research, the authors used thematic analysis to interpret patterns and meanings of efforts taken by legislators in matters of cultural security of religious minorities. In work with legal acts, the authors used methods of judicial interpretation involving scrutinising legal texts for proper understanding of the meanings and intentions of the legislator. In the present research, the authors mainly used a prudential interpretation method, within the framework of which the authors analysed the balance of one interest against another — the balance between animal protection and cultural security of the religious group.

4. RESULTS

4.1. Cultural contexts of halal food and the importance of halal practice in Islam

Religious beliefs and cultural activities are an integral part of Muslim life. Muslim immigrants are religious minorities, and community viability rests on the level of in-group interaction and cultural customs (Yeasmin, 2017). Consuming halal foods comfort and controlling behavioural and subjective norms and attitudes supports the basic module of integration (Hall & Sevim, 2016). Food habits come first as cultural comfort in the host society (Yeasmin, 2017). According to the need-based theory of Maslow (1943), the biological needs of humans, such as food and habits of foods, "become more urgent when someone is lacking these resources and is searching for them" (Yeasmin, 2017, p. 55). Food and food habits for Muslim people are classified by the Islamic dietary instructions clearly in Quran, which has become a social need and practice in addition to religious and cultural traditions.

Social exclusion, perceived competition (Yeasmin & Koivurova, 2019), prejudice (Yogeeswaran & Dasgupta, 2014), accomplishment-seeking society (Berry & Ward, 2016), and inclusivity of the mainstream culture continuously push immigrants to think about their identity as a matter of self-esteem (Yeasmin, 2017). And ultimately, these cultural needs bring new challenges to their beliefs. The halal slaughtering of animals is part of Muslims' most significant religious festivity strictly defined by religious norms. Still, regardless of religious importance, rituals can be modified by the rules of law in the host society and subsequently destroy their holy value.

Many Muslim migrants accept halal slaughtering with the limitations imposed by the Finnish Animal Welfare Act 247/1996, yet the process is debatable whether this is the proper way to do halal slaughtering (Yeasmin, 2017). The fact that many Muslim migrants obey the Muslim laws of their home country while living as a migrant in the host country explains the existing discrepancies in beliefs regarding the proper techniques for halal slaughtering.

4.2. Awareness of cultural security

Diversity is the richness and variety of cultures and communities, as such the most powerful phenomenon for developing a social environment (Bourdieu, 1986). Many successful entrepreneurial innovations in the host society are based on immigrants' knowledge, skills, and cultural capital. (Yeasmin, 2017). Immigrants incorporate cultural capital for better integration and cultural capital for managing their identity in the new society.

Cultural security pertains to cultural memory and survival for practising own cultural activities to perceive own freedom, thoughts, beliefs, and customs. Because each person has the right and freedom to maintain their own identity, it is the legislator's responsibility to ensure cultural security and allow for openness, progress, and the preservation of cultural ideas and traditions (Nowicka, 2014). Feelings of home, the building of

a sense of belongingness as well as building a new sense of home in a host country require awareness of preserving cultural security (Castels & Davidson, 2000; Nowicka, 2014).

Contradictions of the domestic rule of law to globally accepted cultural human rights, including the right to freedom of expression and religion, do not contribute to society's diversification, as multiculturalism rests on the cultural diversity and recognition of diverse people from diverse cultures (Berry & Ward, 2016; Ward, Gale, Staerklé, & Stuart, 2018). Moreover, contradictions between multicultural practices and policies (Boese & Phillips, 2015) create separate policies of societal segregation (Walton et al., 2018); limit positive outcomes of multiculturalism, and lowers levels of trust and security (Wright & Bloemraad, 2012). Some groups are just and right in their cultural practices, and others are unjust in their beliefs and norms, creating intergroup perceptions of prejudice and perceived threats to security. Anti-multiculturalism rhetoric with negative consequences towards exiting policies and laws can undermine the group's sense of identity (Kymlicka, 2013). Such components need awareness and discussion to broaden knowledge for positive social changes in a multicultural society.

4.3. The cultural context in the halal food business

Muslim families should get halal from a more authentic and trustworthy market. They trust family members and choose authentic halal stores based on a chain of harmonious family communication and mutual understanding (Rongso, Utari, & Rahmanto, 2020; Mason, 2002). Personal and group beliefs have an impact on getting comprehensible information.

In stores, the halal label ensures that the meat is lawful in the European market. Moreover, it has also been observed that Muslims are willing to pay more for certified halal food (Iranmanesh, Mirzaei, Parvin Hosseini, & Zailani, 2019). Only the halal label is much more critical (Marzuki & Yahya, 2020) to buy halal food. And only a Halal label assures that the food is fresh and safe, as well as the impression that it is of high quality (Nugraha, Chen, & Yang, 2022). In Norway, it has been studied that Muslim consumers are not willing to pay extra for halal meat when they buy it from the supermarket.

Willingness to buy certified halal meat is nothing but a sense of trustworthiness (Verbeke, Rutsaert, Bonne, & Vermeir, 2013). Who is slaughtering animals, and how do they feel about the rules? For Muslim customers, it matters whether paying more results in the sense of trust and consumer confidence (Bhatti et al., 2021) Though first-generation and second-generation Norwegians hold different ideas about halal meat, labelling is necessary for both generations to purchase halal meat. However, information about quality regulation is still under threat of establishing reputation and credibility since many countries maintain the standard of halal in a hierarchical way (Kurth & Glasbergen, 2017). Halal governance in European states requires establishing legitimacy (Kurth & Glasbergen, 2017). For example, the Dutch Government allowed halal slaughtering with a pre-stunning process and exported such meat in 2012. Again in 2017, government policy allowed ritual slaughter based on actual needs and

prohibited exports of such meat (Global Legal Research Center, 2018). Such unclear actions of the Dutch Government confused Muslim immigrants in Europe. To minimise misinformation and misunderstanding among Muslim immigrants, information concerning halal processing as well as whether "with" or "without" pre-stun, European states should integrate due diligence into domestic regulation of halal issues.

4.4. Corporate values of Muslim food security and human rights

Since the Muslim population is the fastest-growing in the world, many Muslim-majority countries have a halal tourism policy that involves rising benefits from the developing global halal commercial industry (Purwandani & Yusuf, 2021). The number of Muslim tourists was estimated at 135 million in 2019. Muslim travellers in the European tourism sector necessitate the creation of a halal tourism system. Many nations offer halal tourism packages that include hotels, flights, Halal food, and other services (Purwandani & Yusuf, 2021). Tourism destinations prerequisite appropriate knowledge of halal, Islamic rules, certification, and standardised halal procedures (Rindrasi, 2021). In 2020, the global halal food market was worth USD 1.9 trillion (IMARC, n.d.).

Egypt exports halal food to Europe and a small share of halal food comes to Europe from the Asian halal market. Rather than Egypt, Asian halal market industries can produce authenticity in halal certification and packaging. European standard of halal food needs a shift of perceptions by encompassing corporate values of halal tourism and enabling specific goals and activities of business owners in tourism sectors in Europe. Halal business is hindered by unclear labelling, low awareness about halal culture, islamophobia, banning of slaughtering, fake halal logos, etc. Therefore, the corporate values of halal businesses need a proper governance policy to control corporate policies (International Trade Centre [ITC], 2015).

4.5. Ambiguity in international laws regarding human/cultural/minority rights

The Human Rights Council on Cultural Rights report stated that strengthening cultural security requires identifying best practices and cooperation between sub-regional, regional, and international levels to reduce unnecessary conflicts and contradictions between different legal bodies and tools (Shaheed, 2010).

Though cultural rights are an underdeveloped substance in human rights law, it is an integral part of human rights. Human dignity, freedom, respect, values, and beliefs of individuals and collective communities are considered under the human rights laws. Cultural diversity has been accepted as a particular set of acts that are distinctive and encompassed arts, literature, lifestyles, traditions, and beliefs — references have been given in United Nations (UN) human rights instruments, the Universal Declaration on Cultural Diversity, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Protection of the Rights of Migrant Workers and

Members of their Families, the International Covenant on Civil and Political Rights, Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, as well as the constitutions of EU nation-states. Additionally, other references to the cultural rights of indigenous and tribal peoples in independent sovereign facilitate and protect the cultural identities of diverse groups and communities.

Legal pluralism is based on an integral pluralistic concept to understand subjective decrees of plurality while practising non-state law in a host state. It also includes (mis)understanding among Muslim immigrants to practice their culture and natural beliefs on Muslim laws and legal systems within their country of origin. The limited practice of Islamic or family laws is a challenge for Muslim immigrants in such non-Muslim countries in Europe. The practice of own halal culture is a part of Islamic jurisprudence for many immigrants living in Finland. Muslims who violate laws are disgraceful in the eye of Muslim Law (Bassiouni, 2020). Understanding halal practices or beliefs in non-Muslim states does not create sacredness among non-believers that can harm the thoughtful arrangement of legal pluralism.

4.6. Human rights law and corporate legal practices at the international level

The duties of businesses and states concerning human rights within one international framework have been declared in the framing document of the United Nations Office of the High Commissioner (2011). The UN set three pillars of protecting human rights within that framework: the state's duty to protect human rights, the corporate responsibility to respect human rights and access to an effective remedy. Mentioned pillars are based on the following guiding principles:

- States' existing obligations to respect, protect, and fulfil human rights and fundamental freedoms.
- The role of business enterprises as specialised organs of society performing specialised functions, required to comply with all applicable laws and to respect human rights.
- The need for rights and obligations to be matched to appropriate and effective remedies when breached (United Nations Office of the High Commissioner, 2011).

These principles allowed us to assume that business enterprises can function as subsidiaries, performing specialised functions in fulfilling gaps in human rights protection admitted by the state (Ho, 2013). At the same time, the framework declared that obligation to respect human rights in business operations exists independently of states' abilities or willingness to fulfil their own human rights obligations and does not diminish those obligations. That means corporate entities should respect human rights and carry out operations in a way non-contradictive to the basic human needs of society regardless of the state's behaviour. For example, if refer this to the present research subject, that will mean the inability of specialised grocery stores to reject selling halal meat unreasonably, especially in the case when the state, by imposing restrictions on halal slaughtering, creates a gap in access to Muslim minorities to their cultural right to manifest religion or belief in

worship, observance, practice, and teaching, declared by Article 18 of International Covenant on Civil and Political Rights (United Nations Human Rights Office of the High Commissioner, 1966). In that case, selling imported halal meat in stores would be a compensating measure for filling the gap and achieving one common outcome — the availability of halal meat for consumption by Muslim minorities.

If to pay attention to the regulation of halal meat availability in the EU, the authors emphasise several differences with mentioned above UN framework. First, the EU created an exception in EU human rights law when acknowledged cultural human rights may be partly violated. That was achieved by explicit declaring in Judgement of the Court of 17 December 2020, *Centraal Israëlitisch Consistorie van België e.a. and Others*, Case C-336/19, that to promote animal welfare in the context of ritual slaughter, member states may, without infringing the fundamental rights enshrined in the Charter, require a reversible stunning procedure which cannot result in the animal's death. In other words, the Court created a legal fiction that limitations or restrictions on ritual slaughter imposed in the domestic legal system of the member state will not infringe Article 10, paragraph 1 of the Charter of Fundamental Rights of the European Union 2012/C326/02, repeating mentioned above Article 18 of International Covenant on Civil and Political Rights. As a result, the EU human rights system *de-jure* eliminated the potential gap in access to human rights, which should be filled by side efforts, such as the increase in commercial circulation of imported halal meat. The second difference is that the EU did not put explicit responsibility on business and specialised functions regarding protecting human rights. Therefore, the responsibility of businesses within the EU system is concentrated around their duty to respect human rights. Finally, to summarise, the authors noted that the EU did not impose an absolute ban on halal slaughter and only broadened the capacities of member states in setting limitations on access to particular human rights. However, in addition to that, the EU did not explicitly declare "compensation measures" and left that issue in charge of member states and their domestic legal systems. It is worth mentioning that compensation measures do not imply certain compensation in monetary terms and generally reflect states' efforts to increase the availability of certain products or services in commercial circulation.

Therefore, the next question is how the research region, Finland, "compensating" imposes a ban on halal slaughtering of Muslim minorities.

4.7. Human rights law and corporate legal practices in Finland

Finland is the state with a solid human rights institute. The Constitution of Finland, in Chapter 2, declares and regulates fundamental human rights and freedoms. Especially relevant for our research is Section 11, where the legislator expressed that everyone has the freedom of religion and conscience. Following this section of the Constitution, freedom of religion includes the right to profess and practise

religion. At the same time, as the authors mentioned before, the Animal Welfare Act 247/1996 and Animal Welfare Decree 396/1996 limited halal slaughtering processes and limited the right to practice religion. In other words, the Finnish legal system created a gap in access of the Muslim minority to their rights, and by that, has been treated differently from other persons on the ground of religion, which, from one perspective, violates not only Section 11 but also Section 6 of the Constitution of Finland. From another perspective, Section 6 of the Constitution contains a clause “no one shall, without an acceptable reason, be treated differently,” implying legal justification for the potential imposition of disputable provisions. So, from that perspective, efforts aimed at animal protection reflected in the Animal Welfare Act 247/1996 and Animal Welfare Decree 396/1996 can be considered an acceptable reason to treat the Muslim minority differently on the ground of religion and rituals forming religious practices. Nevertheless, at the same time, with an existing gap in access to human rights, relevant stakeholders may expect “compensation measures” to increase the availability of halal meat in Finnish grocery stores. The authors noted that the growing import of halal meat from halal states for selling in Finnish supply chains might improve access to the Muslim minority to, at least, religious food. Nevertheless, it is worth mentioning that meat import from halal Muslim states located outside the EU is very complicated. That can be explained by existing regulations of the Finnish Food Authority prohibiting any private import of meat from non-EU states except Andorra, Liechtenstein, Norway, San Marino, and Switzerland, repeating EU-level regulations (“Bringing food for private use,” n.d.).

In other words, ordinary Muslim people will not be able to bring halal meat from their homeland to Finland for subsequent consumption. If to pay attention to the commercial import of meat from non-EU states, import requirements are largely harmonised in EU legislation, which means that apart from a few exceptions, the same rules apply to imports into all EU countries. Importing meat from non-EU states for commercial purposes is possible but complicated by administrative burdens, veterinary controls requiring a vast number of proving documentation, and fees for entering the common market of the EU. However, the product can be imported from a country that is considered commercially equal to EU member states based on an agreement between the country and the EU (Ministry of Agriculture and Forestry of Finland, n.d.). In that case, the commercial import will not be considered an import from a third country but an import from the internal market. Import from the internal market does not imply burdens applicable to import from the third states. However, halal countries nowadays are not in the position of commercial equality with the EU member states. So, in practice, until Brexit, the leading importers of halal meat to Finland were Latvia and the United Kingdom (Sputnik, 2018). After Brexit, the import of meat from the UK has been complicated by stricter veterinary control, so the share of imported halal meat from the UK is sufficiently reduced. Additional problems to the availability of halal meat in Finland have been possessed by imposed at the EU level

health restrictions on the import of meat. In 2020–2021, due to African swine fever, there were restrictions on importing meat from Estonia, Latvia, Lithuania, Poland, and Italy (“Import of foodstuff to Finland,” n.d.). The mentioned restrictions put the Muslim minority in Finland in unfavourable conditions and sufficiently reduced their opportunities to consume halal meat.

5. DISCUSSION

5.1. Corporate human rights due diligence: Consequences

The discussion shows us that adaptive governance arrangements regarding halal meat production and exports created a complex phenomenon in Europe. Member states follow several options regarding halal governance, which differ from each other. The Muslim communities are also unaware of how to counteract misinformation and disinformation because there is no clear guidance or principles for businesses to follow in order to respect the cultural rights of Muslim immigrants, such as learning about halal products available on the EU market, as well as whether meats are produced halal, how it was slaughtered and who was the butcher. The information about the person who slaughters is also a concern in addition to the question of pre-stunning or not. A Muslim man also needed to make the process halal with religious spelling, likewise “*Bismillah*” during slaughtering. So, detailed information regarding Halal transparency is a lawful approach that Muslim minorities can take to mitigate from the host states. Finally, consumer rights defend the process of identifying the certification process, combining the meets of validity and the standard of halal meat, tracking the process, and connecting with specific authorities to inquire about such halal authentication difficulties (Tiemann, Ghazali, & van der Vorst, 2013; Kurth & Glasbergen, 2017).

Therefore, the consequences are two folds 1) weakened cultural security because of existing violations of human rights, cultural rights, and minority rights, and 2) consumers are entitled to have accurate information about the food they consume since corporate responsibility to respect consumers’ rights.

The UN Human Rights Commission stated on corporate human rights due diligence to identify, integrate, track, and communicate with stakeholders to find effective measures to protect against human rights violations related to corporate issues (Working Group on Business and Human Rights, n.d.). The working group submitted a report on human corporate human rights due diligence in 2018. According to the report, the corporate responsibility to respect human rights is usually not being managed adequately in other matters related to human rights (Working Group on Business and Human Rights, 2018).

Similarly, misinformation or disinformation of products in the market needs notable surveillance and a regulatory toolkit that gives a clear understanding about the “halal” pre-stunned or not, about the butcher and production company, or at least a website information to get all detailed information. The website will then give helpful

details about halal packaging, labelling, and branding. In addition to this, information on the remedy, compensation, and information on responsible authority enforcing decisions in such cases breaches consumer rights.

5.2. Content discussion on due diligence and recommendation

European Commission (2022) recently took the initiative on supply chain due diligence, which provides a mandatory legislative proposal including factors that respect human rights with a particular focus on good business governance. Protection of human rights from any adverse impacts would be verified, and corporate sectors will be obliged to establish due diligence strategy. Member states would adopt different mechanisms for effective remedies for human rights violations. A new standard will be proposed to lessen human rights violations. If we think that cultural rights are human rights, then cultural rights violations should be included in this initiative. The initiative has three focuses 1) human rights, 2) environmental protection, and 3) protection of good governance.

This study phase emphasises due diligence aspects for advancing human rights and good corporate governance. Misinformation and disinformation about halal certification and standards are not an example of good governance. Instead, depending on international legal systems, protection of human rights, and fundamental rights to support the cultural rights of minorities.

Our study discussed that due diligence services could be customised based on objectives, principles, methodologies, and measures depending on EU and Finnish action plans for integrating corporate due diligence for advancing human rights. The study objectives are to protect the cultural rights of minorities, and principles are existing rules of laws for good corporate governance to be established, due diligence as methodology and measures for specific capacity building, and guidance to avoid abuses of human rights.

The study recommends a due diligence framework (Table 1) for protecting corporate halal governance based on the existing agenda of Finland for action on business and human rights (Ministry of Foreign Affairs of Finland, n.d.).

Table 1. Due diligence framework

<i>Due diligence</i>	<i>Measures capable of protecting cultural human rights and strengthening cultural security</i>
Hypothesis creation	<ul style="list-style-type: none"> • Authentication, certification, branding, and packaging need standardised protection under corporate law, consumer law, and good governance based on corporate due diligence responsibilities and liabilities • More side efforts for the protection of cultural rights of Muslim minorities under international human rights, cultural rights, international customary law, and the concept of legal pluralism
Adverse impacts	<ul style="list-style-type: none"> • Economic loss, social exclusion of minorities, challenges to legal pluralism, poor integration of immigrants, cultural segregation, and cultural insecurities • Misinformation about animal welfare under Islamic jurisprudence and unsustainable halal industries with a low level of knowledge (Fuseini, 2022) • Poor capacity in international supply chain cooperation • Poor judicial integrity between EU and member states • The imbalance and contradictory rules of laws and lack of international networking • Poorly managed corporate governance • Each member states follow different rules or laws regarding cultural security in Islamic cultural beliefs and rituals
Advancing value creation	<ul style="list-style-type: none"> • Economic values bring economic resilience (Bergeaud-Blackler et al., 2015; Purwandani & Yusuf, 2021) • Social justice and promoting equality • Geopolitical context and community viability of Muslim minorities (Yeasmin, 2017) • Avoid conflicting situations between existing legal instruments • Sustaining transparency and accountability (Kurth & Glasbergen, 2017) • Support integration of immigrants in the host society
Analysis of the theory of justice by the state	<ul style="list-style-type: none"> • State's legal responsibility to protect the rights of minorities or to find an alternative solution to protect rights • The state's conduct is compared to what is a "justice" or "injustice" situation • The government would analyse and build knowledge and capacity in each specific situation of transboundary harm and abuses of human rights • The state will act diligently or not — there is an impact on both conditions • Extra precautions need to measure to establish justice obligations to cooperate for integrity • The concerned states are also obligated to build knowledge on preventive duties where already operative activities are concerned
Operational responsibilities of the state	<ul style="list-style-type: none"> • The responsibility to ensure good corporate governance and find the best evidence for tracking the effectiveness of practising diverse cultural activities within the jurisdiction of national states, identifying actual benefits of protecting cultural rights of minorities not only within but beyond national jurisdiction • Encourage adequate policies and processes to create a sense of cultural security to protect against adverse impacts on violation of human rights
Mixed measures for advancing due diligence	<ul style="list-style-type: none"> • Developments of customary law • Necessary legislative, administrative, or other actions for protecting human rights law and establishing good corporate governance equally among all citizens • Comparing state and non-state laws and instruments for animal welfare, human health, and well-being • Suitable monitoring mechanisms for protecting the rights of minorities • States shall exercise due diligence in order to negotiate/eliminate/mitigate any harms and violations of human rights/cultural rights • Addressing the challenges of consumers and traders • Ensure cooperative behaviour towards human rights • Strong provisions of compensation and sanctions regarding harms • Increase institutional knowledge by collaborating with member states' institutions within and beyond the EU

This due diligence framework (Table 1) includes hypothesis creation based on existing legal instruments and the best evidence from different countries in the EU. It is also essential to have market research on the topic and its adverse consequences by checking the situation's pros and cons, which is critical to the government for advance values creation. In such cases, human rights infringements like the halal practice infringement by the EU also create a responsibility for national states to analyse other aspects of social justice to compensate for the harm that obliges states to act diligently. Finally, the operational responsibilities of such cases are left to the state's good cooperative governance and mixed measures for advancing due diligence aspects.

6. CONCLUSION

In conclusion, the authors would like to mention that the Finnish legal system, the same as the EU system, has clauses allowing them to neglect certain human rights, but only with an acceptable reason. It would be helpful to note that the definition of sufficient reason varies based on the interests and priorities of individual states and international society. And in the present-day world, fighting for animal rights and the environment is one of the top priorities of the EU and Nordic states, so animal protection can be considered an acceptable reason for neglecting other specific rights. But, if to pay attention to the UN framework mentioned above, in the case of the existing gap in access to human rights, states and businesses together and separately should fill the gap by side activities, such as commercial circulation increase. Nevertheless, at the moment, Finland did not make sufficient efforts to either support businesses in selling halal meat or easing import procedures of halal meat from halal states.

Moreover, simplifying commercial import procedures is almost impossible because Finland is a member state of the EU and part of its internal market, which is subject to the exclusive competence of the EU if it concerns competition rules and shared competence between the Union and the member states if it concerns general functioning of the internal market (Consolidated version of the Treaty on the Functioning of the European Union 2012/C326/01). By that, the authors would like to say that Finland is not capable of changing import procedures solely. So, Finland has only two ways of eliminating the existing gap: first, to amend the Animal Welfare Act 247/1996 and Animal Welfare Decree 396/1996 in a manner allowing halal slaughtering under exceptional circumstances such as a limited amount of slaughtered animals, accepting halal slaughtering only during a religious festival, or accepting halal slaughtering with prior

notification like many other countries in the EU, acceptance, and control of veterinary authorities and a limited amount; second, to introduce administrative and tax preferences to businesses selling halal meat in Finland, to encourage them to expand import network to the more significant number of the EU member states. And the authors emphasised that if the first way of eliminating the gap is unlikely to occur, the second one is possible and procedurally achievable due to the state's interest in satisfying the Muslim minority and the potential interest of businesses in maintaining corporate human rights due diligence.

According to the exceptions of EU human rights to halal practices of Muslim minorities, the EU has also mentioned taking side efforts to fulfil the potential gap in access to human rights. Thus, the study argued for having a due diligence framework to control halal business and consumer rights of Muslim minorities instead of drawing attention to halal practices, which the EU has already limited. Moreover, the certification and national body to take care of certification with due regard could provide preliminary satisfaction to the consumer and require an authoritative framework at the respective governmental level for hindering controversies on the halal standard.

The findings revealed significant constraints for further research on the subject. From a legal standpoint, the challenge can be seen in the lack of comprehensive domestic regulation of religious minorities' cultural rights. Cultural rights are usually only declared in sections of the Constitution concerning human rights. Other cultural rights guarantees are drawn from ratified international treaties, but domestic control is insufficient. Furthermore, issues that can potentially impact religious minorities' cultural rights significantly have received increasing attention at the EU level. The promise for future research may be seen in the possibility of discovering activities and approaches that can effectively protect both religious minorities' cultural rights in host governments and problems such as animal life and health, which is also essential issue. As the authors indicated in their research, integration of corporate due diligence into domestic legislation could be one of these attempts. Moreover, the paper concentrated solely on theoretical topics that did not provide more precise insights to relevant consumers. For example, research on consumer experiences and requests that had not previously been undertaken would have given value to the piece. As a result, more empirically-based research on the problem would aid the cultural integration of Muslim immigrants in both Europe and Finland. Empirical research on the subject will significantly aid in implementing corporate due diligence in Finland to defend corporate halal governance.

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