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**NATIONAL REPORT SUBMITTED IN ACCORDANCE WITH PARAGRAPH 15(A)  
OF THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1\***

**Finland**

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\* The present document was not edited before being sent to the United Nations translation services.

## **A. NATIONAL PREPARATION OF THE REPORT**

1. The Ministry for Foreign Affairs was responsible for preparing and coordinating Finland's national report submitted for periodic review by the Human Rights Council of the United Nations (UN). The report was prepared jointly with the Prime Minister's Office and the relevant ministries.

2. Participation by civil society in the reporting process significantly contributed to both the report's content and the Government's continuous and open human rights dialogue with non-governmental organisations. On 6 February 2008 the Ministry for Foreign Affairs arranged a discussion meeting, which was also attended by representatives of a number of ministries. At this meeting, non-governmental organisations expressed their views on the challenges of Finland's human rights situation and put forward proposals on how to ensure more effective implementation of human rights. The draft report was sent out to organisations for comment before the discussion meeting.

3. The Government is drafting an extensive report on human rights policy in Finland and will give it to the Parliament in spring 2009. The drafting of the present UPR report was combined with the preparation of the human rights policy report. For instance a consultation meeting with the guardians of the law and the relevant ombudsmen that was arranged on 25 January 2008 for the human rights policy reporting produced valuable information on the implementation of those basic rights and human rights which these actors deal with in their work.

4. The methodology of the reporting process is largely based on consultation and activation of civil society. The reporting has offered Finland an opportunity to assess the national human rights situation in a self-critical manner. This assessment has enabled an inventory of developments and good practices and a discussion on the existing obstacles to the full implementation of human rights. Moreover, the UPR reporting has contributed to opening a discussion about the priority of different measures and further strengthened the Government's commitment to implement human rights, democracy and the rule of law.

## **B. FRAME OF REFERENCE OF HUMAN RIGHTS IN FINLAND**

### *Basic rights and liberties*

5. In Finland, public authorities are responsible for ensuring the implementation of basic rights and human rights. An overall reform of the basic rights and liberties took effect on 1 August 1995. Its main purpose was to create in Finland a basic rights system that is in full compliance with the international human rights obligations and thus reinforce the fulfilment of these obligations at national level. The Constitution of Finland (731/1999) guarantees the inviolability of human dignity and the freedoms and rights of the individual and promotes justice in society. One of the objectives of the basic rights reform carried out was to increase the direct applicability of basic rights and liberties by courts and other authorities in their decisions. Before the reform these authorities made only limited references to basic rights and liberties, but thereafter they have clearly referred increasingly to these rights in the reasoning for their decisions.

### *Legislation*

6. Finnish legislation consists of a great number of statutes (the Constitution, the acts and the lower level legislation). In addition, as a member state of the European Union, Finland applies directly applicable Community legislation. Because of the extensive number of statutes it is impossible to provide a detailed analysis of the implementation of human rights at

the level of legislation. Below in this report reference is made to legislation in thematic contexts.

#### *Judiciary*

7. The Constitution of Finland guarantees everyone the right to have his or her case dealt with appropriately and without undue delay by a legally competent court of law or other authority, as well as to have a decision pertaining to his or her rights or obligations reviewed by a court of law or other independent organ for the administration of justice. Provisions concerning the publicity of proceedings, the right to be heard, the right to receive a reasoned decision and the right of appeal are laid down by an act. The courts of law are independent and impartial. In their decision-making, the courts of law are only bound by the law currently in force. No external actor can intervene in their decisions.

#### *European remedies*

8. Finnish authorities and courts are responsible for ensuring compliance with obligations deriving from the European Community law and the European Convention on Human Rights. In these contexts, as a rule, appellants primarily resort to national remedies. In some cases, however, it is possible to turn to European authorities or remedial bodies. For example, every person under the jurisdiction of Finland may appeal to the European Court of Human Rights, if he or she has exhausted the national remedies. For Finland the right of access to a court that is guaranteed by Article 6 of the European Convention on Human Rights ('Right to a fair trial') has been unproblematic. However, the excessive length of proceedings in Finland has caused problems and is currently the most frequent ground for judgments establishing Finland's violation of the Convention.

#### *Guardians of the law*

9. The Chancellor of Justice of the Government and the Parliamentary Ombudsman are the supreme guardians of the law in Finland. As an important part of their duties both of them monitor the implementation of basic rights and human rights. In practice, the Chancellor of Justice and the Parliamentary Ombudsman supervise legality by processing and ruling on complaints against actions of authorities and others performing public tasks. Both guardians of the law may also investigate matters on their own initiative. Their competence is limited to intervention due to procedural faults, and they may not amend judgments of the courts, which are independent, or of authorities. Through their work, however, the Chancellor of Justice and the Parliamentary Ombudsman can steer the authorities to take basic and human rights better into account in their activities.

#### *Ombudsmen*

10. Supervision of legality is additionally carried out by four other ombudsmen, with different emphasis on legality: the Ombudsman for Equality, the Data Protection Ombudsman, the Ombudsman for Minorities and the Ombudsman for Children. The ombudsmen may issue statements on defects that they have noticed and take initiatives if they deem it necessary.

#### *Advisory boards*

11. Finland has long traditions of cooperation between the state administration and civil society. A good example of this cooperation is the large number of advisory boards, including the Advisory Board on Human Rights, the Advisory Board on Romani Affairs, the Advisory Board for Ethnic Relations, the Advisory Board for the Ombudsman for Children, the Advisory Board for Minority Issues, the Council for Gender Equality and the Advisory Board for Sámi Affairs, where representatives of civil society contribute to the development of human

rights. Among other things, the advisory boards issue statements and make proposals for the development of legislation and other measures.

### **C. PROMOTION AND PROTECTION OF HUMAN RIGHTS**

#### *Promotion of human rights at international and national levels*

12. The Government of Finland actively promotes respect for human rights worldwide and considers the United Nations as the most important forum for multilateral cooperation. Finland will continue to work for strengthening the UN's authority and capacity and improving the efficiency of the UN system. Finland supports the special procedures under the Human Rights Council, such as the special rapporteurs and the working groups, and is fully committed to cooperation with them. Finland extends a permanent invitation to all special procedures under the Council to visit Finland and examine the national human rights situation. In 2008, Finland will increase its general support to the Office of the High Commissioner for Human Rights (OHCHR).

13. In addition to the UN, especially the institutions of the European Union, the Council of Europe and the Organization for Security and Co-operation in Europe are important international channels for Finland for influencing through human rights policy and achieving its objectives. As a global actor in human rights issues, the EU is a vital instrument of human rights policy for Finland. Finland has been active in promoting the accession of the EU to the European Convention on Human Rights. In 2008 Finland holds the OSCE Chairmanship.

14. According to the current Government programme Finland actively supports the promotion of human rights and democracy in all parts of the world, and this objective is pursued in bilateral, multilateral and EU cooperation. On 18 October 2007 the Government adopted Finland's Development Policy Programme for its term of office 2007–2010. According to the programme, Finland's development policy focuses on respecting human rights and promoting the realisation thereof and on an approach based on human rights.

#### *Ratification of international human rights treaties*

15. In its pledges and commitments in April 2006 Finland pledged to ratify the Protocol to Prevent, Suppress and Punish Trafficking in Person, Especially Women and Children, supplementing the UN Convention against Transnational Organised Crime. The Protocol took effect in respect of Finland on 7 October 2006 (Treaty Series 70–71/2006). Finland has started to prepare the ratification of all other Conventions and Protocols listed in the pledges and commitments.

16. Finland pledged to ratify the 2000 Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. Finland signed the Protocol on 7 September 2007. The obligations laid down in the Protocol are mainly already contained in other international instruments binding on Finland, and thus most amendments of legislation required by them have been made. Finland aims at acceding to the Protocol during 2008. The national enforcement thereof is also one of the measures scheduled in the Government's Development Programme for Child and Youth Policy 2007–2011.

17. Finland also pledged to ratify the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Finland signed the Protocol on 23 September 2003. An interministerial working group coordinated by the Ministry for Foreign Affairs is preparing a government bill for the approval of the Protocol. The

current mandate of the working group expires on 30 April 2008. The Parliamentary Ombudsman has been proposed as the national monitoring body.

18. Finland signed the International Convention for the Protection of All Persons from Enforced Disappearance on 6 February 2007. A government bill for the enforcement of the Convention is being drafted.

19. The monitoring bodies for the UN human rights treaties have repeatedly recommended that Finland ratify ILO Convention 169 on Indigenous and Tribal Peoples. The Convention requires that a state party adopt special measures to safeguard the culture and language and the social and economic position of indigenous peoples. It has been regarded that Finnish legislation does not comply with the provisions of the Convention, mainly when it comes to the land rights of the Sámi. According to the Convention indigenous peoples shall have the right to decide their own priorities for the process of development as it affects the lands they inhabit (Article 7). Article 14 of the Convention provides that the rights of ownership and possession of indigenous peoples over the lands which they traditionally occupy shall be recognised. However, according to Article 34 of the Convention, the measures to be taken to give effect to the Convention shall be determined in a flexible manner, having regard to the conditions characteristic of each country. Finland has, for a long time, tried to determine the rights to the traditional Sámi areas in a manner that would be acceptable to all parties. The current situation is described below under paragraph 65.

20. In addition to the aforementioned treaties and protocols Finland will ratify the UN Convention on the Rights of Persons with Disabilities and its Optional Protocol. Finland signed both the Convention and the Protocol on 30 March 2007. The main part of Finnish legislation already complies with the requirements of the Convention. The Ministry of Social Affairs and Health is preparing the legislative amendments that the ratification of the Convention necessitates. The amendment required by Article 14 of the Convention (Liberty and security of person), concerning the use of coercion in special care for mentally handicapped persons, will be replaced by renewable legislation on the grounds for restrictions of basic rights and liberties. Moreover, Article 18 (Liberty of movement and nationality) and Article 19 (Living independently and being included in the community) require that 1) the restriction on choosing one's municipality of residence laid down in section 3 of the Municipality of Residence Act be eliminated by dividing the relevant costs between municipalities and that 2) section 13 of the Social Welfare Act be amended so that social services may be provided not only to the residents of a municipality but also to persons moving there. The preparation of the legislative amendments and the setting up of a national monitoring and coordination body will probably take about two or three years, after which the Convention on the Rights of Persons with Disabilities can be ratified.

21. Finland signed the Council of Europe Convention on Action against Trafficking in Human Beings on 29 August 2006. In January 2008 the Ministry for Foreign Affairs appointed a working group to examine what measures are required for the ratification of the Convention.

*International human rights treaties under preparation*

22. Finland is positive towards the development of mechanisms for individual complaints and supports the preparation of the proposed optional protocol to the UN Covenant on Economic, Social and Cultural Rights so as to permit a procedure for individual complaints. Finland endeavours, by an active participation, to contribute to the work of the working group

drafting the Protocol, in order that the draft could be submitted to the Human Rights Council and the UN General Assembly for approval as soon as possible.

*Reservations*

23. Finland monitors actively reservations made to international human rights treaties. The Government of Finland objects to reservations deemed to be incompatible with the purpose and objectives of a treaty. In 2006–2007 Finland notified to the UN Secretary General its objection to reservations made to the UN International Covenant on Civil and Political Rights and the Convention on the Elimination of All Forms of Discrimination against Women, just to mention a few examples.

24. Finland has valid reservations only concerning Article 10(2)(b), Article 10(3), Article 14(7) and Article 20(1) of the International Covenant on Civil and Political Rights. The necessity of the reservations and the possibility of withdrawing them are reviewed periodically.

25. One of the reservations made by Finland concerns Article 10(2)(b) and Article 10(3) of the Covenant. Article 10 contains two segregation obligations. According to Article 10(2)(b) accused juvenile persons shall be separated from adults, and according to Article 10(3) juvenile offenders shall be segregated from adults. Finland, like the other Nordic countries, has made a reservation concerning both provisions. Finland states in its reservation that although young prisoners in Finland are regularly separated from adult prisoners, it is not appropriate to adopt an absolute prohibition to permit more flexible procedures.

26. The new Prison Act (767/2005) and the new Detention Act (768/2005), as well as the related acts, took effect on 1 October 2006. Both Acts contain a provision on the separation of prisoners under 18 years of age. Exceptions to the separation obligation are possible if the best interests of a child so requires. The total reform of the prison legislation changed the placement of prisoners so that each prisoner's placement in and within a prison is based on an individual plan prepared for his/her term of imprisonment. The individual plan is intended for arranging the term of imprisonment more systematically and making it more predictable, improving the individual treatment of prisoners and increasing the effectiveness of prison activities. Thus, a system based on the placement of all prisoners under age 21 by age group would conflict with the objectives of the reform. Further, separating all young prisoners strictly from adult prisoners cannot be considered to serve the interests of young prisoners in all situations.

27. The Human Rights Committee has considered that the content of the concept of 'juvenile' is to be determined by each State Party in the light of relevant social, cultural and other conditions (General Comment 21 of the Human Rights Committee, 10 April 1992). If the concept were interpreted so that it contains only prisoners under age 18 and remand prisoners, the interpretation would better enable Finland to consider withdrawing its reservations concerning Article 10(2)(b) and Article 10(3) of the Covenant, on the basis of these interpretations, after the aforementioned Acts have entered into force. However, the problem would remain that the segregation and separation obligations laid down in Article 10(2)(a) and Article 10(3) of the Covenant are considerably more absolute than the separation obligation in Article 37(c) of the Convention on the Rights of the Child, which may be derogated from if it is considered to serve the child's best interests. An absolute separation obligation cannot be considered to serve the child's best interests in all cases, for instance if it would in practice prevent the placement of prisoners under age 18 in open prisons. Since there are very few minor remand prisoners in Finland, a strict separation obligation in their treatment might in practice lead to nearly total isolation. Therefore the Government continues to consider that the reservations cannot be withdrawn.

28. The other reservation made by Finland concerns the prohibition to change a final conviction or acquittal, laid down in Article 14(7) of the Covenant. This reservation permits Finland to continue the practice established in national legal culture that a criminal conviction may be reversed to the detriment of the accused person on conditions laid down by law. Such a reversal is possible if new evidence is provided, the earlier decision was based on wrong evidence or resulted from a punishable act of a member of the court or a party or his/her representative. A reversal due to new evidence is possible only in the context of offences for which the punishment laid down by law is more severe than two years of imprisonment, and if new evidence would result in accepting the charges or applying essentially stricter penal provisions. The reversal of a conviction must be petitioned for within one year from the date when justification for it was established.

29. According to section 5 (amended by Act 692/1997) and section 7 of the Criminal Investigations Act of 1987, a criminal investigation involves that the offence and the circumstances necessary for a decision on the bringing of charges are cleared up by taking into account all facts and evidence, both for and against the suspect. Section 15 (amended by Act 692/1997) of the Criminal Investigations Act provides that the prosecutor may issue instructions and orders concerning the circumstances to be cleared up in a criminal investigation. By observing these provisions, investigators can gather a comprehensive investigation material before any possible charges are brought and the case is processed in a court. Because, as a rule, the objectives of criminal investigation are achieved, the processing of criminal cases can be based upon a comprehensive material right from the first court hearing. The efficient system of criminal investigation is one reason why the reservation concerning Article 14(7) of the Covenant has been applied very rarely. Still, it is appropriate that the relevant legislation permit due implementation of criminal liability also in cases where no evidence necessary for clearing up the offence was available during the original proceedings. Thus, charges may be reconsidered notwithstanding a decision based on defective material. Such a possibility may be necessary in some cases, especially for guaranteeing legal protection for victims of offences.

30. Therefore Finland still deems the reservation necessary, although the application thereof will continue to be exceptional. According to a bill under preparation, the time limit for a petition for reversal would be shortened from the current one year to six months from the date when justification for it was established.

31. Finland has made a reservation concerning the Covenant's Article 20(1) prohibiting war propaganda, on the grounds that the obligation laid down in this Article conflicts with the right to freedom of expression defined in Article 19. In principle, war propaganda could be prohibited by law, provided that the restriction would comply with the general requirements concerning restrictions on basic rights. The possible criminalisation of war propaganda should be reconciled with the legal provisions on the freedom of expression. The Government and the Parliament have referred to the difficulty of reconciling this type of prohibitions and the freedom of expression when they have considered, at national level, the European Commission proposal for a Framework Decision on combating racism and xenophobia (documents U 17/2002/ vp, LaVL 6/2002 vp, PeVL 26/2002 vp). When issuing the fifth periodic report on the Covenant on Civil and Political Rights in 2003 Finland deemed that, for the time being, it was not appropriate to start any urgent legislative projects to withdraw the reservation, because the most flagrant forms of war propaganda had been criminalised recently and there was no practical need to expand the criminalisation.

*Government programme and policy programmes*

32. The programme of Prime Minister Matti Vanhanen's second Cabinet is based on the promotion of human rights, democracy, the rule of law and sustainable development in all

parts of the world. Citizens must be guaranteed the right to have a say, participate and be involved in decision-making. The three policy programmes adopted by the Government and the intersectoral policy themes under special monitoring contain definitions of policies that are essential from the human rights point of view. The programmes deal with (1) employment, entrepreneurship and work life, (2) health promotion, and (3) the well-being of children, youth and families.

*Other programmes and action plans*

33. **The Government's Internal Security Programme** is an extensive intersectoral programme for the development of internal security. Security is promoted by safe home, living and working environments, well-functioning utilities, a well-planned traffic environment, access to aid when needed and certainty that offenders will be prosecuted. Alongside the Internal Security Programme Finland is carrying out a **National Programme to Reduce Violence**.

34. The first **National Plan of Action against Trafficking in Human Beings in Finland** was adopted in 2005. The Government is currently considering a proposal for a more specific Plan of Action against Trafficking in Human Beings.

35. **The Government's Development Programme for Child and Youth Policy 2007–2011** lays the foundation for the Policy Programme for the Well-being of Children, Youth and Families, which follows up and supports the Development Programme during the Government's term of office. In order to ensure an equitable position for persons with disabilities the Government is preparing **an action programme on disability policy**. When preparing the disability policy programme the Government takes account of the objectives to be set in different sectors of administration on the basis of the UN Convention on the Rights of Persons with Disabilities.

36. In 2007 Finland adopted a **national plan for monitoring discrimination**. This plan has three stages and involves collecting and publishing up-to-date discrimination information, preparing a concise discrimination report annually and giving a comprehensive government report once during every government's term of office. **The Government Migration Policy Programme** adopted in 2006 focuses on promoting work-related immigration. It also contains measures to promote the implementation of human rights and basic rights and to prevent racism and discrimination. In autumn 2007 the Government decided to prepare **an action plan for gender equality**, the purpose of which is to define the most important measures to be taken by the Government to promote gender equality.

37. When defining its policies, Finland has consistently taken account of Resolution 1325, adopted by the UN Security Council in 2000. Finland started drafting its **National Action Plan on 1325** in 2007. The Action Plan is intended to steer and enhance Finland's activities in implementing Resolution 1325.

38. In recent years, better regulation has been one of the central objectives of the public administration in Finland. It has been a joint objective in the EU and other international cooperation, too. **The national objectives for achieving better regulation** are set in the programme of Prime Minister Matti Vanhanen's second Cabinet and in the Government's Strategy Paper. As part of the Strategy Paper the Government has adopted a legislative plan, defining the legislative policy measures to be taken by the Government and a number of significant legislative projects specifically monitored by the Government. The ongoing reform of non-discrimination legislation is one of the projects under specific monitoring. The intention is to

improve the legislative environment and the clarity of legislation, and thus also to promote the well-being of citizens and the competitiveness of enterprises. Better regulation is predictable, manageable, consistent and understandable. According to the Government's legislative plan, the assessment of impacts of legislation will be improved. On 1 November 2007 the Government adopted new **instructions for the assessment of impacts of legislative proposals**.

*Thematic human rights issues in Finland's pledges and commitments*

39. When seeking membership in the Human Rights Council in spring 2006 Finland pledged to take measures **to prevent violence against women and trafficking in human beings**. It also pledged to intensify **its action against racism, xenophobia and discrimination**. New, innovative means will be sought for **the provision of information on the rights of the child**. Further, Finland committed to further **strengthen the rights of indigenous peoples**, especially the linguistic and cultural rights of the only indigenous people in Finland, the Sámi. The measures to fulfil these pledges and commitments are described below.

40. **The extent of violence against women is a serious societal problem in Finland.** The extent of violence against women and violence in close relationships and families is monitored by means of victim studies. The first study of female victims was carried out in 1997 and repeated in 2005. Unfortunately, these studies show no significant change in the extent of violence against women. The study of 2005<sup>1</sup> showed that 43.5 % of all Finnish women aged 18–74 had been subjected to physical or sexual violence or threat thereof by men at least once after reaching the age of 15. The studies of 1997 and 2005 showed that serious physical violence in intimate relationships had decreased during the last few years from 1.8 % (1997) to 0.8 % (2005).

41. Increased awareness of violence against women and of the changes in its extent has led authorities and organisations to take preventive measures. Intersectoral cooperation and the coordination thereof have been enhanced at both national and local levels. Preventing violence against women has been one objective in both the Government programme and a number of administrative action plans intended to prevent and reduce violence. Preventing violence in close relationships (especially violence against women) is one of the focuses of the new intersectoral Internal Security Programme 2008–2011. The Government Action Plan for Gender Equality, too, contains a number of measures to prevent violence in intimate relationships, violence against women, and prostitution. In recent years, special attention has been focused on violence against immigrant women in intimate relationships and the prevention of such violence.

42. Reducing violence against women is also prioritised in the Government's decision-in-principle of 14 December 2006 for the National Programme for Reducing Violence in Finland. According to the decision, violence against women will be reduced by improving the capacity to intervene in such violence, to provide support and to seek help. The threshold for taking up violence will be lowered, the perpetrators will be made liable and referred to treatment, and information will be provided on different programmes to stop violence. Cooperation will be improved particularly between the social welfare authorities and the police in order to secure quick help and to ensure the continuity of the help chain. The police will be obligated to assist in preparing a security plan for those facing a threat of violence. Security during contacts with persons subject to restraining orders will be improved by means of security arrangements and by developing new technologies for the electronic supervision of compliance with restraining orders. At regional level, comprehensive services in shelters for battered family members and a cost-free 24 h telephone service will be provided to women facing violence.

43. An action plan to prevent violence in close relationships and families was carried out in 2004–2007. Under this action plan, especially municipal services were enhanced so as to better serve both victims' and perpetrators' needs for help. Measures to identify and intervene in violence and to prevent it will be integrated into the basic services so that every citizen facing violence in a close relationship or in family will have access to help.

44. Finnish criminal legislation is characterised by the practice of formulating the penal provisions in a general manner, so that for instance the gender of the victim has no significance to the question whether the act is criminalised or not. Chapter 21 of the Penal Code criminalises offences against life and health. It contains penal provisions concerning such offences as assault (section 5) and aggravated assault (section 6). Chapter 6 of the Penal Code on sentencing provides that the normal punishment may be increased for instance if the assaulted person is in a weaker position than the perpetrator or cannot otherwise defend himself/herself efficiently, and/or if the assault is repeated. Women and children are typically such victims of assault. The Act on the Restraining Order (898/1998) was amended as of the beginning of 2005 by supplementing it with provisions on a restraining order inside a family. The Ministry of Justice is examining the possibility of revising the right to institute criminal proceedings for petty assault so that petty assault in a close relationship would always be an offence subject to public prosecution and not a complainant offence as it is currently.

45. The increased awareness of the police of violence against women is at least partly due to enhanced police activities. The police intervene in incidents of violence more often and record them more efficiently. Moreover, people in general are better aware of these offences and report them more easily.

46. Finland will carry out the European Council's campaign to combat violence against women in 2008. The campaign is intended to raise awareness of such violence as a violation of human rights and to influence attitudes. The campaign will also assess any possible needs to revise the legislation in force. Furthermore, as part of the EU Daphne III programme (2007-2013)<sup>2</sup> Finland will continue to develop measures to prevent violence against women.

47. **Trafficking in human beings into Finland and through Finland** has been dealt with in the context of the National Plan of Action against Trafficking in Human Beings in Finland, adopted by the different sectors of administration in 2005, and for instance the media has made the phenomenon known to the public. A number of essential legislative amendments have been made pursuant to the guidelines set forth in the Plan of Action. An amendment of the Aliens Act (301/2004), concerning a reflection period granted to a victim of human trafficking and such victim's residence permit, entered force on 31 July 2006. An amendment of the Act on the Integration of Immigrants and Reception of Asylum Seekers (493/1999) that took effect on 1 January 2007 made helping victims of human trafficking statutory.

48. Finnish criminal legislation has been amended to comply with the international obligations. An act that took effect on 1 August 2004 supplemented the Penal Code with penal provisions on trafficking in human beings and aggravated trafficking in human beings (Chapter 25, sections 3 and 3 a). These provisions comply with the criminalisation obligations laid down in the 2002 framework decision of the Council of the European Union and the Protocol on Trafficking in Person to the UN Convention against Transnational Organised Crime. The offences in question are deemed very serious, and this is reflected in the maximum punishments provided for them: six and ten years of imprisonment. Trafficking in human beings has connections with trade in sexual services and pandering, because it often aims at sexual abuse of the victims. Pandering and aggravated pandering are punishable by virtue of Chapter 20,

sections 9 and 9 a of the Penal Code. Since the beginning of October 2006 the Penal Code (Chapter 20, section 8) criminalises the abuse of a person subject to sex trade, which involves buying sexual services from a victim of human trafficking or pandering. Chapter 20, section 8 a of the Penal Code criminalises the buying of sexual services from a young person, i.e. a person younger than 18 years of age.

49. The combating of human trafficking offences in Finland and the related cooperation between authorities are based on the victim's point of view, and the activities have been efficient. Besides helping the victims, it is important to report the suspected offences to the criminal investigation authorities. The number of human trafficking offences and their victims can only be reduced by making the perpetrators liable. A working group has been set up under the leadership of the police to coordinate operative anti-human trafficking activities. This group monitors phenomena related to human trafficking and coordinates the prevention, monitoring and uncovering thereof.

50. So far, Finnish courts have processed very few cases of trafficking in human beings. The small number of cases brought to courts is due to the greatest problem in uncovering human trafficking offences, i.e. the difficulty of finding and identifying such cases. Only few individual suspicions of human trafficking are reported for criminal investigation, and therefore the number of cases ending up in courts is very small. Drawing a demarcation line between pandering and human trafficking offences is another key issue in this context. Therefore, too, prosecutors and judges must be trained adequately in order to ensure appropriate application of the provisions of the Penal Code. Further training will be provided in spring 2008.

51. In 2008 the Government will appoint a national rapporteur and set up a new steering group to monitor the future implementation of anti-human trafficking measures. An overall evaluation of the systems to prevent human trafficking will be made in 2009.

52. Finland engages in regional and international cooperation, for instance in the anti-human trafficking activities of the Council of the Baltic Sea States (CBSS), and works to prevent and combat human trafficking also at international level (cooperation with such bodies as UNODC, OSCE, IGC, IOM and CEPOL).

53. Despite progress, there are still certain problems of racism and intolerance. Although public awareness of cultural diversity is increasing and the Government has worked persistently to integrate immigrants into Finnish society, **racist, discriminatory and xenophobic attitudes** continue to be part of everyday life in Finland. There are negative attitudes and direct and/or indirect discrimination towards both the traditional Finnish minorities, especially the Roma, and the new immigrant minorities. The Government is concerned about multiple discrimination. Immigrant and minority women living in Finland – Roma women in particular – face discrimination based on both their gender and their ethnic background. Minority and immigrant children, too, experience discrimination and for instance xenophobic and insulting name-calling at school.

54. In Finland, attitudes towards foreigners have been studied regularly since 1987. The latest study<sup>3</sup> showed that the attitudes have become more positive, but there are still major differences between the different population groups and regions. Many studies have been made on the attitudes of different authorities. According to the latest study<sup>4</sup>, authorities' attitudes, too, are now more positive than before. An extensive victim study<sup>5</sup> indicated that immigrants face discrimination for example when seeking employment and meet racist treatment in public places, such as streets, and in public transport. In addition to immigrants, also

the Roma and the Sámi as an indigenous people report facing discrimination. A national monitoring report published in June 2007 showed that also elderly people, persons with disabilities and sexual minorities meet discrimination<sup>6</sup>.

55. The Non-discrimination Act obligates all public authorities to foster and safeguard equality in a systematic and target-oriented manner. The authorities are required to draw up an equality plan for the fostering of ethnic equality and for the prevention of discrimination based on ethnic origin. The equality plan shall cover both the authority's external activities and its role as an employer.

56. On 25 January 2007 the Ministry of Justice set up a committee to reform the non-discrimination legislation. The purpose is to strengthen the guarantees of non-discrimination by making the legislation cover more clearly all grounds of discrimination, apply more uniformly to all spheres of life and provide for the most uniform possible legal remedies and sanctions for different instances of discrimination. During the reform process the committee will, to the extent possible, also revise the position, duties and powers of the authorities currently responsible for discrimination matters. In this connection, account will be taken of both the current national supervision of basic and human rights as an entirety and the international requirements imposed on such supervision. On 8 February 2008 the reform committee submitted to the Ministry of Justice an interim report on the needs and options for reforming the equality and non-discrimination legislation. The committee suggests that the time limit for preparing the reform proposal be extended until 30 September 2009.

57. The year 2007 was the European Year of Equal Opportunities for All. During that year Finland focused on improving the visibility of discrimination issues and minorities, promoting equality and diversity in arts, culture and sports, addressing discrimination and diversity issues at work and implementing the rights of different groups. As part of the theme year Finland studied different organisations' views on problems connected with the realisation of equality and on means to eliminate them<sup>7</sup>. The study was intended to inspire public discussion about how to encourage groups experiencing discrimination to participate more in societal activity. This project was also a test intended to support interaction between citizens and public administration. An inventory of unrealised rights was made by hearing organisations at ten meetings. The main problems with equality recognised at these meetings concerned **the position of children and aged people, immigrants and the Sámi and Roma minorities. Gender and sexual minorities, too, often face discrimination or experience that they are invisible in society.** Although the non-discrimination legislation has taken great steps forward in the last few years, organisations report defects in the activities of non-discrimination institutions. Compliance with non-discrimination legislation is supervised by a number of ombudsmen and boards, but organisations consider that the activities should be further supplemented.

58. Finland has taken an active part in the implementation of the Community Action Programme to Combat Discrimination and, among other things, been carrying out a national anti-discrimination campaign since 2001. This campaign has been planned and carried out in cooperation between the relevant ministries, the Finnish Defence Forces, the relevant advisory boards, umbrella organisations for groups vulnerable to discrimination, and the Sámi Parliament. The campaign has produced a great amount of anti-discrimination material for information and training, and arranged training programmes, seminars and a Diversity Day Conference as its main event annually. The campaign maintains a non-discrimination portal at web address <http://www.equality.fi>.

59. Despite the existing legal and institutional systems for preventing discrimination, **Roma people face de facto discrimination** e.g. in education, housing, employment, working life and access to public places, such as restaurants and bars. **Roma women** who wear traditional Roma costumes are particularly vulnerable to such discrimination. **Roma children are continuously treated unequally compared to children of the majority population, especially in education.** The school dropout rate of Roma pupils is still high, and there are not enough Roma teachers and pre-school material published in Romani. The Roma are underrepresented as beneficiaries of measures to promote employment.

60. A survey made by the National Board of Education<sup>8</sup> showed that the dropout rate of Roma pupils in basic education is high compared to the majority population, and that they seldom continue their studies in secondary education. Changing school is frequent among Roma pupils, and their participation in special needs education is multiple compared to other pupils. Cooperation between home and school is insufficient, and teachers do not know Roma culture sufficiently. Choosing teaching at home instead of school is many times more frequent among Roma pupils than among other pupils in basic education. There is, however, no comprehensive information about the outcome of these choices. Many factors influence the decisions, but presumably discrimination is one of them. The recruitment of Roma support persons and school assistants to support families, children and teachers e.g. in Helsinki has produced good results.

61. Manifestations of racism are taking new forms, such as **the distribution of racist, discriminatory and xenophobic material through the Internet.** In cases of racism on the Internet it is challenging to find evidence and identify the perpetrators. Another problem is how to remove the material from the Internet, if the server is located outside Finland. Website operators' responsibility for preventing racist messages is crucial in this context. Criminal investigation of a Finnish server is possible in Finland. The legislation on the freedom of expression permits acquiring identification data in order to localise the publisher of the material. Illegal material can be removed (the Act on the Exercise of the Freedom of Expression in Mass Media), and a domain name can be terminated for a fixed period (the Domain Name Act). Ethnic agitation referred to in Chapter 11, section 8 of the Penal Code is seldom processed by courts.

62. **Victims of discrimination are often reluctant to report discrimination to the competent authorities,** because they do not believe that it will have an effect. Although the number of discrimination reports has grown, there is still a gap between experiencing discrimination and reporting on it. Authorities and organisations can, in their own activities, encourage victims of racist offences and discrimination as well as outsiders witnessing such acts, to report suspected offences to criminal investigation authorities. It is important that immigrants are aware of their access to security services (emergency response services, rescue services, social welfare and health care services, police services) produced by different authorities and of their rights and obligations provided by law. Knowledge about security services should be a central part of the integration plans prepared for immigrants.

63. Training is provided to the police in order to improve their capacity of identifying racism and discrimination and giving advice, and to enhance their practices for recording reports on racism and discrimination. The police have knowingly tried to increase the number of police officers with an ethnic background by targeting recruitment to different minority groups and providing information on seeking a police officer's career and work.

64. The Government's first Development Programme for Child and Youth Policy contains its objectives, priorities and practical measures for improving the well-being of children and young persons during the Government's term of office. The programme is divided into three sections intended for supporting and promoting the well-being of the target groups. One section aims at supporting and developing societal structures so that they will better take into account children's point of view. Among other things, **the provision of information on the rights of the child will be increased** under this section in order to raise awareness of the UN Convention on the Rights of the Child among children, parents and those working with children. The Development Programme will produce a national information strategy on children's rights in cooperation with different ministries and organisations and the Ombudsman for Children. For the future, the programme will define different ministries' responsibilities for the provision of child rights information, determine the financing of this information and ensure that the basic and further education of personnel working with children includes instruction in children's rights. As a separate measure, an information campaign on the Convention on the Rights of the Child will be carried out in connection with its 20th anniversary in 2009, jointly with the Ombudsman for Children and non-governmental organisations. New material has been published on the Convention e.g. for pupils in lower grades of basic education. Such material exists in Romani for Roma children and will soon be published also in North Sámi for Sámi children.

65. In its Government programme, Prime Minister Matti Vanhanen's second Cabinet commits to safeguard the right of the Sámi to maintain and develop their own language and culture on the basis of cultural autonomy. Finland has, for a long time, tried to settle **the rights of the Sámi to the regions traditionally used by them** in a manner acceptable to all parties. The Ministry of Justice has actively studied the possibility of ratifying a settlement agreement. For example Finland's fifth periodical report on the implementation of the UN Covenant on Economic, Social and Cultural Rights (E/C.12/FIN/5, paragraphs 60-79) contains a detailed description of the study. After the completion of the study, the Ministry of Justice and the Ministry of Agriculture and Forestry have been preparing the matter as part of their official duties. The preparation involves examining whether some of the proposals made at different stages could provide a solution compatible with the current legislation for the administration of the traditional Sámi regions and for supporting their traditional livelihoods. Because of numerous legislative amendments, the earlier proposals are no longer feasible as such. Drafting a government bill on the issue requires a common view on a model acceptable also to the Sámi. The intention is to prepare such a bill during the current term of the Government.

*Concluding observations of the UN Treaty Monitoring Bodies concerning Finland*

66. When drafting the present report the Government carefully studied the concluding observations of the UN Treaty Monitoring Bodies. The challenges to the implementation of human rights described below are based on the concerns and recommendations put forward by the Treaty Monitoring Bodies.

67. In Finland, equality between women and men is an important objective of societal policy. Gender equality does not mean a requirement of similarity but a requirement that differences between women and men must not lead to unequal status or treatment for them in society. Therefore, the Finnish equality philosophy underlines that equal opportunities alone do not suffice. Also the outcome of all activities must be fair, i.e. equal. Finnish legislation obligates all public authorities to foster gender equality. These obligations also lay the foundation for mainstreaming gender equality in public administration and in society in general. However, complete equality is still a long way ahead. **Women face continuous discrimination in**

**working life.** Pay differentials between women and men, which are mainly due to gender-based segregation in the labour market, and the extensive use of temporary employment relationships and their negative effects on women continue to place women in an unequal position and restrict the realisation of their rights related to work. Furthermore, women are relatively weakly represented in high positions in many sectors.

68. The Act on Equality between Women and Men (609/1986, hereafter the Equality Act) took effect on 1 January 1987. The second overall revision of the Act entered force on 1 June 2005. During the electoral period, the Government will issue a report to the Parliament on gender equality.

69. The Government is committed to the tripartite equal pay programme, which is intended to narrow the pay differentials between women and men from the current about 20 % by at least five percentage units by 2015. The programme contains a great number of measures in such sectors as the development of pay systems, gender-based segregation in education and working life, women's career development, pay and agreement policies, equality planning, and reconciliation between work and family. The programme is carried out in close cooperation with the labour market central organisations.

70. **Family violence against children and sexual abuse of children and young persons** seriously violate children's rights. The purpose of the Child Welfare Act that took effect at the beginning of 2008 is to ensure that the child's rights and interests are taken into account in child welfare measures, and to guarantee the child and his/her parents the supportive measures and services that they need. The purpose is also to promote child-specific and family-specific child welfare measures. Health care centres and hospital districts are obliged to provide expert assistance in child- and family-specific measures, and if necessary, to arrange examinations of the child as well as treatment and therapy services for him/her. Municipalities are obliged to arrange urgent services for children if sexual abuse or assault is suspected. As from the beginning of 2009, the costs for the aforementioned services will be borne by the State, and this will probably increase the supply of such services. The fact that cases of family violence against children are pending in courts reflects a change in the atmosphere in Finnish society. The Ministry of Justice will probably, in the near future, set up a working group to consider the question of linking an obligatory medical treatment of sexual offenders with the sanctions system.

71. The Constitution of Finland prohibits **torture**. Torture is punishable under the Finnish Penal Code, but not as a specific type of offence. Different acts of torture are mainly punished as aggravated assault, coercion and/or other serious offences and, if the perpetrator is a civil servant, also as aggravated abuse of public office. In certain circumstances, for example in armed conflicts, torture would also be punishable as a war crime or violation of human rights in a state of emergency. In its conclusions concerning Finland, the UN Committee against Torture has considered that states should enact a specific penal provision concerning torture offences. In June 2007 the Ministry of Justice appointed a working group to draft a government bill for penal provisions on torture. The bill will be submitted to the Parliament towards the end of 2008. A government bill (HE 55/2007) submitted in September 2007 proposes that the provisions of Chapter 11 of the Penal Code concerning war crimes and offences against humanity should be amended so as to better comply with the criminalisations in the Statute of Rome. In this bill, torture is mentioned expressly as a component of an offence against humanity and a war crime.

72. **So-called secret coercive measures** are means provided by the legislator for preventing, uncovering and clearing up aggravated offences in cases defined by law. Such means have proved to be necessary for acquiring information, and in many cases they have been the only possible means of uncovering and clearing up aggravated offences. The use of secret coercive measures means intervening in the privacy of citizens, which is protected by the Constitution. The special character of these measures involves that they are considered, decided upon and implemented without the suspect's knowing it. In this connection it is essential to guarantee the legal protection of the suspect both *ex ante* and *ex post*, and this is possible only through careful compliance with the modalities laid down by law. Special emphasis has been placed on these issues in the training on coercive measures. The Coercive Measures Act (450/1987) contains provisions on coercive measures used in criminal investigation, including secret coercive measures (lawful interception, telemonitoring and technical surveillance). In spring 2007 the Ministry of the Interior and the Ministry of Justice appointed a committee to draft a government bill for an overall reform of the Criminal Investigations Act, the Coercive Measures Act and the Police Act. The bill should be completed by 31 October 2008. The general objective of the reform is to clarify the legislation and to revise the powers so as to take account of both the efficiency requirements in crime prevention and the basic and human rights in an equitable manner.

73. The overall reform of the Finnish imprisonment legislation was essentially based on the need to ensure compliance with the obligations and recommendations of international treaties concerning this sector, also at national level. The number of prisoners in Finland took a declining trend in 2006, unlike in nearly all other European countries. This decline is mainly due to the legislative amendments. Despite the launching of a prison renovation programme, **some prisons still have cells where prisoners must use chamber pots**. According to the contemporary view, the living conditions in cells with chamber pots are not worthy of human dignity. The number of such prison cells will decline as the renovation programme advances.

74. The Mental Health Act contains detailed provisions on limiting a patient's fundamental rights during involuntary treatment and examination. The patient's right of self-determination and other fundamental rights may be limited only to the extent necessary for the treatment of his/her illness or for the safety of the patient or others, or for safeguarding some other interest. The Act permits **isolating the patient from other patients during involuntary treatment**. Isolation that has continued for more than twelve hours must be notified to the patient's representative. Further, reports on isolation and any other measures to limit the patient's right of self-determination must be given to the supervisory authorities at two weeks' intervals. In the supervision, particular attention is focused to long periods of isolation.

75. In connection with the overall reform of the Aliens Act currently in force the Government requested the Ombudsman for Minorities to study **the application in practice of the accelerated procedures provided for in the Aliens Act, inter alia from the viewpoint of legal protection for asylum seekers**. In his report<sup>9</sup> the Ombudsman states that the accelerated procedure, as a rule, safeguards the legal protection of an asylum seeker during the asylum process. The most important observation made in the study concerns, however, the provision of an efficient remedy, because in accelerated procedures the appellant may, in many cases, be deported from the country during the period for appeal. Deportation may hamper the exercise of the right to appeal.

76. **The overall reform of the Non-Military Service Act** shortened the duration of non-military service by one month, to 362 days, which is equal to the longest duration of the service referred to in the Military Services Act. Liability for non-military service now exists in a

state of emergency, too. Centres for Non-Military Service are responsible for the placement of persons liable for non-military service during a state of emergency. The assisting tasks assigned to these persons in such situations are performed under the leadership of civil rescue authorities. Refusal to perform non-military service, on one hand, and non-military service offences punishable by disciplinary punishments, on the other hand, are defined by different elements of an offence. The duration of unconditional imprisonment imposed for refusal to perform non-military service is half of the remaining service period. The duration of unconditional imprisonment imposed for a non-military service offence is half of the remaining service period at the maximum, so that the court has discretion when imposing the punishment. A key objective during the preparation of the Non-Military Service Act was to ensure maximum equality with the rights and obligations of persons performing service under the Military Services Act. Furthermore, special attention was paid to the compliance of the regulation with the constitutional basic rights and liberties and the requirements of international human rights treaties.

77. **The increased abuse of alcohol and drugs and the high frequency of mental problems** are among major concerns in Finland. Due to the defects found in the implementation of the rights of intoxicated persons the Ministry of Social Affairs and Health has issued instructions for their acute care. The instructions place special focus on the influence of intoxication in access to services and the division of work between emergency health care and social welfare services, psychiatric care and the police.

## **D. ACHIEVEMENTS, GOOD PRACTICES AND CHALLENGES**

### ***D.1. Achievements and good practices***

#### *Realisation of the rule of law*

78. Good governance provides good conditions for the implementation of basic rights and liberties and human rights in Finland. Public administration in Finland is characterised by transparency of administration – including open document publicity – , respect for the rule of law, well-reasoned decisions, transparency in decision-making and a low degree of corruption, which is very low even by international standards. The exercise of public power is based on law, and the law must be carefully complied with in all public activities. Authorities cannot have competence to exercise public power without a specific justification for it in the legal system. The Finnish administration seeks dialogue with citizens.

79. The Finnish system of government is based on the principles of democracy and the rule of law. Democracy is reflected in the democratic arrangement of the exercise of state power and other public power. Elements of this are especially the status of the Parliament, elected by the people by direct elections, as the highest organ of government and the fact that the exercise of public power is ultimately based on acts enacted by the Parliament. The democratic system of government essentially includes ensuring the freedom of action of civil society as well as the broadest possible opportunities for people to participate and influence in different sectors of societal life. The Constitution of Finland is characterized by the principle that, in a democratic society, an individual's opportunities to influence the development of his/her society and living environment must not be restricted to the right to vote in elections.

#### *Finland's school system and high-quality basic education*

80. The Finnish school system guarantees all children and young people equal opportunities for basic education irrespective of social status, gender and ethnic background. Cost-free education and social benefits for students facilitate good results in Finland. The responsibility for arranging basic education lies with the municipalities, in other words close to children,

young people and their homes. One of the priorities of the Government programme is to enhance the quality of basic education in 2007–2011. This priority includes developing the teaching of pupils who need intensified and specific support, improving guidance counselling, making further training for teaching staff statutory, reducing the size of teaching groups in basic education, developing club activities in schools and promoting cooperation between parents and schools. Finland has allocated resources in order to guarantee high-quality teaching especially through teacher education. In Finland the educational level and the qualification requirements of teachers are high. A programme launched by the Ministry of Education to develop teacher education pays attention to teacher's needs for both vocational basic education and further education.

81. PISA (Programme for International Students Assessment) is a joint survey programme of the OECD member countries. Finnish pupils under age 15 were top performers in the surveys of 2007, 2004 and 2001. The PISA surveys show that the Finnish educational system is rather equitable: in Finland the socio-economic background or the language of a pupil's home has significantly less influence than in the other OECD countries.

*Open dialogue with civil society*

82. The Government aims consistently at promoting an open dialogue with civil society. During its term of office, Prime Minister Vanhanen's first Cabinet carried out a citizen participation policy programme, which produced permanent operating models for citizenship education and citizen participation, just to mention a few examples. A well-functioning civil society is an essential part of the infrastructure for implementing basic rights and human rights.

83. One example of good practices is the two-stage participation by representatives of civil society in the preparation of the Government's periodic reports on the implementation of human rights treaties. Non-governmental organisations may send material for the reports and express views on their content. Discussion meetings offer opportunities for a direct dialogue on the implementation of the relevant human rights treaties in Finland and the human rights situation in general.

84. Another good practice is the participation of the Parliament in the consideration of the periodic reports by the treaty monitoring bodies. For example, a member of the Constitutional Law Committee of the Parliament attended the consideration of the Government's fifth periodic report on the UN Covenant on Economic, Social and Cultural Rights in Geneva in May 2007.

85. In recent years, there have been many positive developments in the position of the Roma population in Finland. The position of the Roma was secured by the Constitution in the basic rights reform. The significance of their own participation and culture has grown. In recent years, issues of discrimination, employment and housing of Roma people have been highlighted alongside educational issues. The Advisory Board on Romani Affairs represents a good practice in these issues, constituting a cooperation body between the Roma and authorities. The Advisory Board was set up in conjunction with the Ministry of Social Affairs and Health as early as 1956. Half of the 18 members of the Advisory Board represent the Roma, and the other members represent the Government. The Advisory Board has influenced the development of Finnish legislation and administration in issues related to the Roma. There are additionally regional Advisory Boards on Romani Affairs, set up as intersectoral cooperation bodies between the Roma and authorities. New intersectoral Roma working groups are being appointed. Their task is to enhance the opportunities of local Roma populations to participate

in promoting their own living conditions, and to improve interaction and cooperation between authorities and the Roma.

*Monitoring the implementation of the concluding observations*

86. In the last few years, the Government has intensified its monitoring of the implementation of the UN Treaty Monitoring Bodies' concluding observations. The Government informs the public about the Bodies' concluding observations immediately after their adoption by distributing a press release and often by arranging a separate information meeting. The concluding observations adopted by the Committees are broadly distributed for information. The concluding observations are translated into the two national languages, Finnish and Swedish, and if possible also into the minority languages used in Finland, e.g. North Sámi. The concluding observations are published at the website of the Ministry for Foreign Affairs (<http://formin.finland.fi>).

87. Implementation is monitored by seminars, as well. Monitoring the implementation of the UN Convention on the Rights of the Child has been a pilot project. Annual seminars have been found useful and interactive discussion fora, which contribute to implementing the concluding observations of the Committee on the Rights of the Child and monitoring this implementation at national level at all stages of the reporting cycle. In addition, these seminars contribute to the preparation of the Government's periodic report and raise awareness of the Convention and the related monitoring and implementation process, which proceeds as a spiral continuum.

## **D.2. Challenges**

*Compensation for violations of basic rights and human rights*

88. Violations of human rights must be prevented to the extent possible, but any existing violations must be investigated, the mistakes must be admitted, and their consequences must be compensated for. Only sufficiently efficient legal remedies against violations of basic rights and liberties can bring effective results. In early 2006 the Parliamentary Ombudsman stated that the current Finnish system does not provide effective and comprehensive legal protection against violations of basic rights and liberties, because it does not offer a specific compensation mechanism<sup>10</sup>.

89. The Ministry of Justice has separately studied the possibility of introducing a national legal remedy needed to prevent delays in legal proceedings and an ex post compensation mechanism<sup>11</sup>. So far, this preparation work has not resulted in submitting a government bill to the Parliament. Statements issued on the draft of the bill broadly supported the introduction of a new compensation mechanism. Ex ante legal remedies gained less support.

90. According to the programme of Prime Minister Matti Vanhanen's second Cabinet, a high standard of legal protection will be guaranteed in administration by improving the internal administrative remedies and continuing the efforts to develop the administrative laws and procedures on a broad front. As part of the work of the Committee on Application of Administrative Law, the Ministry of Justice will prepare a proposal on legal remedies in cases of administrative authorities' passiveness. Moreover, the Ministry of Justice continuously studies the question of ensuring courts' operations as part of performance management of courts and, if necessary, by separate legislative projects.

*Violations of procedural legal protection – the excessive length of proceedings*

91. For procedural legal protection to be ensured, competent authorities and courts must process all matters without delay (section 21 of the Constitution, Article 6(1) of the European

Convention on Human Rights, section 23(1) of the Administrative Procedure Act). In recent years, also the supreme guardians of the law (the Chancellor of Justice of the Government, the Parliamentary Ombudsman) have, in their decisions on complaints, paid attention to the excessive length of proceedings in administrative authorities and courts.

92. According to the criminal legislation in force, a delay in the processing of a matter may be taken into account in meting out punishment. In civil proceedings, by contrast, similar grounds for compensation are not applicable. Neither are there any separate legal provisions on the possibility of mitigating, on grounds of the excessive length of proceedings, administrative sanctions imposed in the application of administrative law, which the European Court of Human Rights largely treats similarly to criminal sanctions in its case law. However, a provision to this effect was proposed in the 2006 working group report of the Ministry of Justice referred to in paragraph 90 above.

*Social rights - equal access to services*

93. In Finland, the average standard of citizens' basic services is high, but the quality of and access to services of local administration vary by municipality and region. Finland applies the Nordic system, where the central government has delegated powers and responsibilities to local level, i.e. to the municipalities, closer to citizens. The municipalities are mainly independently responsible for producing services in such sectors as social welfare and health care, education and housing, and for arranging the financing thereof. They have the right to levy taxes, and the Constitution guarantees them extensive self-government. In addition, the State pays state subsidies to municipalities. The State is responsible for ensuring equal access to and proper quality of services all over the country. A reform of municipal and service structures is going on in Finland. It is the largest reform of municipal administration and services in Finnish history. The municipalities will carry out the reform jointly with the State by the end of 2012. The reform will strengthen the municipal and service structures, foster new models of producing and organising services, adjust the systems for municipal financing and state subsidies, and revise the division of work between the municipalities and the State. Thus, the reform will create a firm structural and economic foundation for arranging and producing municipal services and developing municipal activities.

*Exclusion*

94. Exclusion is a problem among children, young people and families. Despite economic growth, there is an increasing number of children and their families living in poverty. Such factors as parent's abuse of alcohol and other intoxicants have made child welfare work increasingly challenging. Public authorities face many challenges when endeavouring to support families and others responsible for children in ensuring children's well-being and individual growth. The Government has committed to reduce ill-being among children, young people and families and their exclusion.

95. Being out of working life for a long time often leads to social problems, difficulties of subsistence and increasing poverty. The groups of population most vulnerable to exclusion include chronically ill and homeless persons, persons with mental problems, and intoxicant abusers. One particular group consists of persons with criminal sanctions, especially prisoners. Their morbidity rate, mental problems and intoxicant problems are manifold compared to other citizens. There are a number of projects going on for improving the social security of persons with criminal sanctions.

96. There has been discussion about the exclusion of men, both middle-aged and young men, in Finland. For instance, the differences in life expectancy between women and men are exceptionally large.

97. The Government will strengthen the basic security of citizens and their everyday security, increase the effectiveness and diversity of services and increase human well-being. For the prevention of exclusion the Government will enhance measures to improve employment, subsistence and the quality and effectiveness of services. To prevent exclusion the Government aims to alleviate poverty among families with children, provide more preventive health care services for children and young people, increase services related to intoxicant abuse, mental health and child welfare, reduce the long-term need for income support, cut down long-term unemployment and the number of homeless persons, and strengthen preventive work for the elderly. The prevention of exclusion is one objective in all three intersectoral policy programmes of the Government.

*Equality in working life*

98. In the near future, the Finnish labour market will be challenged by the ageing of population and threatening lack of labour force. The number of working age population will take a downward trend in the next few years, and at the same time the supply of labour force will decline by 20 000 persons from the current level. To increase the supply of labour force Finland needs to take measures to prolong work careers, increase the participation of persons now outside labour force in the labour market, and strongly increase work-related immigration.

99. Work-related immigration is increasing, and the Government aims to promote it by its own measures, for example by improving the opportunities of immigrants to integrate into Finnish society and working life. There will be an increasing number of persons from different cultures and backgrounds in the Finnish labour market. Making this diversity a resource is a major challenge and requires that all employees be treated equally and without discrimination. In practice, it must be ensured that immigrants are sufficiently integrated into society. Special attention must be paid to such things as the necessary education, incl. language teaching. Further, it is essential to ensure the integration of whole families by providing them with the necessary capacities to adapt themselves to Finnish working life and society in general. Special support is needed at different stages of transition (e.g. from school to work).

100. On 23 October 2007 the Ministry of the Interior set up a project to develop the system of residence permits for employed persons. The objective of this legislative project is to better serve the need to increase the immigration and attractiveness of foreign labour force. The legislative amendments will probably take effect in summer 2009. Moreover, an action plan on work-related immigration is under preparation.

101. For the functioning of the labour market and Finnish society it is vital to prevent the creation of two separate labour markets. It is important to prevent differentiation of duties and terms and conditions of work on the basis of employees' ethnic backgrounds. The strict supervision of the terms and conditions of work for foreign employees must continue. Campaigns to foster positive attitudes and tolerance must be changed into permanent operating models. In the preparation of the reform of non-discrimination legislation, issues of equality and prohibitions of discrimination are examined by taking account of the circumstances and needs prevailing in different sectors of life. Discrimination and equality in working life are among the central questions examined for the reform.

*Awareness of human rights*

102. Finnish citizens are well aware of their basic rights and liberties. It is important to begin human rights education at school age in order to foster thinking that emphasises these rights. In Finland, the values underpinning basic education<sup>12</sup> include human rights, equality,

democracy, natural diversity and viability of the environment, and the acceptance of cultural diversity. Basic education fosters the idea of community, responsibility and respect for individuals' rights and freedoms. All teaching must take account of national and local characteristics and the increasing diversity of Finnish culture, also increased by immigrants from different cultures. All teaching must foster tolerance and intercultural understanding. Local curricula for basic education must define the values of education in more detail. They must be reflected in the objectives and contents of teaching and everyday activities.

103. The Government will develop human rights education at different levels and with different themes. One example is citizenship education provided to conscripts during military service in order to raise awareness of violence.

104. Finland supports human rights research, particularly regarding issues prioritised in Finnish human rights policy. Non-governmental organisations play an important role in the promotion of human rights. The Government supports their publications and projects to raise awareness of human rights. The Ministry of Education, among others, regularly supports anti-racist work, especially the work of non-governmental organisations. State subsidies have been granted to youth and early youth organisations for combating ethnic intolerance and xenophobia, both in their regular work and in separate projects.

## **E. COMMITMENTS**

105. The universality and indivisibility of human rights, the principle of non-discrimination, and transparency are the key principles in Finnish human rights policy. Finland's international human rights policy and the implementation of basic and human rights in Finland are interconnected.

106. The Finnish human rights philosophy is essentially based on the aim to ensure an equal implementation of rights irrespective of origin, gender, age, religion, opinion, disability, sexual orientation or the like.

107. The Government aims at effective national implementation of all provisions of human rights treaties binding on Finland. Constructive dialogue with the Treaty Monitoring Bodies will be fostered in the future, too. The participation of civil society in periodic reporting has become an established practice and will be continued and developed. Moreover, the Government will monitor the implementation of the Treaty Monitoring Bodies' concluding observations more efficiently.

108. Promoting economic, social and cultural rights is a special priority of the Government. Finland considers that civil and political rights, on one hand, and economic, social and cultural rights, on the other, cannot be separated from each other – let alone opposed against each other – , because they are interconnected in many ways. Challenges brought by globalisation have underlined the interconnection between different rights.

109. In respect of other commitments the Government refers to section D.2 of the present report. Challenges in the implementation of basic and human rights are, at the same time, future priorities. The areas of priority and commitments in Finnish human rights policy will be defined in more detail in the Government's human rights policy report under preparation. The conclusions and/or recommendations to be adopted on the basis of the Human Rights Council's universal periodic review and the monitoring of their implementation will be an important part of the report.

*Notes*

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<sup>1</sup> Source: Piispa, Minna & Heiskanen, Markku & Kääriäinen, Juha & Sirén, Reino (2006). Violence against Women in Finland 2005. Publication No 225 of the National Research Institute of Legal Policy and the European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI). Publication series No. 51. Helsinki. (The Internet version of the publication will soon be available at the website of the National Research Institute of Legal Policy.)

<sup>2</sup> Decision No 779/2007 of the European Parliament and of the Council.

<sup>3</sup> Magdaleena Jaakkola: The Attitudes of Finns towards Immigrants in 1987–2003.

<sup>4</sup> Pirkko Pitkänen: Ethnic and Cultural Diversity and the State Authorities.

<sup>5</sup> Jasinskaja-Lahti, Inga Liebkind, Karmela Vesala, Tiina: Racism and Discrimination in Finland. The experiences of immigrants.

<sup>6</sup> Discrimination in Finland 2006, [http://www.yhdenvertaisuus.fi/suomi/teemavuosi\\_2007/](http://www.yhdenvertaisuus.fi/suomi/teemavuosi_2007/).

<sup>7</sup> Seppo Niemelä: Toteutumattomat oikeudet ("Unrealised rights"),

[http://www.yhdenvertaisuus.fi/suomi/teemavuosi\\_2007/](http://www.yhdenvertaisuus.fi/suomi/teemavuosi_2007/)

<sup>8</sup> A survey on the status of Roma children's basic education, [http://www.edu.fi/julkaisut/romanilasten\\_001-060.pdf](http://www.edu.fi/julkaisut/romanilasten_001-060.pdf).

<sup>9</sup> Nopeus, tehokkuus vai oikeudenmukaisuus ("Rapidity, efficiency or fairness"); Publication series of the Ombudsman for Minorities 2/2005.

<sup>10</sup> Annual Report of the Parliamentary Ombudsman 2005.

<sup>11</sup> Oikeussuojakeinot oikeudenkäynnin viivästymistä vastaan ("Legal remedies against delays in proceedings"), Working Group Report of the Ministry of Justice 2006:21.

<sup>12</sup> The Finnish National Core Curricula for Basic Education. The National Board of Education 2004.

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