

PERIODIC REPORT ON THE HONOURING OF STATUTORY OBLIGATIONS BY

FINLAND

CoE member State since **5 May 1989**

Number of CoE Conventions ratified (as of 30 May 2006): **94 (out of 199)**

Number of CoE Conventions signed (as of 30 May 2006): **16**

I. PLURALISTIC DEMOCRACY

A. FREE AND FAIR ELECTIONS

System of government: **parliamentary democracy**

Last presidential election: **16 January and 6 February (2nd round) 2000**

Next presidential election: **2006**

Last general elections: **16 March 2003**

Next general elections: **2007**

B. LOCAL AND REGIONAL DEMOCRACY

Last municipal elections: **October 2004**

Next municipal elections: **October 2008**

European Charter of Local Self-Government (see Section III)

Last **Congress of Local and Regional Authorities** monitoring report: June 1999, **Recommendation 66 (1999)** on local democracy in Finland adopted on 17 June 1999.

Last report by the **Steering Committee on Local and Regional Democracy (CDLR)**:

Structure and operation of local and regional democracy: Finland: Situation in 1997:

The CDLR comprises representatives of the national ministries responsible for local and regional authorities. This study presents the legal and institutional framework of local and regional authorities in Finland as well as their operation, including their competencies and financial and human resources.

Extract of doc. CM/Monitor (2001) 3 revised 2, 23 April 2001: Declaration by the Committee of Ministers of 10 November 1994 / Compliance with member States' commitments: Progress achieved within the framework of the monitoring procedure on local democracy:

"The introduction of the new constitution has not had a significant effect on Finland's administration system. Rather, it has led to an updating of traditional principles, while changes that had already begun have continued. The arrangements chosen for the regionalisation carried out in 1994 confirm the pre-eminence of the municipality in Finland's democracy and administrative system. Administrative functions tend to be carried out by the municipalities, or through co-operation between them, while central government concentrates on legislation, equalisation and monitoring the lawfulness of decisions – this last function is now exercised by the courts. The change in local finances completes the picture: now that grants are no longer earmarked for specific purposes, the fact that central government helps the municipalities to perform statutory tasks no longer authorises it to supervise the performance of these tasks as closely as in the past. Recent changes seem to be directed towards achieving greater efficiency and furthering democracy.

The quest for efficiency is reflected particularly in the decision to allow municipalities maximum freedom in choosing the organisational arrangements needed to carry out their functions, in choosing how to provide public services, in the introduction of a supervisory board appointed by the local council in each municipality, and in the discussion initiated by the Ministry of the Interior, with the Association of Local Authorities, on sharing power and financial responsibilities.

The furthering of democracy is reflected in the improved right of access to administrative documents, the creation of new opportunities for citizens to take the initiative and the primacy now given to judicial remedies in litigation relating to the lawfulness of a decision. The combination of scrutiny exercised through citizens' participation and increasing recourse to judicial review means that the supervision traditionally exercised by central government can be withdrawn. However, the large-scale enquiry launched in 1997 by the Ministry of the Interior showed that, in practice, participation usually takes the most conventional forms and is focused on information, and that local authorities often have misgivings about public participation."

II. RULE OF LAW

A. VENICE COMMISSION

No specific opinion concerning Finland.

B. FUNCTIONING OF THE JUDICIARY

The first report «European Judicial systems 2002» adopted by the European Commission for the Efficiency of Justice (CEPEJ) has been presented to the Committee of Ministers of the Council of Europe on **19 January 2005**.

It is one of the first major achievements of the CEPEJ under the terms of reference given to by the Committee of Ministers. As a result of the replies to the questionnaire sent in by 40 member states, the CEPEJ had been able to carry out the first ever evaluation of European judicial systems on such a large scale. Finland is one of the countries having replied to the questionnaire.

C. THE FIGHT AGAINST CORRUPTION AND ORGANISED CRIME

Civil law convention on corruption signed on **8 June 2000**, ratified on **23 October 2001**

Criminal law Convention on corruption signed on **27 January 1999**, ratified on **3 October 2002**, **Additional Protocol** neither signed nor ratified

Extract of: **Second Evaluation Round: evaluation report on Finland adopted by GRECO at its 19th Plenary Meeting (Strasbourg, 28 June – 2 July 2004):**

"Conclusions

Finland has a very low level of reported and detected corruption and is since long held as one of the less corrupt countries in the world. It has a comprehensive legal system covering to a very large extent the anti-corruption standards subjected to the present evaluation. Only limited shortcomings have been detected. Above all, Finland should be commended for its transparent and in this respect pro-active administration and e-governance.

In view of the above, GRECO addresses the following recommendations to Finland:

- i. to enhance the special training for police and prosecutors on confiscation and provisional measures in cases of corruption and to this end use experience in other countries to the extent possible (paragraph 28);
- ii. to introduce clear rules/guidelines and training for civil servants to report suspicions of corruption in State administration (paragraph 65);
- iii. to introduce clear rules/guidelines for situations where public officials move to the private sector ("pantouflage"), in order to avoid conflicts of interests (paragraph 66);
- iv. to ensure that accountants and other legal professions are trained to take into account corruption when suspicious transactions are being reported (paragraph 92);

Moreover GRECO invites the Finnish authorities to take account of the observations made in the analytical part of this report.

Finally, in conformity with Rule 30.2 of the Rules of Procedure, GRECO invites the Finnish authorities to present a report on the implementation of the above-mentioned recommendations by 31 December 2005."

D. THE FIGHT AGAINST MONEY LAUNDERING

Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime of 1990 ratified on **9 March 1994**

Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the financing of terrorism (revised) signed on **16 December 2005**

Finland is not a member of MONEYVAL.

III. PROTECTION OF HUMAN RIGHTS

A. ACTIVITIES OF THE COMMISSIONER FOR HUMAN RIGHTS

First report on Finland published in **September 2001** following a visit to the country in **June 2001**

Follow-up report on Finland published in **March 2006** following a visit to the country in **August 2005**

Extract of **Follow-up report on Finland (2001-2005): Assessment of the progress made in implementing the recommendations of the Council of Europe Commissioner for Human Rights for the attention of the Committee of Ministers and the Parliamentary Assembly:**

"Introduction:

The Commissioner for Human Rights, Mr Alvaro Gil-Robles, visited Finland on 4-7 June 2001 on the invitation of the Finnish Government. In his report of the visit, the Commissioner identified a number of concerns regarding law and practice in Finland with respect to human rights and made recommendations in order to assist the Finnish authorities in their pursuit of remedying the shortcomings. The issues addressed by the Commissioner included discrimination and xenophobia, the situation of national minorities, asylum-seekers and conscientious objectors, and the rights of the child. In October 2003, following a request by the Commissioner, the Finnish Government provided information on progress made in implementing the Commissioner's recommendations in these fields until that time. Information was also received from several non-governmental organisations.

A follow-up visit to assess further progress made was carried out by members of the Commissioner's Office on 29-31 August 2005. The follow-up visit also gathered information on two topics not directly covered by the Commissioner's original visit, namely, responses to violence against women as well as trafficking in human beings. The purpose of this report is to assess the extent the Finnish authorities have implemented the recommendations made by the Commissioner in his 2001 report as well as to take note of the Finnish responses to violence against women and trafficking in human beings. [...]

Non-discrimination and action against racism and xenophobia

[...]

Conclusions

The Commissioner welcomes the new Non-Discrimination Act and the low-threshold bodies – Minority Ombudsman and the National Discrimination Tribunal – mandated to enforce the Act in the field of ethnic discrimination. The access of vulnerable groups to complaints bodies has clearly been enhanced by these measures while the Minority Ombudsman has quickly emerged as an active agent for promoting inter-ethnic equality and as an effective mediator acting on complaints addressed to him. Together with the courts and other ombudspersons and complaints bodies, the Finnish system of enforcing non-discrimination legislation seems to be well-equipped to address most concerns in an efficient manner. This is also reflected by the fact that Protocol 12 to ECHR has already entered into force in Finland. However, the Commissioner underlines that a solution should be found for extending the scope of the Non-Discrimination Act to cover the Åland Islands.

The Commissioner trusts that the strong message put forward by the legislator through the Non-Discrimination Act will have a preventive effect in terms of reinforcing people's understanding that discrimination and racism are illegal and, in many cases, crimes. The Commissioner welcomes the Government's recognition of the need to strengthen the prevention of racism and to change attitudes towards minorities and persons of foreign origin. While the police statistics indicate that racially-motivated violence continues to be a serious problem to be tackled with in Finland, the fact that special care is taken to compile such information demonstrates the willingness of the authorities to address the problem. The Commissioner notes that positive signs of improved inter-ethnic relations are also visible.

Indigenous and national minorities

Sámi

[...]

Conclusions

The Commissioner regrets that the issue of Sámi land rights still has not been resolved and that Finland has not yet ratified the ILO Convention No. 169. He urges the different parties to the question, including among others the Ministry of Agriculture and Forestry, the Forest and Park Service and the Sámi Parliament, to join efforts to actively seek a solution to this long-standing problem. The Commissioner recommends that the Finnish authorities draw inspiration from the expert recommendations regarding land rights which have been recently issued in the framework of the on-going negotiations for a Nordic Convention on the Sámi.

Roma

[...]

Conclusions

The Commissioner welcomes the Non-Discrimination Act of 2004 and its enforcement system which have noticeably improved the safeguards against discrimination of the Roma. The Regional Advisory Boards for Romani Affairs also appear to make a difference when they are supported by public authorities. Yet, discrimination against the Roma in the fields of employment, private housing, education and access to public places appears to persist reflecting deeply rooted prejudice which subjects the Roma to multiple forms of discrimination simultaneously. While the Commissioner welcomes the positive initiatives launched by the Government to counter such discrimination and prejudice, he calls for greater attention to be paid, for example through the means of affirmative action, to the prevention of everyday discrimination and racism encountered by the Roma. In this respect, the wide dissemination of objective information about Roma culture and traditions as well as the diversity of Roma identities is essential. The Commissioner trusts that further efforts are also put to the training of teachers with Romani language skills.

Russian-speaking population

[...]

Conclusions

Taking into account the significant number of Russian-speaking people living in Finland, the Commissioner urges the Finnish authorities to thoroughly consider the recommendations of the ad hoc working group assigned by the Advisory Board for Ethnic Relations. The Commissioner is not persuaded that the special needs of the Russian-speaking population could be catered for in an efficient manner solely by general policy initiatives regarding or consultative bodies representing minorities and immigrants in general. Further measures are required to address the problems encountered by Russian-speaking school pupils while the awareness of media professionals of any prejudice on reporting about the Russian-speaking population should be improved.

Asylum-seekers

[...]

Conclusions

The Commissioner welcomes the fact that the Helsinki Administrative Court has emerged as an efficient and expert judicial body of first instance for appeals in the field of asylum. He is not persuaded, however, that an effective judicial remedy is yet available for appealing decisions related to Dublin cases. The Commissioner recommends that further guidance is issued to relevant authorities for serving and carrying out these decisions. In particular, before their transferral the rejected applicants should, as a minimum, have the possibility to request the suspension of the implementation of their transfer before the Administrative Court in accordance with the Aliens Act (Section 201) and Articles 19 (2) and 20 (1.e) of the Council Regulation No 343/2003.

As concerns the granting of temporary resident permits in accordance with Section 51 of the Aliens Act, the Commissioner underlines that it should always be verified that the section is not applied in contradiction with other provisions of the Act which would grant a continuous residence permit on the grounds of a need for protection (Section 88). Taking into consideration the practical consequences of the temporary residence status on opportunities to accessing employment, health and social services as well as right to family reunification, a restrictive rather than wide interpretation of the application of Section 51 is to be preferred. The Commissioner notes that Section 52 of the Act stipulates that a continuous residence permit can be granted to aliens on compassionate grounds with reference to their health, vulnerable position or the circumstances they would face in their home country.

The Commissioner also urges the Finnish authorities to reconsider the proposal to amend the Aliens Act concerning information exchange between the staff of reception centres and the authorities. While the improvement of information exchange between authorities and professionals is a laudable objective, any legal obligation on reception centre staff to inform the authorities should be stipulated in sufficient detail to safeguard the rights of both asylum seekers and staff. The Commissioner emphasises that it is particularly important to examine whether the proposed legislation is compatible with the human rights provisions of the Finnish Constitution.

Conscientious objectors

[...]

Conclusions

The Commissioner regrets the lack of progress made in resolving the long-standing problems faced by conscientious objectors and therefore reiterates his recommendations made in the 2001 report. It is clear that the current length of civilian service is punitive and discriminatory in comparison with the length of military service while it is

detrimental to equal opportunities for work and study among civilian and military service men. The social and financial rights of civilian service men should be protected in a comparable way with those of conscripts. Although the Commissioner notes the exemption of Jehovah's Witnesses from military and civilian service, he considers that a similar provision should also be applied to other persons objecting to military and civilian service on the ground of belief. The Commissioner urges the Finnish Government to draw inspiration from its Anti-Discrimination Act and Protocol 12 to the ECHR in speedily addressing the situation of conscientious objectors while actively persuading the Parliament to back a long-awaited reform in this field.

Rights of the child

[...]

Conclusions

The Commissioner welcomes the current efforts of the Government to reform the Child Welfare Act which should improve the legal protection of children taken into custody and clarify the manner how their care and best interests are monitored. It is essential that all interested parties are heard in the reform process and that the rights of family members are given due consideration to ensure the practicability of the resulting legislation. As custody decisions are directly related to the fundamental rights of all family members it would also be apposite to reconsider whether the courts should be involved in making the initial decision. The participation of children themselves in the decision-making procedure regarding their placement in extra-familial care or custody is particularly important and it should be examined whether the reformed act could enable children younger than 12-years' old to be heard in the process.

The Commissioner urges the authorities to persist in their efforts to improve mental health care for children and to monitor that the service guarantees are fully met in this field. The Commissioner welcomes the establishment of the institution of the Ombudsman for Children and encourages the authorities to review its resource needs.

Responses to violence against women

[...]

Conclusions

The Commissioner welcomes the efforts of the Government to monitor and respond to violence against women in Finland. He encourages the authorities to persist in these efforts and to review whether the current Government programmes aimed at addressing violence are sufficiently specific and adequately funded to cover violence against women. The authorities should also ensure that the specific needs of immigrant women as victims of violence are addressed. In particular, they should be able to access information about

their rights and victims' support services and have the possibility to stay in Finland after leaving a violent relationship.

Responses to trafficking in human beings

[...]

Conclusions

The Commissioner welcomes the new legislative measures to criminalise trafficking in human beings in Finland and the Government's Plan of Action against Trafficking in Human Beings. He also encourages the Government and the Parliament to sign and ratify the Council of Europe Convention on Action against Trafficking in Human Beings. In particular, the Commissioner invites the Finnish authorities to verify that the victims of trafficking can be granted adequate protection and assistance based on an individual assessment of their needs.

B. EUROPEAN CONVENTION ON HUMAN RIGHTS

ECHR ratified on 10 May 1990

“Reservation contained in the instrument of ratification, deposited on 10 May 1990 as amended by the partial withdrawals of reservation dated 20 December 1996, 30 April 1998, 1 April 1999 and 16 May 2001:

In accordance with Article 64 of the Convention [Article 57 since the entry into force of Protocol No 11], the Government of Finland makes the following reservation in respect of the right to a public hearing guaranteed by Article 6, paragraph 1, of the Convention.

For the time being, Finland cannot guarantee a right to an oral hearing insofar as the current Finnish laws do not provide such a right. This applies to:

1. proceedings before the Supreme Court in accordance with Chapter 30, Section 20, of the Code of Judicial Procedure and proceedings before the Courts of Appeal as regards the consideration of petition, civil and criminal cases to which Chapter 26 (661/1978), Sections 7 and 8, of the Code of Judicial Procedure are applied if the decision of a District Court has been made before 1 May 1998, when the amendments made to the provisions concerning proceedings before Courts of Appeal entered into force;

and the consideration of criminal cases before the Supreme Court and the Courts of Appeal if the case has been pending before a District Court at the time of entry into force of the Criminal Proceedings Act on 1 October 1997 and to which existing provisions have been applied by the District Court;

2. proceedings, which are held before the Insurance Court as the Court of Final Instance, in accordance with Section 9 of the Insurance Court Act, if they concern an appeal which

has become pending before the entry into force of the Act Amending the Insurance Court Act on 1 April 1999;

3. proceedings before the Appellate Board for Social Insurance, in accordance with Section 8 of the Decree on the Appellate Board for Social Insurance, if they concern an appeal which has become pending before the entry into force of the Act Amending the Health Insurance Act on 1 April 1999.

The provisions of the Finnish laws referred to above are attached to this reservation as a separate annex.

Period covered: 10/5/1990 -

The preceding statement concerns Article(s): 6

Partial withdrawal of reservation transmitted by a Note Verbale from the Permanent Representation of Finland, dated 16 May 2001, registered at the Secretariat General on 16 May 2001.

Whereas the instrument of ratification contained a reservation to Article 6, paragraph 1, of the Convention, whereas after partial withdrawals of the reservation on 20 December 1996, 30 April 1998 and 1 April 1999, the reservation reads as follows:

"For the time being, Finland cannot guarantee a right to an oral hearing insofar as the current Finnish laws do not provide such a right. This applies to:

1. proceedings before the Water Courts when conducted in accordance with Chapter 16, Section 14 of the Water Act;

and proceedings before the Supreme Court in accordance with Chapter 30, Section 20, of the Code of Judicial Procedure and proceedings before the Courts of Appeal as regards the consideration of petition, civil and criminal cases to which Chapter 26 (661/1978), Sections 7 and 8, of the Code of Judicial Procedure are applied if the decision of a District Court has been made before 1 May 1998, when the amendments made to the provisions concerning proceedings before Courts of Appeal entered into force;

and the consideration of criminal cases before the Supreme Court and the Courts of Appeal if the case has been pending before a District Court at the time of entry into force of the Criminal Proceedings Act on 1 October 1997 and to which existing provisions have been applied by the District Court;

and proceedings before the Water Court of Appeal as regards the consideration of criminal and civil cases in accordance with Chapter 15, Section 23, of the Water Act, if the decision of the Water Court has been given before the entry into force of the Act Amending the Code of Judicial Procedure on 1 May 1998; and the consideration of petition, appeal and executive assistance cases, in accordance with Chapter 15, Section

23, of the Water Act, if the decision of the Water Court has been given before the entry into force of the Act on Administrative Judicial Procedure on 1 December 1996;

2. the consideration by a County Administrative Court or the Supreme Administrative Court of an appeal on a submission from a decision given before the entry into force of the Act on Administrative Judicial Procedure on 1 December 1996, as well as of consideration of an appeal on such a matter in a superior appellate authority;

3. proceedings, which are held before the Insurance Court as the Court of Final Instance, in accordance with Section 9 of the Insurance Court Act, if they concern an appeal which has become pending before the entry into force of the Act Amending the Insurance Court Act on 1 April 1999;

4. proceedings before the Appellate Board for Social Insurance, in accordance with Section 8 of the Decree on the Appellate Board for Social Insurance, if they concern an appeal which has become pending before the entry into force of the Act Amending the Health Insurance Act on 1 April 1999."

Whereas the relevant provisions of the Finnish legislation have been amended so as they no longer correspond to the present reservation as far as they concern proceedings before the Water Courts and the Water Court of Appeal, and as the present reservation concerning the proceedings before the County Administrative Courts and the Supreme Administrative Court is no longer relevant,

Now therefore Finland withdraws the reservation in paragraph 1 above, as far as it concerns proceedings before the Water Courts and before the Water Court of Appeal. Finland also withdraws the reservation in paragraph 2 above concerning proceedings before the County Administrative Courts and the Supreme Administrative Court.

[Note by the Secretariat: The reservation now reads as follows: "For the time being, Finland cannot guarantee a right to an oral hearing insofar as the current Finnish laws do not provide such a right. This applies to:

1. proceedings before the Supreme Court in accordance with Chapter 30, Section 20, of the Code of Judicial Procedure and proceedings before the Courts of Appeal as regards the consideration of petition, civil and criminal cases to which Chapter 26 (661/1978), Sections 7 and 8, of the Code of Judicial Procedure are applied if the decision of a District Court has been made before 1 May 1998, when the amendments made to the provisions concerning proceedings before Courts of Appeal entered into force;

and the consideration of criminal cases before the Supreme Court and the Courts of Appeal if the case has been pending before a District Court at the time of entry into force of the Criminal Proceedings Act on 1 October 1997 and to which existing provisions have been applied by the District Court;

2. proceedings, which are held before the Insurance Court as the Court of Final Instance, in accordance with Section 9 of the Insurance Court Act, if they concern an appeal which has become pending before the entry into force of the Act Amending the Insurance Court Act on 1 April 1999;

3. proceedings before the Appellate Board for Social Insurance, in accordance with Section 8 of the Decree on the Appellate Board for Social Insurance, if they concern an appeal which has become pending before the entry into force of the Act Amending the Health Insurance Act on 1 April 1999."]

Appendix including a summary of the respective laws referred to in the partial withdrawal of reservations

The Water Court of Appeal was abolished by the Administrative Courts Act (430/1999) which entered into force on 1 November 1999. The Water Court of Appeal was merged with the Vaasa County Administrative Court, and the new court is called the Vaasa Administrative Court.

Chapter 15 of the Water Act, concerning the water courts, was repealed by the Act on the Amendment of the Water Act (88/2000) which entered into force on 1 March 2000, being part of a reform of the Finnish environmental legislation. The water courts were abolished and replaced by three environmental permit authorities.

According to Section 11 (1) of the Act on the Implementation of Environmental Legislation, the cases pending before the water courts were transferred to the environmental permit authorities insofar as petitions and requests for executive assistance referred to in the Water Act were concerned, appeal cases were transferred to the Vaasa Administrative Court and criminal cases to the competent district courts. As regards civil cases, the water courts were to decide which of them would still be considered as civil cases and which ones could be converted into petition cases to be handled by the environmental permit authorities. According to Section 17 of the Act on the Implementation of Environmental Legislation, also the Vaasa Administrative Court was to transfer the pending civil and criminal cases to the competent courts of appeal, applying, where appropriate, Section 11 (2) of the same Act to the civil cases.

Because there no longer are any provisions on the consideration of civil cases in the Water Act, and nor does the Act on the Implementation of Environmental Legislation contain separate provisions on the application of the earlier legislation to cases which have been brought before a water court or the Water Court of Appeal as a civil case and the consideration of which shall continue before another competent court as a civil case, the transferred cases shall be covered by the procedural rules existing at the time of transfer. Therefore it is no longer possible that the transferred civil cases could become subject to one of the procedures in respect of which the reservation to the Convention was made.

The reservation made in respect of proceedings before Water Courts when conducted in accordance with Chapter 16, Section 14 of the Water Act, concerning the holding of an oral hearing in a petition case after inspection, may also be withdrawn as a result of the reform of the environmental legislation. According to Chapter 16, Section 14 of the Act on the Amendment of the Water Act, the competent authorities for the consideration of petitions are the environmental permit authorities. The reservation made to Article 6 of the Convention only concerned the administrative judicial procedure applied to administrative courts and not the administrative procedure applied to other authorities.

The transitional provision concerning civil and criminal cases before the water courts may be withdrawn as there are no longer such pending cases to which the provisions of the Code of Judicial Procedure, which were in force before the Act on the Amendment of the Code of Judicial Procedure entered into force on 1 May 1998, could be applied.

According to the transitional provision in Section 82 of the Administrative Judicial Procedure Act, the Act shall not be applied to appeals or submissions made in respect of decisions given before the entry into force of the Act, nor to the consideration of such cases by a superior appellate authority on account of appeal. There are hardly any appeal cases pending before the administrative courts and the Supreme Administrative Court, where the decision subject to appeal has been given before the entry into force of the Administrative Judicial Procedure Act on 1 December 1996.

Period covered: 16/5/2001 -

The preceding statement concerns Article(s): 6"

Protocol No. 6 ratified on **10 May 1990**

Protocol No. 12 ratified on **17 December 2004**

Protocol No. 13 ratified on **29 November 2004**

Protocol No. 14 ratified on **7 March 2006**

Number of judgments delivered against Finland in 2005: **13** (out of a total of 1105)

Resolutions adopted by the Committee of Ministers in 2005: **1** (0 Interim Resolution)

Resolutions adopted by the Committee of Ministers in 2006 (as of 28 April 2006): **0**

C. EUROPEAN CONVENTION FOR THE PREVENTION OF TORTURE AND INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (CPT)

Convention ratified on **20 December 1990**, additional protocols **1 and 2** ratified on **4 November 1993**

Last country visit: **September 2003**

Publication of the last report: **June 2004**

Press release of 14 June 2004:

"The Finnish Government has requested the publication of the [report](#) of the Council of Europe's Committee for the Prevention of Torture (CPT) on its visit to Finland in September 2003. The visit was carried out within the CPT's programme of periodic visits for 2003. It was the Committee's third visit to Finland.

The CPT's delegation heard no allegations of recent ill-treatment of persons held in police establishments, and found no other evidence of such treatment. Police detention facilities were, on the whole, quite satisfactory for the initial 72 hour period of police custody; however, none of them offered suitable conditions for remand prisoners. The CPT has reiterated that remand prisoners should not, in principle, be held in police cells.

As regards persons detained under the Aliens Act, the CPT has highlighted a case in which medication having a tranquillising or sedative effect was administered in the context of a deportation procedure. The Committee has emphasized that the administration of medication to persons subject to a deportation order must always be carried out on the basis of a medical decision taken in respect of each particular case; this implies that the persons concerned must be physically seen and examined by a medical doctor. More generally, the CPT has recommended that detailed instructions be issued on the manner in which deportation orders concerning foreign nationals are to be enforced. These instructions should, in particular, address the use of force and/or means of restraint authorised in the context of deportation operations.

Concerning prisons, the CPT has drawn attention to the ongoing problem of inter-prisoner intimidation and violence. Further, it has called for measures to address the overcrowding which affected Kuopio Prison and - to an even greater extent - the former Turku Remand Prison. That said, in both establishments, prisoner accommodation was on the whole of an acceptable standard.

Living conditions and treatment offered to patients at Niuvanniemi Psychiatric Hospital were generally adequate. The CPT has nevertheless expressed the hope that determined efforts will be made to involve a greater number of patients in activities which correspond to their individual needs and abilities."

Response of the Finnish Government to the report on its visit to Finland from in 2003: November 2004

Press release of 8 November 2004:

"In a response published on 8 November 2004 at its request, the Finnish Government provides information concerning issues raised by the European Committee for the

Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) after its third periodic visit to Finland in September 2003.

The response makes reference to several draft laws in the areas of police detention and imprisonment. These drafts, which will address many of the CPT's recommendations, are expected to enter into force in January 2006. In particular, the detention of remand prisoners in police establishments will be subject to strict criteria and limited in time. Further, restrictions on remand prisoners' contact with the outside world will be applied only in exceptional cases. The Finnish authorities also refer to concrete steps taken to prevent and combat inter-prisoner violence and to improve the situation of prisoners segregated for their own protection.

As regards the detention of persons under the Aliens Act, the Finnish authorities announce the opening in December 2004 of a new facility in Metsälä, said to offer better material conditions and activities to the foreign nationals held there. Reference is also made to plans to draw up detailed provisions concerning the enforcement of deportation decisions, including the use of force and means of restraint.

Concerning Niuvanniemi Psychiatric Hospital, the Finnish authorities inform the Committee of the opening of a new unit for juvenile patients, which will offer activities corresponding to their specific needs."

Next country visit in: unknown

D. EUROPEAN CHARTER OF LOCAL SELF-GOVERNMENT

European Charter of Local Self-Government ratified on **3 June 1991**

E. FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES

Convention signed on **1 February 1995**, ratified on **3 October 1997**, entered into force on **1 February 1998**

Last opinion by the Advisory Committee adopted in **March 2006**
[ACFC/OP/II(2006)003]:

"Summary:

Finland has taken various commendable measures to implement the Framework Convention. Important developments include the adoption of language laws - covering the Swedish and Sami languages - the implementation of which is now an important challenge.

The development of anti-discrimination legislation and the establishment of the Office of the Ombudsman for Minorities are also significant steps. However, despite these

measures, persons belonging to minorities still face incidents of discrimination and manifestations of intolerance in various fields.

Important new channels have been established to support minority participation, including permanent regional advisory boards for Roma affairs. However, current structures do not adequately take account of the needs of the Russian-speaking population.

Disputes over the ownership and use of land in the Sami Homeland need to be tackled with vigour, and the authorities' obligation to negotiate with the Sami Parliament should be carefully observed.

Valuable initiatives in support of minority language media need to be developed further, and minority language education should be expanded."

Last CM resolution on the implementation of the Framework Convention:
ResCMN(2001)3

Next State report foreseen: date unknown

F. EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

Convention signed on **5 November 1992**, ratified on **9 November 1994**

Last State report submitted on: **13 March 2006**

Last Committee of Experts' evaluation report adopted on: **24 March 2004**

Last Committee of Ministers' Recommendation adopted on **20 October 2004**

Last biennial report of the Secretary General to the Parliamentary Assembly: **3 September 2005**

G. EUROPEAN COMMISSION AGAINST RACISM AND INTOLERANCE (ECRI)

Last report by ECRI: the Second report on Finland was adopted on 14 December 2001 and made public on **23 July 2002**

Extract of doc. **CRI(2002)20:**

"Executive summary:

Finland has in the last few years adopted a number of significant measures in the field of combating racism and intolerance, including initiatives to improve the integration of immigrants into Finnish society, the introduction in 2001 of a National Programme

against Ethnic Discrimination and Racism, improved legislation in the field of employment and education, and the increased participation of minority groups in the development of policies and measures of concern to them. Although there is a growing recognition that Finland is today a society comprising many different groups, both "traditional" minorities and minorities of immigrant origin, there still appears to exist a certain level of prejudice and intolerance among the Finnish population towards those who are different from the majority. Such prejudice finds its expression in discrimination in a number of fields, including employment, housing and access to public places, as well as in instances of harassment and sometimes racial violence. Moreover, initiatives taken at the national level to combat racism and discrimination do not always successfully filter down to the local level. In the present report, ECRI recommends that the Finnish authorities take action in a number of fields. It recommends, inter alia, a more effective implementation of legislative provisions in force to combat racism and discrimination and the introduction of further provisions in this field, the reconsideration of some aspects of the legislation and procedures concerning asylum seekers, the intensification of training and awareness-raising among key officials and further efforts to combat manifestations of discrimination in daily life, including introducing human rights education and aspects relating to racism and related intolerance as an integral part of school education."

H. SOCIAL RIGHTS

European Social Charter of 1961 signed on **9 February 1990**, ratified on **29 April 1991**, entered into force on **29 May 1991**

European social Charter (revised) signed on **3 May 1996**, ratified on **21 June 2002**, entered into force on **1 August 2002**

Additional Protocol to the European Social Charter Providing for a System of Collective Complaints signed on **9 November 1995**, ratified on **17 July 1998**, entered into force on **1 September 1998**

Collective complaint against Finland

"No. 10/2000 Tehy ry and STTK ry v. Finland

The complaint, lodged on 23 October 2000, relates to Article 2§4 (the right to additional paid holidays or reduced working hours for workers engaged in dangerous or unhealthy occupations) of the European Social Charter. It is alleged that the fact that hospital personnel who are subjected to the hazards of radiation during the course of their work are no longer entitled to special leave due to the exposure to radiation, violates this provision of the Charter.

The European Committee of Social Rights declared the complaint admissible on 12 February 2001.

The European Committee of Social Rights concluded that there was a violation of Article 2§4 and transmitted its decision on the merits of the complaint to the Parties and to the Committee of Ministers on 17 October 2001. The Committee of Ministers adopted Resolution ResChS(2002)2 on 21 February 2002."

Every year the states parties submit a report indicating how they implement the Charter in law and in practice. Each report concerns some of the accepted provisions of the Charter: in odd years the report concerns the «hard core» provisions (Articles 1, 5, 6, 7, 12, 13, 16, 19 and 20; States must have accepted at least 6 of these 9 Articles); in even years half of the other provisions.

First report on the implementation of the revised European Social Charter submitted by the Government of Finland (for the period from 1 August 2002 to 31 December 2004: Articles 1, 5, 6, 7, 12, 13, 16, 19 and 20): report registered by the Secretariat on 3 February 2006, Cycle 2006 [RAP/RCha/FI/I(2006]

I. PARLIAMENTARY ASSEMBLY

No specific text concerning Finland.