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Finland^{*, **}

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I. General information about Finland

A. People, economy, health, social security, early childhood education and care, education and training, and employment

(a) People

Population

1. Finland is the seventh largest country in Europe (338,424 km²). Despite its size, in terms of population Finland is among the smallest countries in Europe (around 5.5 million inhabitants). Women slightly outnumber men. At the start of 2018, Finland had a population density of 18 persons per square kilometre.

2. Finland has compiled population statistics since 1749, when the country's population numbered 410,400. But for a few exceptional years, the Finnish population has been steadily increasing since then. The largest population loss was seen in the famine year of 1868, when the population declined by more than 96,000. The most recent years of population loss, attributable to Finnish mass migration to Sweden, were 1969 and 1970. At year-end 2018, Finland had a population of 5,517,919.

3. In recent years, the Finnish population has grown at an annual rate of around 0.5%. Foreign net migration has come to account for an increasing share of the population growth in the 2000s, and since 2007 Finland's population has grown more by net migration than by excess of births.

4. The year 2018 will be the third consecutive year for Finland to have a higher mortality rate than birth rate. The number of births is forecast to continue falling and the number of deaths to continue rising despite greater longevity. Net migration is forecast to sustain population growth until 2035, when the Finnish population would number 5.62 million. Thereafter the population is forecast to start to decline and fall below the current figure as early as the 2050s.

5. Internal migration from rural to urban areas continues apace and the population of Finland is concentrated, to an increasing extent, in the largest urban regions. Finland has nine cities with a population in excess of 100,000, and these are home to around 40% of the nation's population.

6. The demographic dependency ratio in Finland was 60.8 at year-end 2018. The ratio indicates the number of persons aged 15 or under and 65 or over per 100 working age persons (aged 15–64).

7. According to the statistical grouping of municipalities, the demographic dependency ratio was 55.7 in urban municipalities, 72.1 in semi-urban municipalities and 79.0 in rural municipalities. The classification of municipalities based on municipal boundaries has become somewhat problematic with the increase in the land area of municipalities. Mergers of municipalities have led to a situation where there are some areas within the same municipality that have an urban character and others that are rural.

8. The use of geographical data independent of municipal boundaries allows the more specific identification and classification of areas. Together with the University of Oulu Department of Geography, the Finnish Environment Institute has developed a new area classification based on geographical data. The demographic dependency ratio determined using this classification was 55.6 in urban areas and 77.1 in rural areas.

9. Urban areas were home to 70.3% and rural areas to 28.4% of the Finnish population. Persons who do not have a fixed abode (i.a. persons permanently resident at care facilities) are excluded from these figures. A more detailed breakdown of the demographic dependency ratio in 2018 was:

- Inner urban area, 50.7
- Outer urban area, 58.6

- Peri-urban area, 64.1
- Rural areas close to urban areas, 70.3
- Local centres in rural areas, 75.7
- Rural heartland areas, 79.3
- Sparsely populated rural areas, 84.1

10. Finland's demographic dependency ratio has deteriorated in recent years. The ratio for the entire country was 60.1 in 2017 but there are vast differences between areas. In the region of Uusimaa, the nation's three largest cities have a more advantageous demographic dependency ratio of 51.1 while the more sparsely populated regions have a considerably less advantageous age structure than the nation's urban regions. The region of Southern Savo has the weakest demographic dependency ratio at 72.8. The demographic dependency ratio is forecast to continue to deteriorate throughout the nation as the population ages. In relative terms, population ageing will impact more strongly on urban regions.

11. With foreign citizens making up only 5% of the population (257,572 persons in 2018), Finland has a very homogeneous population. Estonian and Russian citizens make up the largest groups of foreign citizens.

12. Finland is a bilingual country and its national languages are Finnish and Swedish. Swedish-speaking Finns make up around 5% of the population. Under the Constitution of Finland (731/1999), the public authorities shall provide for the cultural and societal needs of the Finnish-speaking and Swedish-speaking populations of the country on an equal basis. Everyone has the right to use their own language, either Finnish or Swedish, before courts of law and other authorities.

Table 1.
Population by language 2013–2018

	2013	2014	2015	2016	2017	2018
Finnish	4 869 362	4 868 751	4 865 628	4 857 795	4 848 761	4 835 778
Swedish	290 910	290 747	290 161	289 540	289 052	288 400
Sámi	1 930	1 949	1 957	1 969	1 992	1 995
Other languages:						
Russian	66 379	69 614	72 436	75 444	77 177	79 225
Estonian	42 936	46 195	48 087	49 241	49 590	49 691
Arabic	13 170	14 825	16 713	21 783	26 467	29 462
Somali	15 789	16 721	17 871	19 059	20 007	20 944
English	15 570	16 732	17 784	18 758	19 626	20 713
Kurdish	10 075	10 731	11 271	12 226	13 327	14 054
Persian	7 281	8 103	8 745	10 882	12 090	13 017
Chinese	9 496	10 110	10 722	11 334	11 825	12 407
Albanian	8 214	8 754	9 233	9 791	10 391	10 990
Vietnamese	6 991	7 532	8 273	9 248	9 872	10 440
Thai	7 513	8 038	8 582	9 047	9 403	9 763
Turkish	6 441	6 766	7 082	7 403	7 739	8 127
Spanish	6 022	6 583	7 025	7 449	7 770	8 099
German	5 902	6 059	6 168	6 256	6 183	6 317
Polish	4 060	4 459	4 794	5 081	5 274	5 441
Other	63 229	69 084	74 776	80 991	86 584	93 056
Total	5 451 270	5 471 753	5 487 308	5 503 297	5 513 130	5 517 919

Source: Statistics Finland, Population structure.

13. The religious affiliations of the population in 2018 were as follows: Evangelical Lutheran 70%, Orthodox 1% and other 12%, while 27% of the population were members of no religious community.

14. Finland compiles no statistical data on membership of an ethnic group. Under Regulation (EU) 2016/679 of the European Parliament and of the Council (General Data Protection Regulation), hereinafter GDPR, in principle the processing of personal data revealing racial or ethnic origin is prohibited. At present, Statistics Finland compiles statistics not only on the language and country of birth of persons but also on their citizenship and origin.

Sámi people

15. The Sámi people are the only indigenous people of Finland. Based on information collected by the Sámi Parliament, Sámi people in Finland numbered 10,463 in 2015. Only 33.44% of Finland's Sámi people reside in their native region, the Sámi homeland (the municipalities of Enontekiö, Utsjoki and Inari as well as the area of the reindeer owners' association of Lapland in Sodankylä), 60.47% are resident elsewhere in Finland and the rest abroad.

16. Under section 17, subsection 3 of the Constitution of Finland, the Sámi, as an indigenous people, have the right to maintain and develop their own language and culture. Under section 121, subsection 4 of the Constitution of Finland, in their native region, the Sámi have linguistic and cultural self-government, as provided by an Act. Sámi culture includes the Sámi language, cultural heritage, crafts heritage, cultural expressions and traditional Sámi means of livelihood such as reindeer husbandry, fishing, crafts, foraging and hunting, along with the modern forms of pursuing these. The right of the Sámi to use the Sámi language before the authorities is provided in the Sámi Language Act (1086/2003).

17. Finland has enacted the Skolt Act (253/1995) to promote the Skolt Sámi and the living conditions and livelihoods in their areas as well as to maintain the Skolt culture. The Skolt area is defined in the Act, which also recognises the Skolt village assembly as an age-old administrative body managing Skolt affairs.

18. Three Sámi languages are spoken in Finland: Northern Sámi, Inari Sámi and Skolt Sámi, the latter two in particular being highly endangered. Under the Sámi Language Act, Sámi language refers to all three Sámi languages. At year-end 2018, the Sámi language had been declared in the Population Information System as their native language by 1,995 persons in Finland. Under section 7 of the Sámi Language Act, Sámi people have the right to declare Sámi as their native language in the Population Register. Since not all native Sámi speakers have exercised this right, the number of Sámi speakers indicated by official statistics does not always correspond to their actual number. The Population Information System allows only one native language to be declared and the Sámi often declare Finnish as their native language despite having two or even three native languages. A considerable number of Sámi speakers moreover also speak another language.

19. The Sámi Parliament is the autonomous government of the Sámi people established by an Act (Act on the Sámi Parliament, 974/1995). The Sámi Parliament operates in the administrative branch of the Ministry of Justice but independently of central government authorities. The Sámi Parliament is tasked with carrying out the duties laid down for it in the Constitution of Finland, i.e. the linguistic and cultural self-government of the Sámi people and safeguarding the maintenance and development of Sámi indigenous culture.

20. Section 9 of the Act on the Sámi Parliament provides for the obligation of the authorities to negotiate with the Sámi Parliament in all far-reaching and important measures which may directly and in a specific way affect the status of the Sámi as an indigenous people and which concern community planning; the management, use, leasing and assignment of state lands, conservation areas and wilderness areas; prospecting for and exploiting mining mineral deposits and gold-panning taking place in State land and water areas; legislative or administrative changes to the occupations belonging to the Sámi form of culture; the development of the teaching of and in the Sámi language in schools as well as the development of social and health services; and any other matters affecting the Sámi

language and culture or the status of the Sámi as an indigenous people in the Sámi homeland.

21. The Sámi Parliament serves as a conduit for funding to Sámi culture and associations, youth activities and Sámi-language early childhood education and care and health and social services. In addition, the Sámi Parliament produces learning materials in the Sámi language with funds allocated to it annually in the Budget.

22. The Sámi Parliament receives budgetary funds for its operations. In 2019, the general government discretionary transfer allocated to maintaining the linguistic and cultural autonomy of the Sámi people was EUR 3,787,000.

23. Under section 10 of the Basic Education Act (628/1998), Sámi may be the language of instruction in basic education. Pupils living in the Sámi homeland who are proficient in the Sámi language shall be primarily taught in Sámi. Sámi is also taught as the subject of ‘native language and literature,’ with Finnish or Swedish taught alongside Sámi in accordance with a syllabus adapted for Sámi speakers. Sámi may also be taught as a foreign language based on either the language syllabus starting in years 1–6 of basic education or the shorter syllabi starting in years 7–9 of basic education or in general upper secondary education. Sámi may also be the language of instruction in language immersion education or bilingual education. The legislative provisions apply equally to all three Sámi languages. The municipalities in the Sámi homeland observe the national syllabi and lesson distribution plans in teaching Sámi and in instruction provided in the Sámi language. Outside the Sámi homeland, instruction is not provided in the Sámi language and the teaching of Sámi constitutes complementary basic education in which Sámi lacks subject status and the education providers receive a discretionary government transfer to provide two one-hour lessons per week.

24. In the municipalities in the Sámi homeland, the implementation and development of the education is made possible by the special funding allocated to these municipalities. The earmarked funding for teacher salaries arising from instruction in and of the Sámi language may account for up to 100% of payroll. The combined number of pupils and hours of instruction in teaching Sámi and in Sámi-language instruction in the basic education provided by the Sámi homeland municipalities is on the rise, whereas in general upper secondary schools the number of students learning Sámi has declined and Sámi-language education provision has ended. The numbers of Inari Sámi and Northern Sámi pupils have been rising slightly throughout the 2000s, while the situation in terms of Skolt Sámi in education is fragile and the number of pupils stagnant.

National minorities and other minority groups

25. The National Advisory Board for Romani Affairs estimates the current Roma population in Finland to stand at around 10,000–12,000 persons. A further 3,000–4,000 Finnish Roma are estimated to reside in Sweden. The Roma population is dispersed across Finland but their geographic distribution is uneven. The Finnish National Agency for Education estimates there to be around 4,500 people of Roma origin living in Southern Finland, around 2,500 in Western, Inland and Southwestern Finland, 1,500 in Eastern Finland and 1,000 in northernmost Finland. The number of Roma migrants from other EU Member States to Finland is rising steadily, as is the number of native speakers of e.g. Bulgarian and Romanian Roma dialects. At present, EU citizens of Roma origin number around 500 in Finland.

26. At year-end 2018, there were 79,225 persons resident in Finland whose native language was Russian. Finland’s traditional Russian minority has over the past decade been augmented with a large number of new migrants and at present, Russian speakers make up the largest foreign-language immigrant group in Finland. In terms of geographic distribution, the Russian-speaking population is concentrated in the largest municipalities while in smaller ones, the highest numbers of Russian speakers live in the municipalities close to the Russian border.

27. The number of Estonian speakers in Finland has been rising considerably and they now make up the second-largest group of foreign language speakers. At year-end 2018, there were 49,691 persons resident in Finland whose native language was Estonian. The

migration of Estonians to Finland started in the 1990s (in 1990, there were 1,394 Estonian speakers resident in Finland) and picked up pace after Estonia's accession to the EU in 2004. In many cases, Estonians in Finland are labour migrants.

28. An estimated 700–800 Tatars of Turkish origin reside in Finland and more than half of them still have Tatar as their native language. Finnish Tatars speak as their native language Mishar Tatar, a Western dialect of Tatar, which is one of the Turkic languages. In 2015, 184 persons had declared the Tatar language as their native language in the population records. The majority of Finland's Tatar population resides in the Helsinki region.

29. The Jewish communities of Helsinki and Turku have around 100 Yiddish-speaking persons, for 20 of whom it is their native language. Native Hebrew speakers number around 150, with at least a further 200 persons having Hebrew as their second home language. Finland has no official statistics on speakers of Yiddish and Hebrew. Yiddish as a spoken language is on the verge of disappearance in Finland, yet the Yiddish-language cultural heritage will remain significant to the Jewish identity also in the future and the language will remain a subject of study and interest. The main language of the Jewish population in Finland and also the native language for most of them is Finnish. The turmoil in Eastern Europe in the 1990s has returned the Russian language to Finland's Jewish community despite Russian only being the home language of a small minority. Finland's Jews are to an increasing extent becoming culturally diverse and the Jewish community in the country reflects the broader cultural diversification of Finnish society.

30. Finland has around 5,000 native speakers of the Karelian language. A further 20,000 or so identify as Karelian speakers and both understand and speak the language at least to some extent. There are no comprehensive statistics on Karelian speakers in Finland, however. Since 2011, Karelian has been an option among native languages in the Population Information System maintained by the Population Register Centre. In 2015, 152 persons had declared Karelian to be their native language.

31. Under section 17, subsection 3 of the Constitution of Finland, the rights of persons using sign language and of persons in need of interpretation or translation aid owing to disability shall be guaranteed by an Act. Sign language users constitute a linguistic and cultural minority in Finland. The Language Policy Programme for the National Sign Languages in Finland recommends that the State attend to promoting the status of minority languages, sign languages included, at the European level, for example in the European Charter for Regional or Minority Languages and in other language documents. Finland has two national sign languages: Finnish sign language and Finnish-Swedish sign language. The former is the native language of around 4,000–5,000 deaf or hearing-impaired persons. All told, Finnish sign language is used by around 14,000 persons, hearing persons included. Finnish-Swedish sign language users were long estimated to number around 300, half of whom were deaf. However, a study conducted in 2014–2015 revealed the number of deaf Finnish-Swedish sign language users to be around 90, most of whom were quite advanced in years. The Finnish-Swedish sign language is indeed a seriously endangered language.

Birth rate and death rate

32. There were 47,577 children born in Finland in 2018. The birth rate has been in decline for eight consecutive years. The decrease from 2017 was 2,744 births or 5.5%, the highest annual fall in relative terms since the early 1970s. Besides the birth rate, also the fertility rate continued to decline in 2018. At the fertility rate prevailing in 2018, a woman would give birth to an average of 1.41 children.

33. A total of 54,527 persons died in 2018, the highest number since 1944. The previous post-1940s record year was 2016, when the number of deaths was 604 lower than in 2018.

34. Of the population of Finland, 22% are aged over 65 and 16% under 15. The number of persons aged under 15 and over 65 per 100 persons of working age (aged 15–64) was 61 for the entire country in 2018.

Families

35. At year-end 2018, there were 1,469,000 families in Finland. The number of families rose constantly until 2016 only to contract in 2017 and 2018. The average family size was 2.7 in 2018 and 73% of the population were members of a family. Single-parent families numbered 186,180 in 2018: 152,888 families of mother and children, 33,292 families of father and children.

Migration

36. Finland's migration policy and the related legislative drafting are based on the common EU migration and asylum policy, international instruments, and the aims outlined by the Government.

37. With the birth rate in decline for several years running and the population ageing at an intense rate, Finland has recognised the need for foreign labour. Foreign labour is desired to promote the country's economic growth and employment. The aim of Prime Minister Sanna Marin's Government (December 2019-) is to increase labour immigration as well as the immigration of seasonal workers and students. The Government of Prime Minister Juha Sipilä (2015–2019) also enacted a number of legislative amendments with a view to promoting the migration of specialists and students through a variety of means.

38. The numbers of workers and students migrating to Finland have been on the rise for several years running. In 2018, a total of 6,281 applicants applied for their first residence permit on the basis of studies (2017: 5,646). A residence permit on the basis of studies was granted to 5,202 applicants (2017: 5,194). Initial residence permit applications filed in 2018 on the basis of employment numbered 10,805 (2017: 8,650). A residence permit on the basis of employment was granted to 7,687 applicants (2017: 6,751). Certificates for seasonal work were additionally granted to 6,916 persons. Each year, the Finnish Immigration Service grants Finnish citizenship to around 10,000 persons.

39. Beneficiaries of international protection make up a fairly small proportion of those migrating to Finland. In 2018, the Finnish Immigration Service received 4,548 asylum applications, nearly half of which were subsequent applications. Despite the numbers of applicants falling quite low in recent years, the Finnish asylum system remains under strain due to the exceptionally high number of applicants in 2015. In recent years, legislative amendments have been enacted to speed up the asylum procedure and application processing times have shortened.

40. With regard to the expulsion of persons who have been issued a decision of refusal of entry or deportation, Finland has continued to pursue bilateral negotiations with key countries in order to establish systems of repatriation. The expulsion of persons who have committed crimes or who are to be considered a threat to public order and safety was expedited by means of an amendment to the Aliens Act (301/2004). The Citizenship Act (359/2003) was also amended to allow persons who have committed certain serious crimes to be stripped of Finnish citizenship.

Table 2.

Foreign citizens 2017–2018

<i>Country of citizenship</i>	<i>2017</i>	<i>% Year-on-year change, %</i>	<i>2018</i>	<i>% Year-on-year change, %</i>
Estonia	51 539	20.7	51 456	-0.2
Russia	29 183	11.7	28 747	-1.5
Iraq	11 729	4.7	13 078	11.5
China	8 742	3.5	9 230	5.6
Sweden	8 018	3.2	7 996	-0.3
Thailand	7 533	3.0	7 632	1.3
Somalia	6 677	2.7	6 448	-3.4
Afghanistan	5 792	2.3	6 198	7.0

Country of citizenship	2017	%	Year-on-year change, %	2018	%	Year-on-year change, %
Syria	5 290	2.1	57.7	6 016	2.3	13.7
Vietnam	5 603	2.2	6.7	5 941	2.3	6.0
India	5 159	2.1	2.9	5 730	2.2	11.1
Turkey	4 660	1.9	0.1	4 794	1.9	2.9
UK	4 518	1.8	-1.0	4 619	1.8	2.2
Ukraine	4 033	1.6	7.2	4 593	1.8	13.9
Poland	4 284	1.7	2.2	4 410	1.7	2.9
Germany	4 014	1.6	-3.3	4 102	1.6	2.2
Other	82 678	33.1	3.2	86 582	33.6	4.7
Total	249 452	100	2.4	257 572	100	3.3

Source: Statistics Finland, Population structure.

(b) Economy

Gross national income

41. In 2018, Finland's gross domestic product (GDP) was around EUR 233.6 billion and the annual change in volume was 2.3%. Per capita GDP was EUR 42,504.

42. The tax ratio, i.e. the ratio of taxes and tax-like payments to GDP, was around 42.4% in 2018, and no significant change is forecast for the foreseeable future.

43. Natural persons had average taxable income of EUR 29,540 per income recipient in 2017: EUR 34,227 for men and EUR 25,061 for women.

Consumer Price Index

44. The Consumer Price Index describes development in the prices of products and services purchased by households in Finland. The Consumer Price Index is used as a general measure of inflation.

45. The Consumer Price Index is calculated with a method in which the prices of different commodities are weighed together with their shares of consumption. The calculation of the index follows Laspeyres' price index formula whereby the shares of consumption used as the weights relate to the base period.

Table 3.

Consumer Price Index by groups of goods and services 2010–2016

	2010	2011	2012	2013	2014	2015	2016	2017	2018
00	100.0	103.4	106.3	107.9	109.0	108.8	109.2	110.0	111.2
01	100.0	106.3	111.8	117.7	117.9	115.7	114.4	113.3	115.5
02	100.0	100.8	107.9	110.3	114.6	116.0	117.2	120.7	128.2
03	100.0	101.2	103.9	102.6	102.2	102.8	102.1	100.9	99.7
04	100.0	106.3	108.1	108.5	109.8	110.7	111.3	112.8	114.5
05	100.0	102.3	103.9	105.4	106.0	105.7	105.3	105.1	104.2
06	100.0	100.7	101.1	102.9	106.0	109.3	116.8	118.8	120.2
07	100.0	103.9	108.6	110.0	109.2	107.1	106.9	109.7	110.6
08	100.0	98.0	91.7	85.6	86.8	83.1	83.8	82.4	80.3
09	100.0	99.7	100.2	100.8	101.5	100.2	99.6	98.9	98.9
10	100.0	103.2	105.0	107.9	114.2	113.1	115.7	117.6	119.3

	2010	2011	2012	2013	2014	2015	2016	2017	2018
11	100.0	102.5	106.4	111.1	113.8	115.5	117.5	119.7	122.5
12	100.0	103.6	107.8	108.1	110.7	111.0	110.7	111.0	110.3

Source: Statistics Finland, Consumer Price Index, charts.

0 = Consumer Price Index, 01 = Food and non-alcoholic beverages, 02 = Alcoholic beverages and tobacco, 03 = Clothing and footwear, 04 = Housing, water, electricity, gas and other fuels, 05 = Furnishings, household equipment and routine maintenance of the house, 06 = Health, 07 = Transport, 08 = Communication, 09 = Recreation and culture, 10 = Education, 11 = Restaurants and hotels, 12 = Miscellaneous goods and services.

46. In addition to their national consumer price indices, the Member States of the European Union also produce a Harmonised Index of Consumer Prices. The main purpose for which it is used is inflation comparison between the EU countries. The European Central Bank uses the harmonised index of consumer prices as the measure of inflation in its monetary policy. Calculation of the Harmonised Index of Consumer Prices is guided by EU regulations.

Central government debt

47. Under the Constitution of Finland, the incurrence of central government debt shall be based on the consent of Parliament. The consent shall indicate the maximum level of new debt or the total level of central government debt. Parliament has authorised the Government to incur debt provided that the nominal value of the central government debt does not exceed EUR 125 billion until further notice and that, at the time of borrowing, the value of short-term debt does not exceed EUR 18 billion.

48. Parliament has authorised the Government to take out short-term loans when necessary in order to safeguard the central government's liquidity, as well as to enter into derivative contracts at its discretion for the purpose of risk management related to central government debt management.

Table 4.

Development of Finland's central government debt, 2010–2018

Year	EUR million	% of GDP
2010	75 152	40.2
2011	79 661	40.5
2012	83 910	42.0
2013	89 738	44.1
2014	95 129	46.3
2015	99 807	47.6
2016	102 352	47.4
2017	105 773	47.2
2018	104 973	45.0
2019*		44.5
2020*		43.8

Source: veronmaksajat.fi [Taxpayers Association of Finland], Central government debt.

* projection.

Informal economy

49. Finland combats the informal economy by policy actions and legislation related to combating the grey economy and economic crime as well as to employment security and social security and the labour market in general. The functioning and inclusiveness of the job market are important goals. Finnish labour and social services legislation has a broad

scope of application, owing to which we have no specific ‘formalisation actions’ in respect of the informal economy.

50. Labour and social services legislation as well as policies concerning working life development are prepared in tripartite cooperation. The equality of employees and the promotion of participation in working life are key viewpoints in terms of the functioning of the labour market in all legislative and policy drafting. A further essential element in promoting the inclusion of less advantaged persons in working life is to improve public services.

51. The Constitution of Finland safeguards freedom of association and collective bargaining rights to all, informal economy actors included.

52. Actions to enhance the supervisory capabilities of the authorities and their tools for supervising compliance with working life regulation are essential to combating the informal and grey economy.

53. The European platform against undeclared work is an EU-level body that has produced national factsheets on the policies and actions of Member States to address undeclared work. For information on Finland’s actions, please see the Annex Factsheet on Undeclared Work - FINLAND (September 2017) (Annex I).

54. No reliable statistics are available on the informal economy or undeclared work.

55. In Finland, the grey economy and undeclared work are typically associated with ‘envelope wages’ (i.e. under-declaration of employment to the authorities) in the sectors of construction and hospitality. Hidden employment is also known to exist in the entertainment industry and the real estate sector. The grey economy and undeclared work are particularly in evidence in the sector of home renovations carried out by small enterprises or self-employed persons. While the working of undocumented persons (without a work permit) does not present as a problem in Finland, underpayment has been recognised as a problem among migrants, especially in the sectors of construction and catering services.

56. Undeclared wages are most common in the construction sector (7.1% of total payroll) and the real estate sector (6.7%). The hospitality industry, manufacturing and also the entertainment industry are often mentioned among sectors where undeclared work is on the rise.

57. No statistics are available on the distribution of undeclared work based on the size of the employer. In most cases, undeclared work is associated with small and medium-sized enterprises. Among large enterprises, the problems have more to do with arrangements put into place to evade income tax on benefits paid to employees.

Poverty and income distribution

58. Household structure in Finland has changed over the past two decades. Households of one and two persons have become more commonplace while the proportion of families with children has declined. The most common household type in 2017 was the one-person household, which accounted for 43% of all households. Childless couples made up 30% of households and households with children and either one or two parents 21.2%. The category of ‘other’ includes i.a. multigenerational households and households consisting of parents and adult children.

59. The proportion of the population with low income and persistent low income has varied around 12% in recent years. The general income level has seen poor development over the same time period and consequently there has been no significant change in the low-income threshold, which is fixed to average income.

60. The at-risk-of-poverty rate is lower for families with children than for the entire population. The at-risk-of-poverty rate for persons living in (belonging to) families with children has also held at around 9% in recent years. Low income remains a significant problem for single-parent families. Nonetheless, Finland has less relative poverty than most EU Member States.

61. The highest incomes are seen among couples aged 35–64 and the lowest among young people, retirement-aged singles and single parents. Persons living alone forego the shared consumption benefits of couples that arise from shared housing and other costs. The income level of single parents is moreover affected by the fact that the income of one earner must support more than one person.

62. Poverty in Finland is often generational poverty, and poverty among families with children has become more common since the recession of the 1990s. Statistics suggest that families of immigrant origin who have children live in poverty more often than families of the mainstream population who have children. Poverty has also increased among single-parent families since the 1990s. Of all households, social assistance is most often paid to single mothers. In 2017, around 30% of single-mother households were paid social assistance, compared to 8.5% for the whole population. The highest risk of persistent poverty concerns elderly women. Women with disabilities are more likely to live in poverty. A woman with disabilities has a poverty risk of around 25.5% while the poverty risk for a man with disabilities is 23.9%. For persons who have no disabilities, the figures are 14.3% and 13.7%, respectively.

63. The Gini coefficient is a commonly used indicator of income differences used to describe i.a. the distribution of income and assets. The higher the Gini value, the more unequal the distribution of income. The highest possible value for the Gini coefficient is 100. In such a case, the highest earning income recipient receives all the income. The lowest Gini coefficient value is 0, when the income of all income recipients is equal. The Table below is a compilation of Gini coefficients in respect of certain key economic indicators in the period of 2012–2017.

Table 5.

Gini coefficients for factor income, gross income and disposable income and equalising impact of current transfers on income differences in 2012–2017

Year	Gini coefficient, %			Equalising impact of current transfers on income differences		
	Factor income	Gross income	Disposable cash income	Current transfers received	Current transfers paid	Combined impact
2012	49.7	31.5	26.9	36.8	14.5	46.0
2013	50.7	31.9	27.2	37.2	14.6	46.3
2014	51.1	31.8	27.0	37.7	15.0	47.1
2015	51.9	32.3	27.3	37.8	15.4	47.4
2016	52.0	32.3	27.2	37.9	15.8	47.7
2017	52.3	32.7	27.7	37.4	15.4	47.0

Source: Statistics Finland, Total statistics on income distribution 2017, StatFin database.

(c) **Health**

Health services

64. The primary objectives of health policy in Finland are to promote health and prevent disease. Responsibility for social and health policy and the related legislative drafting rests with the Ministry of Social Affairs and Health. Current key health-related projects include the service structure reform in social welfare and health care services and the National Development Plan for Social Welfare and Health Care (Kaste Programme).

65. Everyone in Finland is entitled to adequate health and social services. The municipal social welfare and health care system implemented with support from central government makes up the foundation of the social welfare and health care system. In Finland, adult asylum seekers are entitled to urgent and essential treatment while minor asylum seekers are entitled to health care in the same manner as municipal residents. Services are provided not only by the public sector but also by private enterprises. Finland also has an extensive

CSO (civil society organisation) field in social welfare and health care providing services both free of charge and for a charge.

66. Health services are divided into basic health care and specialised medical care. Basic health care services are provided by municipal health centres, while specialised medical care is provided mainly by hospitals. The preventative health care and, where possible, also medical care of employed persons is the responsibility of their employer. Private health care services, meanwhile, supplement municipal health care. Municipalities may also buy in services from the private sector.

67. Other key authorities in the health sector are the Finnish Institute for Health and Welfare (THL), which is responsible for health services research and development as well as other expert services in the field; the National Supervisory Authority for Welfare and Health Valvira, which guides, supervises and attends to licensing in social welfare and health care; and the Finnish Medicines Agency Fimea, responsible for marketing authorisations and supervision as well as for research and development in the pharmaceutical sector and the production of medicines information. In addition to the aforementioned, the Regional State Administrative Agencies attend to the regional supervision of health care and also steer and supervise health care professionals.

Infant mortality, maternal mortality and life expectancy

68. The infant mortality rate indicates the number of deaths of children under one year of age, expressed per 1,000 live births. In 2018, Finland had 101 deaths of children under the age of one. The infant mortality rate was 2.1 deaths per 1,000 live births.

Table 6.

Maternal deaths and maternal mortality rate 2013–2017

<i>Year</i>	<i>Maternal mortality rate/100,000 live births</i>	<i>Maternal deaths</i>
2017	7.9	4
2016	5.7	3
2015	3.6	2
2014	5.2	3
2013	1.7	1

Source: Statistics Finland, Causes of death.

69. A child born in Finland in 2018 had a life expectancy of 81.6 years. Life expectancy was 78.9 years for males and 84.3 for females. The expected life span of both men and women increased slightly on the year.

70. The cause of death statistics indicate that a total of 53,670 persons died in 2017. The figure was 0.5% lower than in the previous year. The increased life expectancy is reflected in the changed age distribution of deaths: the mortality of persons over 80 increased on the year but remained more or less unchanged for persons under 80. The higher mortality of the elderly was reflected in the causes of death primarily as an increase in the number of deaths caused by dementia and diseases of the circulatory system. The latter was also the leading cause of death, responsible for 36% of all deaths.

(d) Social Security

71. Social security consists of benefits based on residence and employment. All persons habitually resident in Finland are covered by pension security, health and social services, health insurance benefits, parental benefits and family benefits. Persons arriving in Finland to work are also entitled to residence-based benefits. Sectors of social security based solely on employment are the earnings-related pension scheme and the workers' compensation insurance scheme in case of accidents and occupational diseases.

72. The Ministry of Social Affairs and Health is responsible for social security legislation and the overall development of social security. Several organisations furthermore take part in the implementation of social security. A particular feature of the

Finnish system is that the earnings-related pension insurance and workers' compensation insurance schemes are managed by private insurance providers.

73. The Social Insurance Institution of Finland (Kela) provides residence-based social security benefits and unemployment benefits within basic economy security. Kela is an independent body under public law and it is subject to the supervision of Parliament. Earnings-related unemployment benefits are provided by the unemployment funds. Membership in these funds is voluntary to employees and self-employed persons. Decisions on social security are issued in writing and persons dissatisfied with the decision issued to them may appeal against it.

74. Social assistance is a last-resort form of financial assistance under social welfare. Its components are basic social assistance, supplementary social assistance and preventive social assistance. Since 2017, Kela has independently provided basic social assistance. Funding for basic social assistance is provided by the municipalities and central government in equal measure. The municipalities are additionally responsible for the provision of supplementary and preventive social assistance.

75. Social security is funded for the most part by central government, which funds family benefits, housing benefits and disability benefits in full. Central government is also responsible for labour market subsidy funding together with the municipalities and contributes to the funding of earnings-related unemployment allowance and basic unemployment allowance. Central government contributes to the funding of health and social services through discretionary government transfers to municipalities. With regard to pensions, central government funds national pensions and takes part in funding the pensions of self-employed persons, self-employed farmers and seamen. Central government moreover contributes to national health insurance funding in respect of medical insurance.

76. The municipalities are tasked with funding health and social services through fees charged to customers as well as taxes.

77. Employers, employees and self-employed persons provide funding for social security by contributing to the funding of earnings-related unemployment allowance and basic unemployment allowance, earnings-related pensions, national health insurance and accident insurance. This funding is collected in the form of insurance premiums.

(e) Regional government reform and health and social services reform

78. The Government programme of Prime Minister Sanna Marin's Government states that the Government will initiate the restructuring of health and social services to transfer responsibility for the organisation of these services to 18 counties. The public sector is to be the primary service provider in the counties, with the private and third sectors serving as supplementary service providers. The central objectives of the health and social services reform will be to reduce inequalities in health and wellbeing, safeguard equal and quality health and social services for all, improve the availability and accessibility of services, ensure the availability of skilled labour, respond to the challenges of changes in society, and curb the growth of costs.

79. The programme of Prime Minister Sanna Marin's Government also notes the need to reform social security. The focus in reforming social security is to be on securing social justice and on protecting income security for people who are faced with social risks. Essentially, the system needs to be made more reliable, comprehensive and easier to understand. A parliamentary committee will be set up to prepare the reform based on research information. Preparations will be carried out horizontally on a broad basis, drawing on expertise from various sectors.

(f) Early childhood education and care, and education and training

80. Early childhood education and care refers to a systematic and goal-oriented entity that consists of upbringing, education and care, with a special emphasis on pedagogy. The aims of early childhood education and care are to support the growth, development and learning of children and to promote their wellbeing. In Finland, every child is entitled to 20 weekly hours of early childhood education and care. Early childhood education and care

shall be organised on a full-time basis if the parents or other persons who have custody of the child work full-time or study, work as entrepreneurs or perform their own work full-time. Full-time early childhood education and care shall also be organised for the child if it is necessary for the development, need of support or family conditions of the child, or if it otherwise serves the best interests of the child. The Early Childhood Care and Education Act (540/2018) is currently under amendment to provide a subjective right to early childhood education and care for all children with no restrictions on the right to early childhood education and care. The amended Act is to enter into force on 1 August 2020.

81. The right to education and training is a fundamental right and its accomplishment is safeguarded through the right, defined in legislation, to basic education free of charge, and through compulsory education. The public authorities shall guarantee for everyone equal opportunity to receive other educational services in accordance with their ability and special needs, as well as the opportunity to develop themselves without being prevented by economic hardship.

82. Children in Finland are required to attend one year of pre-primary education, or another activity that will achieve the goals of pre-primary education, in the year preceding the start of compulsory education. The aim of pre-primary education, as part of early childhood education, is to improve children's capacity for learning. Compulsory education begins in the year in which the child turns seven and ends when the basic education curriculum has been completed or ten years have elapsed from the start of compulsory education. Basic education, i.e. comprehensive school, is usually completed in nine years. Basic education shall support pupils' growth as human beings and members of society and provide them with knowledge and skills needed in life, and also promote civilisation and equality in society and pupils' prerequisites for participating in education.

83. After completing compulsory education, pupils may transition to secondary education, either vocational or general upper secondary education. The latter concludes with the matriculation examination. Students in vocational upper secondary education complete a vocational upper secondary qualification, further vocational qualification or specialist vocational qualification. Post-secondary studies are offered at universities and universities of applied sciences. Universities also conduct research and provide research-based education, while universities of applied sciences are more practically oriented to the requirements of the world of work. The 2019 Government Programme intends to ensure that everyone who completes basic education goes on to gain an upper secondary qualification. This is to be accomplished by raising the minimum school leaving age to 18 and by introducing a range of study and support options for compulsory education which may be included in the range of upper secondary qualifications. Compulsory education cannot be extended unless the fees for upper secondary education are abolished. These decisions concerning the extension of compulsory education require the amendment of current legislation.

84. In 2017, around 72% of Finns aged 15 and older had completed a post-basic qualification in upper secondary school education or vocational upper secondary education or at a university of applied science or university. Among the entire population aged 15 and older, around 40% had completed an upper secondary qualification and around 31% a higher education qualification.

85. In the 2017–2018 school year, a total of 510 pupils dropped out of basic education in Finland. Those who failed wholly to attend compulsory education in the spring term numbered 64 while pupils who aged out of compulsory education and left school without earning a basic education certificate numbered 436. Girls accounted for 37% of all basic education dropouts, with 33 girls failing to attend compulsory education and 157 girls leaving school without earning their basic education certificate.

86. In degree education, 5.1% of students dropped out without going on to any other degree education in the 2016–2017 academic year. The dropout rate in the 2016–2017 academic year was 3.1% in general upper secondary education for young people, 7.4% in vocational upper secondary education for young people, 7.3% in education provided by universities of applied sciences, and 5.9% in education provided by universities (bachelor's and master's degrees).

87. Based on statistics for 2016, the average teaching group size in years 1–6 of basic education was 19.4 pupils per group. Pre-primary education classes and multi-grade classes are also included in this figure. When these are excluded, the average group size is 20.1 pupils. Average group size increases from the lower to the higher years, with the smallest group sizes seen in year 1 (19.0 pupils per group) and the largest in year 6 (20.9 pupils per group).

88. The average size of teaching groups has remained more or less unchanged since 2010, although group sizes have increased in years 1–2 and pre-primary education and decreased in years 3–6. Compared to 2013, teaching group size in years 1–6 increased by an average of 0.4 pupils while decreasing in years 7–9 by an average of 0.6 pupils.

89. Provisions on early childhood education and care staffing are laid down to require that the staffing ratio in day care is 1:4 for children under the age of three and 1:8 for children aged three and older. Family day carers may have no more than four children in their care full time, plus one child who is either in pre-primary education or in the first years of compulsory education.

90. The literacy rate in Finland is virtually 100%.

(g) Employment

91. The population of working age (aged 15–74) continues to grow in Finland for the time being, but Statistics Finland forecasts that their number will turn into decline as early as 2020. This means that in future, an increasing proportion of the Finnish population will consist of young or elderly persons in the inactive population. The proportion of those aged over 74 is set to see the greatest increase while the proportion of those aged 15–64 is set to decrease.

92. In August 2019, Finland had 2,598,000 employed persons (margin of error $\pm 34,000$), which was 32,000 higher than the year before. The number of employed men was higher by 5,000 and employed women by 27,000 than in August 2018. Employment trends differ from sector to sector: the number of employed persons in primary production and manufacturing has decreased while there has been an increase in construction and the service industries.

93. The employment rate, i.e. the proportion of those aged 15–64 who were employed, was 73.5% in August, compared to 72.6% a year earlier. The employment rate of men aged 15–64 decreased by 0.2 percentage points from the previous year, to 74.2%, while the employment rate of equivalent women increased by 2.0 percentage points to 72.8%.

94. According to the Labour Force Survey of Statistics Finland, in August 2019 there were 170,000 persons unemployed (margin of error $\pm 18,000$), which was 17,000 fewer than a year earlier. Unemployed men numbered 94,000 and unemployed women 76,000. Unemployment has been in sharp decline over the past two years. The number of the long-term unemployed has also decreased. Nonetheless, the unemployment rate in Finland is fairly high when compared to other European countries.

95. The unemployment rate in August was 6.1%, i.e. 0.6 percentage points lower than a year before. The unemployment rate for men was 6.5% or 0.2 percentage points higher than in the previous year, while among women the unemployment rate fell by 1.6 percentage points to 5.7%.

96. The number of young people in Finland aged 15–24 was 612,000 in August. Of these, 275,000 were employed and 45,000 unemployed. The number of young people in the labour force, i.e. those employed and unemployed, thus totalled 320,000. The unemployment rate of young people aged 15–24, i.e. the proportion of the unemployed in the entire labour force, was 14.0% in August, 0.4 percentage points higher than a year before. The trend in the unemployment rate of young people was 17.0%. Unemployed young people aged 15–24 accounted for 7.3% of the entire population of this age.

97. Temporary employment accounts for a higher rate of all employment in Finland than the EU average, whereas part-time employment is less common in Finland than the EU average.

98. According to the Working Life Barometer of the Ministry of Economic Affairs and Employment, around 90% of wage-earners belong to an unemployment fund. The proportion has increased in the 2000s. However, financial security in the event of unemployment is to an increasing extent sought only with membership in an unemployment fund while foregoing membership in a trade union. The unionisation rate of wage-earners has indeed seen moderate decline in the 2000s. Among the wage-earner respondents to the Working Life Barometer (those working at least 10 hours per week), 73% were members of a trade union in 2017. According to reports commissioned by the Ministry of Economic Affairs and Employment, however, the unionisation rate among those whose interests are represented fell from 65% in 2013 to 59% in 2017.

99. Women's earnings average 16% lower than those of men. In 2018, the earnings of women in the entire labour market were equal to an average of 84% of men's earnings. The earnings gap between women and men differs within sectors: in central government jobs, women earn an average of 88% of men's earnings, while the figure is 87% in the local government sector and 86% in the private sector.

100. The earnings gap between women and men has been slow to close. The gap narrowed relatively quickly until the late 1980s, since when the rate of narrowing has slowed down. After the late 1980s, the earnings gap held steady for quite some time at around 20%. Since 2006, when equal pay programmes have been in effect, the gap has narrowed by around four percentage points.

101. Women and men work in different sectors and in different jobs. Many predominantly female sectors have lower pay than predominantly male sectors. The earnings of woman wage-earners in the local government sector and private services sector were lower on average than those of men working in manufacturing and central government. Around 80% of those working in the local government sector are women, and the development of their earnings largely explains the average earnings of women in the entire labour market. The earnings of men have seen better development than those of women, and the earnings of men on average peak at a younger age than those of women. The earnings development of women is slowed by e.g. longer family leaves than taken by men. Temporary and part-time employment have also increased and most of these jobs are worked by women. It should be noted that education does not explain the higher earnings of men in Finland. Women are more educated than men, but the average earnings of women are lower than those of men regardless of level of education.

B. Constitutional, political and legal structure of the state

(a) Constitutional republic

102. Finland is a constitutional republic and its form of government is representative democracy. Finland was a part of the Kingdom of Sweden from the 1300s until 1809, when Finland was annexed to the Russian Empire to become the Grand Duchy of Finland with its own four-estate Diet. In 1906, Finland became the first European country to adopt women's suffrage and a unicameral Parliament was established. Finland declared independence in 1917.

103. Finland acceded to the European Union on 1 January 1995. The fundamental values of the Union are democracy, human rights and the rule of law, on which principles Finnish society is also founded. The EU Member States have transferred competence from national bodies to EU bodies and harmonise their policies in the various areas of European integration, as well as relative to third countries and international organisations. The Charter of Fundamental Rights of the European Union became legally binding in December 2009. Finland is legally and politically committed to complying with its obligations and responsibilities relating to EU membership in the manner required under the EU Treaties and Charter of Fundamental Rights, secondary EU legislation and the case law of the Court of Justice of the European Union.

104. The Constitution of Finland is based on the rule of law and the separation of powers into independent legislative, executive and judiciary branches.

105. Under the Constitution of Finland, governmental powers are exercised by the President of the Republic and the Government. The Prime Minister is elected by Parliament and appointed by the President of the Republic, who also appoints the other Ministers in accordance with a proposal made by the Prime Minister. The Ministers shall be Finnish citizens known to be honest and competent.

(b) President of the Republic

106. The President of the Republic directs the foreign policy of Finland in cooperation with the Government and decides on Finland's relations with foreign states and activities in international organisations and negotiations. The President of the Republic is the commander-in-chief of the defence forces of Finland. The duties and powers of the President of the Republic are defined in the Constitution of Finland.

107. The President of the Republic is elected by direct popular vote. The President shall be a native-born Finnish citizen. The President is elected to a term of office of six years, and the same person cannot be elected President for more than two consecutive terms. Candidates for the Presidency may be nominated by registered political parties which gained at least one seat in Parliament in the parliamentary elections most recently held. Candidates may also be nominated by constituency associations established by at least 20,000 persons who have the right to vote. The candidate who receives more than half the votes cast in the first election shall be elected President. If no candidate receives this majority, a second election shall be held in two weeks' time between the two candidates who received most votes. In the second election, the candidate receiving the most votes is elected President. In the event of a tie, the election is decided by drawing lots.

(c) Parliament

108. Under the Constitution of Finland, the powers of the State in Finland are vested in the people, who are represented by Parliament. Finland has a unicameral Parliament consisting of 200 Members of Parliament. Parliament exercises legislative powers and decides on State finances. The Government shall have the confidence of Parliament.

109. The most important task of Parliament is to enact legislation. Parliament can enact legislation on the basis of a government proposal, a Member's motion or a citizens' initiative.

110. Parliamentary elections are held at intervals of four years and the country is divided into constituencies. One Member of Parliament is elected from Åland. The right to vote is held by Finnish citizens aged 18 and older. The electoral system of Finland is based on the principles of directness, secrecy and proportionality. All voters must vote in person and the ballot must be cast before the electoral authorities. The Finnish electoral system is a combination of voting for individuals and parties, with the same number used to cast a vote for both a party and a candidate.

111. The elections of 2019 resulted in the representation of eight political parties and one constituency association in Parliament. The Government has been formed by five of these parties. Finland also has other smaller political parties that are not represented in Parliament. Candidates for seats in Parliament may also be nominated by constituency associations established by at least 100 persons entitled to vote in the relevant constituency. Women accounted for 42% of the candidates and 47% of the Members elected to Parliament.

112. The voter turnout rate in the 2019 parliamentary elections was 72,1%. In 2017, the municipal elections voter turnout rate for the entire country was 58.9%. The general election voter turnout rates in Finland have long lagged behind OECD average. Voter turnout is clearly dependent on socioeconomic status and age, with young people and people of lower socioeconomic status being considerably less likely to vote and take part in the activities of political parties. Migrants are also clearly under-represented among both candidates and elected officials.

(d) The government

113. The Government at present comprises 12 ministries. Each ministry is responsible for the preparation of matters within the purview of the Government in its respective branch and for the appropriate functioning of government. The plenary meetings of the Government are chaired by the Prime Minister, who also chairs the statutory ministerial committees.

114. The Prime Minister's Office is a ministry headed by the Prime Minister. The Prime Minister's Office is responsible for monitoring the implementation of the Government's political programme and it also assists the Prime Minister in the general management of Government functions. The Prime Minister's Office enables the Prime Minister and Government to act effectively, regardless of the circumstances. The duties of the ministry include the coordination of Finland's EU policy and the State's ownership policy, as well as the steering of state-owned companies under the Prime Minister's Office. The ministry is also responsible for providing Government communications services and coordinating communications activities within the state administration as well as for government situation awareness, preparedness and security services together with coordination relating to management of incidents and emergencies. Most recently, the Prime Minister's Office was made responsible for coordinating the objectives of the state's sectoral research in support of decision-making.

(e) Referendum

115. Under section 53 of the Constitution of Finland, the decision to organise a consultative referendum shall be made by an Act, which shall also contain provisions on the time of the referendum and on the choices to be presented to the voters. Finland has held two national referendums, one in 1931 on repealing the Prohibition Act and one in 1994 on Finland's accession to the European Union.

(f) Citizens' initiative

116. A citizens' initiative may be organised by any Finnish citizen who is entitled to vote. The formal requirements for a citizens' initiative are laid down in the Act on the Citizens' Initiative (12/2012). An initiative may consist of either a draft bill or a proposal to initiate law-drafting. It may also concern amendment or repeal of an existing Act. A citizens' initiative will be considered by Parliament if at least 50,000 statements in support of it are obtained within a period of six months. Parliament may adopt, amend or reject the initiative at its sole discretion. Parliament's rejection of an initiative does not preclude the organisation of a new initiative on the same subject. Citizens' initiatives may be organised and supported in the free online service kansalaisaloite.fi maintained by the Ministry of Justice. The aim of the citizens' initiative is to support and promote civic engagement and to strengthen the civil society that allows population groups actively to take part in and influence the development of society.

(g) Special status of Åland

117. Åland is an autonomous, demilitarised, Swedish-speaking region of Finland.

118. Åland was demilitarised in 1856 and made neutral in 1921. Since the Province of Åland is an autonomous region under Finnish sovereign rule, Finland guarantees the continued status of Åland. The demilitarised and neutral status of Åland is based on provisions enshrined in numerous international instruments.

119. When the Republic of Finland, invoking the right of self-determination of peoples, declared independence in 1917, Åland residents invoked the same principle to demand that Åland be re-annexed to its earlier mother country, Sweden. However, Finland was not prepared to accept the annexation demands of Åland residents and wished instead to provide Åland with a measure of internal autonomy. Consequently, the Parliament of Finland in 1920 enacted the Autonomy Act (1144/1991). Åland residents did not accept the Act, however, and due to the international nature of the Åland issue the matter was submitted to the newly established League of Nations for resolution. In 1921, the Council of the League of Nations decided on a compromise that granted Finland's sovereignty over

Åland. The decision nonetheless required Finland to undertake to guarantee to the population of Åland their Swedish-speaking culture and the Swedish language as well as local customs and broad self-government.

120. The internationally guaranteed autonomy entitles Åland residents to enact legislation on matters internal to the province and to exercise budgetary powers. The legislative body of the Åland Islands is the Åland Parliament, whose 30 members are elected by general election. The Åland Parliament appoints the Åland Government, which is the executive body of the province.

121. The autonomy of the province is governed by the Act on the Autonomy of Åland, which may be amended by the Parliament of Finland only with the consent of the Åland Parliament and in the procedure for the enactment of constitutional legislation. In other words, both parties must agree to any change in the division of powers between the province and the State. The current Act on the Autonomy of Åland is the third to be enacted and it entered into force on 1 January 1993.

122. The Act on the Autonomy of Åland enumerates the sectors in which the Province of Åland has legislative powers. The most important of these are education, culture and the preservation of prehistoric relics, health care and medical care, the integration of migrants, environmental matters, the promotion of business and economic life, internal transportation, municipal administration, police services, postal services, and radio and television. In matters of discrimination, legislative powers are divided between the State and the province.

123. State legislation applies in Åland in the same manner as elsewhere in Finland in those sectors where the province lacks legislative powers. Such sectors include diplomatic services, the right to reside in the country, a fairly wide swathe of civil and criminal law, courts, Customs and State taxation. In order for the interests of Åland to be promoted also in matters where the province lacks legislative power, Åland elects its own Member of Parliament to the Parliament of Finland.

124. Foreign policy falls within the competence of the State and Åland therefore cannot e.g. sign international treaties. However, this does not mean that the province altogether lacks influence in international affairs. When an international treaty signed by the State of Finland contains a provision that is in conflict with the Act on the Autonomy of Åland or concerns a matter within the competence of the province, the provision cannot be enforced in Åland without the approval of the Åland Parliament.

125. Under the Act on the Autonomy of Åland, the official language of the province is Swedish only. The Language Act of Finland (432/2003) does not apply in Åland. However, the Act on the Autonomy of Åland provides for Finnish citizens the right to use Finnish before a court and with other State officials in Åland in matters concerning them.

126. The State of Finland is represented in Åland by a Governor, who is appointed by the President of the Republic after having agreed on the matter with the Speaker of the Åland Parliament. The most important duty of the Governor is to maintain good relations between the province and the State by promoting, through various means, effective dialogue and constructive interaction between the local self-government bodies and the highest representatives of the State.

127. One element in the guarantee of retaining the Swedish language and local customs given to Åland residents by decision of the League of Nations in 1921 is the right of domicile adopted in Åland. The right of domicile is conferred at birth to anyone with at least one parent having the right of domicile. Persons who have relocated to the province and been resident there for at least five years and who have satisfactory Swedish skills may gain the right of domicile by application. This right may only be granted to Finnish citizens. The right of domicile is a requirement to the right to vote and the right to stand as a candidate in elections of the Åland Parliament, the right to own and hold real property in the province, and the right to practice a trade there.

128. Like Finland, Åland has been a Member of the EU since 1995. However, Åland is considered a 'third territory' to which the EU Directive on the harmonisation of all indirect taxation does not apply. Consequently Åland is a part of the EU customs union but not a

part of the EU tax union. This is made possible by a Protocol annexed to the treaty on Finland's accession to the EU, which is a part of the primary law of the EU. According to the Protocol, Åland may, on a non-discriminatory basis, restrict i.a. the right to acquire real property in the province without the right of domicile. It may also restrict the right to establish in the province and the right to practice a trade without the right of domicile. The Protocol furthermore confirms the status of Åland under international law.

129. Åland has been a member of the Nordic Council since 1970.

130. Åland comprises around 6,757 islands having an area of 0.25 hectares or more. Around 60 of these islands are inhabited. The largest is Fasta Åland (the Main Island), which accounts for around 70% of the land area of the entire province. Distances on the Main Island do not exceed 50 km north to south and 45 km east to west (See Annex I, Map of Åland).

131. The province has a total area of 13,324 km², with water areas making up 11,771 km² and land areas 1,553 km².

132. The land area breaks down into 60% forest, 9% cultivated land, 3% grazing land and 27% other.

133. At year-end 2018, Åland had a population of 29,789, of whom 14,919 were women and 14,870 were men. Mariehamn, the only city in the province, had a population of 11,743. The rural population numbered 15,973 and the archipelago population 2,073. The population density per square kilometre was 19.

Table 7.

Population of Åland by age in 2018

Age	0–14	15–64	65+
%	16.6	61.2	22.2

Source: Statistics and Research Åland (ÅSUB).

134. Just under 37% of the population of the province originates outside Åland. Around 19% have relocated to Åland from mainland Finland and around 9% from Sweden. All told, the province is home to persons originating in 105 different countries of birth. The native language of around 87% of the population of the province is Swedish while 5% are native Finnish speakers and around 8% native speakers of another language.

135. In 2017, the average life expectancy in Åland was 83.5 years. For women, the average life expectancy was 85.9 years and for men, 81.2 years.

136. In 2018, 3.5% of Åland residents were unemployed. The overall employment rate in 2017 was 80.2%. The employment rate was 80.9% for women and 79.5% for men.

137. The GDP of Åland at current prices was around EUR 1.3 billion in 2016, coming to around EUR 43,800 per capita. In 2016, shipping accounted for around 20% of Åland's GDP and well over 6% of employment in Åland while all tourism accounted for around 19% of GDP in 2016.

(h) Municipal autonomy

138. Based on the Constitution of Finland, municipalities have strong autonomy arising from the self-government of municipal residents. The autonomy of Finnish municipalities is among the broadest in the world. The Council of Europe's European Charter of Local Self-Government was enforced by Finland back in 1991. The Charter has solid standing in Finland and it is used in support of local government. Finland has a total of 310 municipalities, of which 107 refer to themselves as cities and 203 as municipalities. The general basis of local government as well as the duties and obligations assigned to the municipalities is provided by an Act. Municipal autonomy covers the general sector, the freedom of organisation, the non-interference of central government in municipal decision-making, and the principle of adequate financial resources to safeguard the implementation of the statutory duties of the municipalities.

139. Decision-making power in municipalities is exercised by the local council, which decides on the long-term objectives of the municipality's activities and finances in the municipal strategy prepared by the council. The members and deputy members of the local council are elected in municipal elections held every four years. Municipal residents and users of municipal services have the right to participate in and exert an influence on the activities of the municipality. The local council is required to provide diverse and effective opportunities for participation. Municipal residents and corporations and foundations based in a municipality have the right to submit initiatives in matters concerning the activities of the municipality. The reform of the Local Government Act in 2015 introduced the older people's councils, disability councils and youth councils as new, mandatory bodies for civic participation.

140. As a rule, a municipality is responsible for organising the social and health care services for its residents. Municipalities are obligated to organise basic education for all of their residents who are of compulsory education age. In addition, municipalities are responsible for extensive educational and cultural services, sports and exercise services, green area and road infrastructure, and fire and rescue services.

141. The Constitution of Finland safeguards the right of municipalities to levy taxes. Tax revenues accrue from income tax, the rate of which municipalities may set at their discretion, as well as corporate tax and real estate tax. In 2018, tax revenues accounted for around 58% of all revenues. Municipalities gain operating income from activities pursued individually and in cooperation with others and through municipal corporations. Municipalities also receive central government transfers to local government, one element of which is an equalisation scheme to support the organisation of services in parts of the country where service demand may be higher than elsewhere due to e.g. demographic structure or morbidity rate. Central government transfers account for an average of 22% of the revenue base of municipalities. In addition to a solid revenue base, municipalities are free to borrow from the financial markets to fund their investments and they shall balance their finances as provided in the Local Government Act (410/2015).

142. In recent years, municipalities have grown in significance with regard to promoting the health and wellbeing of the population and maintaining and enhancing demographic, economic and operational vitality.

(i) Sámi homeland

143. Section 4 of the Act on the Sámi Parliament defines the native region of the Sámi people, the Sámi homeland, which covers the territories of the municipalities of Enontekiö, Inari and Utsjoki as well as the area of the reindeer owners' association of Lapland in Sodankylä. Under section 121, subsection 4 of the Constitution of Finland, the Sámi people are safeguarded linguistic and cultural self-government, as provided by an Act, in their native region.

144. The Skolt Act specifically defines the Skolt region, which is explained in detail in section 2 of the Act. Skolt Sámi have certain rights in the Skolt region relating to the practice of traditional trades and the wider Sámi culture.

(j) Boards and councils

Advisory Board for Ethnic Relations

145. The Government will appoint the Advisory Board for Ethnic Relations (ETNO) for the seventh four-year term 2020-2024 this spring. The Advisory Board works under the auspices of the Ministry of Justice. It engages in dialogue with migrants, ethnic, cultural and religious minorities, public authorities, political parties and CSOs. Through cooperation and discussion, the aim is to build trust and an open Finland. The Board brings together migration experts from national, regional and local levels ranging from public officials to civil society representatives. It also forms a network of experts on migration, integration and equality which promotes dialogue between different population groups. Besides the national Advisory Board, there are seven regional advisory boards for ethnic relations.

Advisory Board on Language Affairs

146. The Government Decree on the Implementation of the Language Act (433/2004) lays down provisions on the Advisory Board on Language Affairs, which is an expert body that operates in conjunction with the Ministry of Justice and represents different sectors of society. The Board is tasked to monitor the implementation and application of the Language Act and related legislation and the development of linguistic conditions. The Advisory Board is appointed by the Government for four years at a time. The current term of the Board runs from 1 April 2016 to 31 March 2020.

147. The Advisory Board has the following duties:

- To organise annual consultations on language affairs to promote dialogue between the Government and linguistic groups;
- To assist the Ministry of Justice in preparing the report of the Government on the application of language legislation to be submitted to Parliament;
- To monitor reforms that affect linguistic conditions and the implementation of linguistic rights.

Non-Discrimination and Equality Board

148. The Non-Discrimination and Equality Board is an autonomous and independent body operating in conjunction with the Office of the Non-Discrimination Ombudsman and providing support to the Ombudsman, who also heads the Board and plans its activities. The Board is appointed by the Government for a term of three years at a time. The first Non-Discrimination and Equality Board commenced its activities on 15 October 2016. The members of the Board include civil society actors and authorities that are central to the prevention of discrimination.

149. The tasks of the Board are to promote non-discrimination and equality in general, to serve as a conduit for dialogue and information-sharing between actors and authorities central to the prevention of discrimination, and to consider issues relating to non-discrimination and equality. The activities of the Board are intended to enhance the capabilities of the Non-Discrimination Ombudsman through better information-sharing and consideration of topical issues relating to non-discrimination and equality. The Board also provides an avenue for civil society actors that are central to the prevention of discrimination to bring to light their observations and findings. The Board's remit encompasses discrimination on the basis of any and all of the grounds for discrimination mentioned in the Non-Discrimination Act (1325/2014). Discrimination on the basis of sex and gender identity falls within purview of the Council for Gender Equality.

Council for Gender Equality

150. The Council for Gender Equality is a parliamentary committee appointed by the Government for the term of Parliament. The Council serves in central government in an advisory capacity. The members of the Council are nominated by the political parties represented in Parliament while advisory members to the Council are nominated by CSOs. Operating in conjunction with the Ministry of Social Affairs and Health, the Council is staffed with a Secretary General, Planning Officer and departmental secretary.

151. The Council drafts initiatives and proposals and provides statements to develop legislation and other measures that affect gender equality. The Council also collaborates with the authorities, CSOs and other bodies, promotes research on gender equality and the utilisation of relevant findings, and monitors developments in gender equality matters in the international arena.

National Advisory Board on Romani Affairs

152. The National Advisory Board on Romani Affairs operates in conjunction with the Ministry of Social Affairs and Health. Established in 1956, the Board is appointed by the Government for a term of three years at a time. The Board consists of a chairperson, a vice-chairperson and a maximum of 16 other members. Under section 3, subsection 3 of the

Decree on the National Advisory Board on Romani Affairs and the Regional Advisory Boards on Romani Affairs, either the chairperson or the vice-chairperson of the Board shall represent the Roma population. Half of the members of the Board also represent the Roma population and they are nominated by the nation's most important Roma organisations and the Regional Advisory Boards on Romani Affairs. The other Board members represent at least the Ministry of Social Affairs and Health, Ministry of Education and Culture, Ministry of the Interior, Ministry of Economic Affairs and Employment, Ministry for Foreign Affairs and Ministry of the Environment. A member may also be nominated by the Association of Finnish Local and Regional Authorities and by the Finnish National Agency for Education. The Board monitors the development of the social participation and living conditions of the Roma in order to promote equality and provides statements to the authorities on Roma affairs.

153. The National Advisory Board on Romani Affairs has the following duties:

- To improve the social and economic position and promote the culture and employment of the Roma population by taking initiative and making proposals;
- To work to eliminate discrimination;
- To promote the Romani language and culture;
- To support the activities of the Regional Advisory Boards on Romani Affairs;
- To take part in Nordic and other international cooperation in order to promote the rights of the Roma and to improve their circumstances.

Advisory Board on Civil Society Policy

154. On 9 February 2017, the Government appointed a new Advisory Board on Civil Society Policy for 2017–2021. The Advisory Board is tasked to foster cooperation and interaction between civil society and public authorities. This is the Advisory Board's third term of operation.

155. The Board consists of a chair, vice-chair and no more than 19 members. Each member, apart from the chair and the vice-chair, has a personal deputy. The Board comprises representatives of civil society, research, the ministries and municipalities. The ministries represented on the Board are the Ministry for Foreign Affairs, the Ministry of Justice, the Ministry of Education and Culture, the Ministry of the Interior, the Ministry of Social Affairs and Health, the Ministry of Economic Affairs and Employment, the Ministry of Finance and the Ministry of the Environment. Civil society is represented on the Board by the nation's key sports and exercise organisations, child and youth organisations, educational and cultural organisations, health and social welfare organisations, environmental and community organisations, human rights and equality organisations, minority and immigrant organisations and organisations of entrepreneurs, each of which nominate one member. The Board further includes a representative of civic engagement activities, research into civil society, and the Finnish Association of Local and Regional Authorities.

156. The Advisory Board on Civil Society Policy has the following tasks:

- To promote collaboration and interaction between civil society and the authorities;
- To monitor changes in the operating environment of civil society as well as international and European Union developments relating to this;
- To prepare initiatives and proposals as well as to give statements for the development of areas with significance to civil society policy;
- To assess the CSO strategies and civic consultation procedures of the ministries;
- To assess the consistency and predictability of decisions by public authority concerning CSOs and to prepare initiatives for their enhancement;
- To initiate studies, research and development projects, to promote research activities and utilisation of studies on the civil society and to disseminate information on their results.

Advisory Board for the Rights of Persons with Disabilities

157. The duties of the Advisory Board for the Rights of Persons with Disabilities are laid down by Decree (Government Decree 908/2016 on the Advisory Board for the Rights of Persons with Disabilities), under which the tasks of the Board are to promote and coordinate national implementation of the UN Convention on the Rights of Persons with Disabilities and to take into account the rights of persons with disabilities in all aspects of government, to draw up an action programme for its term of office, defining the national objectives for the implementation of the Convention, the measures promoting the implementation and the follow-up measures, and to designate, from among the Board members, a representative of persons with disabilities to participate in the activities of the focal point referred to in Article 33 of the Convention. The Board is the national coordinating mechanism provided in Article 33(1) of the UN Convention on the Rights of Persons with Disabilities.

158. The Advisory Board consists of ministries, persons with disabilities and all their relatives, labor market organizations, municipalities and provinces as well representatives of the research. The Advisory Board consists of the Chair, the Vice-Chair and 16 members. The Advisory Board has a general secretary and a coordinator. The Government sets the Advisory Board for one year at a time.

Committee for Combating Violence against Women and Domestic Violence

159. As regards a coordinating body referred to in the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), please see paragraph 220 on the Committee for Combating Violence against Women and Domestic Violence (NAPE).

(k) Civil Society Organisations

160. The freedom of association is safeguarded under the Constitution of Finland. The provisions on the exercise of the freedom of association are laid down in the Associations Act (503/1989). An association may be founded for the common realisation of a non-profit purpose. The purpose may not be contrary to law or proper behaviour. Nor may the purpose of non-profit associations be to attain profit or other direct financial benefit, and their activities may not be primarily financial. Non-profit associations within the meaning of the Associations Act include political parties, labour market organisations, athletics clubs and recreation clubs, and social, health and charitable organisations.

161. The Register of Associations maintained by the Finnish Patent and Registration Office contains around 106,000 associations. Associations may register but also operate without registration. When an association is entered in the Register of Associations, it becomes an independent legal person and gains legal capacity. While registration is not mandatory, it may be a requirement for e.g. obtaining public funding. Sectors in which associations are prevalent in Finland include sports and exercise, social welfare and health, and education and culture.

162. A registered association may be founded by at least three natural persons aged 15 or older and/or corporations with legal capacity. A registered association shall have a charter which contains the rules of the association. The signatories of the charter shall be voting members of the association.

163. Associations founded for military purposes are prohibited under the Associations Act. Any association relating to the use of firearms is moreover subject to permission.

164. Freedom of association in Finland also applies to foreign natural and legal persons. Foreigners may found and join associations in Finland and serve as executive committee members and persons authorised to sign for the association.

165. The chairperson of an association shall be habitually resident in Finland unless derogation from this requirement has been approved by the Finnish Patent and Registration Office. In addition, an association whose primary purpose is to exercise influence over State affairs may have as members only Finnish citizens, foreigners resident in Finland and associations whose members or whose direct or indirect member association members are

Finnish citizens or foreigners resident in Finland. The executive committee of the association shall keep a list of members of the association in which the name and domicile of each member is recorded.

166. By an action brought by a prosecutor, the National Police Board of Finland or a member of the association, an association may be declared terminated if the association acts substantially against law or good practice or the purpose defined for it in its rules. The registration authority may order an association to be deregistered if at least twenty years have passed since the filing of the latest notice to the Register of Associations, and there is otherwise no reason to assume that the association's activities will continue.

167. A non-profit association may be granted the status of public-benefit corporation when it operates entirely and solely for the public good in the material, spiritual, educational or social sense, its activities are not directed to an exclusive group of people only, and those involved do not derive financial benefit from their involvement. The business activities pursued by an association with public benefit status are exempted from income tax in respect of the elements mentioned in section 23 of the Income Tax Act (1535/1992). In addition, a public-benefit corporation engaging in extensive, established and permanent activities that are of benefit to society when assessed as a whole may be eligible for tax exemptions and tax relief in the manner provided in the Act on Tax Relief for Certain Non-Profit Corporations (680/1976). A non-profit association may also qualify as a public-benefit corporation.

(l) Openness of government activities

168. The Act on the Openness of Government Activities (621/1999) governs the publicity and secrecy of official documents and sets of data as well as the disclosure of documents and the related procedures. Under the Act, everyone has the right of access to an official document in the public domain. Official documents shall be in the public domain, unless specifically provided otherwise. The Act requires openness in the preparation of matters and imposes on the authorities the duty to promote the openness of their activities. The Act also contains provisions on the duty of the authorities to promote access. The key provisions on secrecy are furthermore enshrined in the Act. Certain specific Act also contain provisions on secrecy. The Act on the Openness of Government Activities moreover governs the duty of the authorities to practice good information management, including data security requirements. As from the start of 2020, the information management and information security of the authorities are governed by the new Act on Information Management in Public Administration (906/2019).

169. Finland has ratified the Council of Europe Convention on Access to Official Documents (CETS No. 205).

(m) Democracy services

170. The Ministry of Justice maintains a number of online democracy services that allow citizens and stakeholders to participate in the preparation of matters and to contribute to decision-making. The services allow the authorities and decision-makers to learn the views of citizens and stakeholders about matters under preparation. The democracy services are made available on the umbrella website demokratia.fi, which also contains a considerable volume of background information and knowledge sources on civic participation and democracy.

171. [Otakantaa.fi](http://otakantaa.fi) is an online service designed to enhance the effectiveness of dialogue and engagement between the general public, CSOs and the authorities. The service facilitates civic engagement and access to information while also increasing the transparency of decision-shaping and decision-making and enhancing the quality of the decisions. The other democracy services available on the umbrella website are kansalaisaloite.fi, kuntalaisaloite.fi, lausuntopalvelu.fi, nuortenideat.fi and demokratia.fi.

(n) Media**Freedom of expression in the media**

172. Under the Constitution of Finland, everyone has the right to express, disseminate and receive information, opinions and other communications without prior prevention by anyone. This fundamental principle has been consistently elaborated upon through legislation, for example the Act on the Exercise of Freedom of Expression in Mass Media (460/2003) as well as policy recommendations and guidelines.

173. Finland is one of the premier nations in the world in terms of freedom of expression. In the World Press Freedom ranking by Reporters without Borders, Finland ranks second. The reasons underlying this include access to official documents, a high standard of source protection, and the aim of providing fast internet access to all citizens. Finland has no advance censorship and instead legislation safeguards the right of everyone to receive messages without prior prevention from anyone. The exercise of the freedom of expression may be challenged in retrospect, however, when a message made public proves to be against the law.

174. The Council for Mass Media (CMM) is a self-regulating committee established by publishers and journalists in the field of mass communication for the purpose of interpreting good professional practice and defending the freedom of speech and publication. The Council also addresses the methods by which journalists acquire their information. The Council does not exercise legal jurisdiction or public authority. Its decisions are, however, closely followed and observed. Any person who considers that there has been a breach of good professional practice by the press, radio or television may bring this to the attention of the Council. The Council can also process a complaint concerning online material if the material is considered to have been published in an online media. The majority of the Finnish media have signed the Council's Basic Agreement, whereby the Council can directly handle any complaints that concern them. Under certain circumstances involving important principles, the Council can also independently initiate an investigation.

Yle, the Finnish Broadcasting Company

175. The activities of Yle, the Finnish Broadcasting Company, are governed by the Act on the Finnish Broadcasting Company (1380/1993), which lays down the guidelines and special duties of Yle in public service programme activities. Public service programme activities shall i.a. treat in their broadcasting Finnish-speaking and Swedish-speaking citizens on equal grounds and produce services in the Sámi, Romani, and sign language and, where applicable, also in the languages of other language groups in the country, support tolerance, equal treatment, equality, and cultural diversity and provide programming for minority and special groups, and promote cultural interaction and maintain production intended for international distribution. Yle is financed through the Yle tax paid by individuals and corporations. In 2019, its funding came to EUR 519,134,000.

176. Service provision in Swedish is allocated to the entity Svenska Yle. Yle Sápmi is the only Finnish producer of news and current content, programming for children and young people and devotional programming for the Sámi in all three Sámi languages: Northern, Skolt and Inari Sámi. Yle also broadcasts news in sign language, Romani, Russian and English.

Newspaper subsidies

177. The Government Decree on granting subsidies to newspapers (389/2008) lays down provisions on subsidies intended to promote the publishing of newspapers and online magazines in Swedish, Sámi, Karelian and Romani as well as in sign language. Financial assistance may also be granted for the production of news services in the Swedish language and for the production and publication of Sámi-language content in connection with a newspaper or magazine published in Finnish or Swedish. The Decree thus aims to promote the freedom of expression as well as the diversity and pluralism of communication. In 2019, subsidies to newspapers amounted to EUR 500,000.

(o) Courts

178. Under section 3, subsection 3 of the Constitution of Finland, the judicial powers are exercised by independent courts of law, with the Supreme Court and the Supreme Administrative Court as the highest instances. Provisional courts shall not be established. The Finnish court system is divided into two independent lines of courts: general courts and administrative courts. The two lines are supplemented by certain specialised courts.

District Courts, Courts of Appeal and the Supreme Court

179. The Finnish District Courts deal with criminal cases, civil cases and petitionary matters. There are 20 District Courts in Finland. A District Court is headed by a chief judge and the other judges have the title of district judge. In certain cases, the District Court may also have lay judges. Cases are considered and resolved either in a court session, to which the parties are summoned, or in the written procedure, in which the decision is based solely on documents. In simple cases, decisions can be made by a trainee district judge and by trained office staff.

180. Such civil and petitionary matters that could also be heard by a court may be subject to mediation. The dispute may concern for example an agreement, an inheritance matter or a claim for damages. Also disputes related to child custody, right of access and child maintenance may be settled by mediation.

181. Other alternative dispute resolution methods are also available in many types of cases. For example, the Consumer Advisory Services and the Consumer Disputes Board deal with disputes related to consumer protection, and there is a separate mediation procedure for criminal matters.

Table 8.

Cases heard by District Courts, 2006–2018

<i>Year/Case</i>	<i>Cases received</i>	<i>Cases resolved</i>	<i>Cases pending</i>
2006	814 213	805 982	89 882
2007	687 442	687 249	88 887
2008	707 847	693 111	101 941
2009	750 151	731 658	118 765
2010	444 516	443 874	106 436
2011	483 836	476 913	111 871
2012	581 891	550 963	141 719
2013	570 831	570 725	139 764
2014	490 526	499 575	128 838
2015	492 393	484 813	133 784
2016	488 033	485 730	133 884
2017	545 986	521 942	156 013
2018	559 278	582 924	131 158

Source: Ministry of Justice, publication Tuomioistuinten työtilastoja vuodelta 2018, Toiminta ja hallinto 2019:8 [Court statistics for 2018, Operations and Administration; report available in Finnish only].

182. A party dissatisfied with the judgment and final decision of a District Court or another ruling issued by the District Court in the context of a case may seek amendment by filing an appeal with a Court of Appeal.

183. There are five courts of appeal in Finland: Eastern Finland (in Kuopio), Helsinki, Rovaniemi, Turku and Vaasa. Most of the cases dealt with by the courts of appeal are appeals against decisions of the District Courts. In addition, courts of appeal decide, as the court of first instance, cases concerning treason and high treason and certain offences in

public office. The courts of appeal are also responsible for supervising, on a general level, the operations of the District Courts in their judicial district.

184. In 2011, Finland introduced the system of leave for continued consideration to replace the earlier appeal screening system. The requirements for obtaining leave for continued consideration are laid down in law. The purpose of the system was to enhance the speed and economic viability of court proceedings. As the table below indicates, only a portion of cases proceed from a District Court to a Court of Appeal:

Table 9.
Cases heard by Courts of Appeal, 2012–2018

<i>Year/Case</i>	<i>Cases received</i>	<i>Cases resolved</i>	<i>Cases pending</i>
2012	9 777	10 228	4 538
2013	9 689	9 675	4 552
2014	10 176	9 942	4 792
2015	9 810	9 855	4 747
2016	8 593	9 552	3 787
2017	8 263	8 269	3 780
2018	8 316	8 177	3 922

Source: Ministry of Justice, publication Tuomioistuinten työtilastoja vuodelta 2018, Toiminta ja hallinto 2019:8 [Court statistics for 2018, Operations and Administration; report available in Finnish only].

185. The Supreme Court is the supreme judiciary body for civil and criminal cases and the Court oversees the application of law in its sector. The most important function of the Supreme Court is to establish judicial precedents in cases where the law does not provide a clear solution. Precedents serve as legal guidance for similar future litigation and seek to ensure consistency in the interpretation of the law by the lower courts across the country.

186. Decisions of courts of appeal and land courts, as well as certain decisions of the Insurance Court and Market Court may be appealed against to the Supreme Court, provided that the Supreme Court grants leave to appeal.

187. In cases of a precedent nature, an appeal with the Supreme Court may be filed already on the decision of the District Court. Even in such a case, the Supreme Court must first grant leave to appeal. Decisions issued by a Court of Appeal as the court of first instance may usually be appealed to the Supreme Court without requesting leave to appeal.

188. The Supreme Court also decides cases concerning extraordinary appeal. The Supreme Court may annul final decisions of courts on the grounds provided in chapter 31 of the Code of Judicial Procedure. In some cases, the Court may restore the right of appeal after the expiration of a specified period of time.

189. The Supreme Court gives advice to the President of the Republic in cases concerning the President's right to grant a pardon, and to the Ministry of Justice in cases concerning extradition. The President of the Republic may consult the Court in respect of bills passed by Parliament and provincial acts adopted by the Åland Parliament before ratifying them. The Supreme Court may also approach the Government on its own initiative to propose enactment of a new Act or amendment of an existing Act. The Supreme Court may furthermore issue legal opinions on draft bills.

190. The main provisions on the duties of the Supreme Court are laid down in the Constitution of Finland, the Act on the Supreme Court (665/2005) and the Code of Judicial Procedure (4/1734).

Table 10.
Cases received, resolved and pending before the Supreme Court as well as leaves to appeal granted and published decisions and oral hearings in 2007–2018

Year	Received	Resolved	Pending	Leaves to appeal granted				Published decisions	Oral hearings
				Civil	Land	Insurance	Criminal		
2007	2 923	2 848	1 075	74	6	11	66	106	8
2008	2 922	2 876	1 125	65	7	9	69	119	3
2009	2 721	2 629	1 220	80	5	6	55	94	6
2010	2 709	2 499	1 431	63	4	24	71	96	13
2011	2 709	2 854	1 289	77	6	8	57	111	10
2012	2 664	2 640	1 318	48	6	14	73	109	12
2013	2 553	2 582	1 289	46	6	9	73	102	13
2014	2 611	2 617	1 271	56	2	4	60	104	16
2015	2 456	2 378	1 364	54	3	4	40	105	7
2016	2 449	2 563	1 248	75	1	3	60	100	14
2017	2 303	2 428	1 124	47	9	4	77	98	10
2018	2 055	2 395	788	50	2	5	59	92	12

Source: Supreme Court, Statistics 2009–2018 (Published on 30 April 2019).

Administrative courts and Supreme Administrative Court

191. There are six regional administrative courts in Finland: the Administrative Courts of Helsinki, Hämeenlinna, Eastern Finland, Northern Finland, Turku and Vaasa. In addition, the autonomous Åland Islands have a separate administrative court called the Administrative Court of Åland.

192. On appeal, the administrative court reviews the legality of the decision of the authority appealed against. If the appellant is dissatisfied with the decision of the administrative court, it is in most cases possible to appeal further to the Supreme Administrative Court, or at least apply to the Supreme Administrative Court for leave to appeal. Some 20,000 appeals are lodged with the administrative courts annually; their personnel total some 440.

193. Almost 90% of all appeals and applications for leave to appeal received by the Supreme Administrative Court concern decisions issued by a regional administrative court. The Supreme Administrative Court is also the appellate court for decisions of the Market Court in competition and public procurement cases and in cases involving the registration of a patent or trademark. Any appeals against decisions of the plenary session of the Government and e.g. decisions of the Central Tax Board are to be filed directly with the Supreme Administrative Court, whereas appeal against decisions issued by ministries must nowadays, subject to a few exceptions, be filed with the regional administrative court as the court of first instance.

194. Each year, the Supreme Administrative Court receives around 6,000 cases. The cases before the Court are divided into nine main categories broken down into a further 35 case categories comprising more than 280 case codes in total. In most cases, an appeal may only be lodged when the Supreme Administrative Court grants leave to appeal. The jurisdiction of the Supreme Administrative Court covers an exceptionally broad range of cases even in the international comparison.

Specialised courts

195. The specialised courts in Finland are the Market Court, Labour Court, Insurance Court and High Court of Impeachment. The Market Court hears market law and competition law cases, the Labour Court hears legal disputes arising out of collective agreements or collective civil servants' agreements and the Insurance Court hears certain

cases involving social insurance. A charge of unlawful conduct in office brought against a member of the Government or the Chancellor of Justice, the Parliamentary Ombudsman or a Justice of the Supreme Court or the Supreme Administrative Court is heard by the High Court of Impeachment. A charge involving the criminal liability of the President of the Republic is also heard by this Court. No appeal may be lodged against a decision of the High Court of Impeachment. In the history of Finland, the High Court of Impeachment has been called into session only on a few occasions, most recently in 1993.

Legal Bar

196. Finland has a self-governing Legal Bar independent from governmental authority. The Finnish Bar Association and its status is recognised under the Advocates Act (496/1958), according to which the Bar Association decides independently on the organisation of its internal administration. Based on the criteria expressed in the Act, the Bar Association independently decides on admittance to the Bar and disbarment. The activities of attorneys-at-law are supervised by the Bar Association and its Disciplinary Board, which may impose a disciplinary sanction of disbarment, monetary penalty, caution or reprimand on any Bar member found to have violated the law, the rules of the Association or professional code of conduct. Appeal against decisions of the Bar Association and the Disciplinary Board in disciplinary and Bar membership matters may be lodged with Helsinki Court of Appeal.

Legal aid

197. In Finland, legal aid is provided fully or partially at the expense of the State to persons who need expert assistance in a legal matter and who are unable to meet the costs of proceedings as a result of their economic situation. The provisions on legal aid are laid down in the Legal Aid Act (257/2002). Legal aid covers the provision of legal advice, the necessary measures and representation before a court of law and another authority, and the waiver of certain expenses related to the consideration of the matter. Legal aid is provided to a person whose available means and assets do not exceed the amount determined by Government decree. The provisions on the income and expenses to be taken into account, the effect of maintenance liability on the calculation of available means, the consideration of assets and the basis for the determination of the deductible of the legal aid recipient are issued by Government decree.

198. The State legal aid and public guardianship districts organise legal aid services provided by the legal aid offices in the districts. Legal aid is provided by public legal aid attorneys employed by the legal aid offices. However, in matters to be heard by a court of law, also a private attorney who has consented to the task may be appointed as an attorney. Only an attorney-at-law or a licensed attorney may be appointed as a private attorney. Where the person receiving legal aid has self-nominated an eligible person as their attorney, that person is appointed unless there are special reasons to the contrary. In certain specific cases, the legal aid applicant may be referred to a private attorney also in cases not to heard by a court of law. Attorneys shall adhere to the professional code of conduct of attorneys-at-law in the performance of their duties.

199. Since legal aid is granted on the basis of the applicant's available means per month (and not on the basis of income), it is difficult to estimate the proportion of the Finnish population who are eligible for legal aid. The life circumstances of the person concerned play a large role in determining whether they are eligible for legal aid. In around 75% of the cases handled by legal aid offices, legal aid is provided for free, with no deductible.

200. In certain cases, the suspect of a crime has the right to obtain a public defender at the expense of the State for the pre-trial investigation and the court proceedings. A public defender is appointed upon request to persons suspected of aggravated offences and to persons arrested or detained for a crime. In addition, a court may on its own initiative appoint a public defender for persons who are under the age of 18 or unable to attend to their defence. In such cases, the public defender is appointed irrespective of the relevant person's financial standing and the fee of the public defender is paid by the State. However, a person convicted of the suspected offence is obligated to reimburse the State for the fee of the public defender unless the person is eligible for legal aid due to financial standing. The

amount of reimbursement is determined in accordance with the rules concerning legal aid. Only public legal aid attorneys, attorneys-at-law and licensed attorneys are qualified to be appointed as public defenders.

201. The court may appoint, for the purposes of the pre-trial investigation and the court proceedings, an attorney or a support person to a victim of domestic violence, a sexual offence or another violent offence. The attorney assists the victim in the proceedings in court while the support person provides psychological assistance. The attorney or the support person may be appointed regardless of the means of the victim, and their fees and expenses are paid by the State.

Table 11.

Applicants for and recipients of public legal aid, 2014–2018

<i>Year/Category</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>
Total	70 569	76 837	80 338	71 978	72 082
Legal aid decisions, legal aid offices	43 575	45 311	44 926	45 949	45 784
Legal aid decisions, private attorneys	23 354	28 009	31 908	22 468	22 952
Legal aid rejections	3 640	3 517	3 504	3 561	3 346

Source: Ministry of Justice, Legal Aid, 2019.

Compensation for delays in judicial proceedings

202. A party may be entitled to a monetary compensation from State funds for undue delays in the judicial proceedings. The objective is to compensate for the concern, uncertainty and other comparable damage caused by the delay.

203. Compensation may be paid in civil, petitionary and criminal matters pending in a general court of law. The general courts of law in Finland are the District Courts, the courts of appeal and the Supreme Court. The claim for compensation must be filed with the court considering the main matter before the consideration of the matter has ended. A party is entitled to receive compensation for the excessive length of judicial proceedings also in the administrative courts, the Insurance Court and other specialised courts, the Supreme Administrative Court and the appeal boards.

204. The assessment of whether the judicial proceedings have been delayed is made with regard to the length of the judicial proceedings as well as the nature and extent of the matter, the actions of the authorities and courts during the proceedings and the significance of the matter to the party. The case law of the European Court of Human Rights is taken into account.

205. The amount of the compensation is EUR 1,500 for each year during which the judicial proceedings have been delayed for a reason for which a court of law or an authority is liable. The total amount of the compensation may be raised by a maximum of EUR 2,000 if the main issue is of particular significance to the party. The maximum amount of the compensation is EUR 10,000 and may be exceeded on special grounds. A party is not entitled to monetary compensation inasmuch as a punishment is reduced or an administrative penalty is mitigated on grounds of the excessive length of judicial proceedings.

(p) National prosecution authority

206. Effective 1 October 2019, the Finnish Prosecution Service underwent a reorganisation whereby prosecutors became a part of the National Prosecution Authority, an independent agency in the administrative sector of the Ministry of Justice. The National Prosecution Authority consists of the Office of the Prosecutor General, acting as the central administrative unit, and five prosecution districts: Southern Finland, Western Finland, Eastern Finland, Northern Finland and Åland. The prosecution districts are responsible for organising operative prosecution activities while the duties of the central administrative unit include guiding, developing and overseeing the actions of the Prosecution Authority and

prosecutorial activities. The National Prosecution Authority maintains 34 offices across Finland and has around 550 employees, 400 of whom are prosecutors. The remaining 150 or so work in various support and expert duties.

207. Each year prosecutors deal with around 80,000 criminal cases. The majority of these are prosecuted in the prosecution district concerned. The Office of the Prosecutor General only prosecutes a few dozen criminal cases annually, most of these cases that, under law, come within the remit of the Prosecutor General, such as terrorism offences and offences relating to the abuse of the freedom of expression. Each year, the prosecutors based at the Office of the Prosecutor General moreover attend to the prosecution of a handful of criminal cases deemed to be of particular significance to society owing e.g. to the prominence of the person suspected of the offence. During the pre-trial investigation, the prosecutor and the pre-trial investigation authority work together to ensure that the suspected offence is investigated sufficiently thoroughly. Based on the evidence obtained in the pre-trial investigation, the prosecutor conducts a consideration of charges to decide whether a charge is to be brought or further action is to be waived.

208. Under the Act on the National Prosecution Authority (32/2019), prosecutors shall ensure that criminal liability is realised in cases being handled by them in an equal, prompt and economical manner as required to ensure the legal protection of the parties concerned and to serve the public interest. A prosecutor shall be objective and give fair and equal consideration to the evidence for and against the suspected offence.

209. Prosecutors make their decisions with full independence and autonomy. In any individual case, they cannot and may not take directions or orders from anyone. Thus the prosecutor is not bound by the views of the police, for example, as to the guilt of the suspect. Not even the Prosecutor General has the authority to dictate how a prosecutor is to conduct a case. However, the Prosecutor General does have the authority to take up any case personally and to assign a case to another prosecutor. In 2018, Finland had around 7.12 prosecutors per 100,000 inhabitants.

(q) Police

210. Finland has in place a multi-level police organisation. Police operations are steered by the Government by means of the objectives included in the Government Programme and the resolutions adopted by the Government. Steering and monitoring are the responsibility of the Ministry of the Interior. The police organisation is two-tiered. Operating under the Ministry of the Interior, the National Police Board of Finland directs and guides police operations. Police departments and national units report directly to the National Police Board, which is also in charge of the performance management of police units. Policing is governed by the Police Act (872/2011) as well as other legislation concerning the activities of the police, such as the Criminal Investigation Act (805/2011) and the Coercive Measures Act (806/2011). The principles of good governance also apply to police activities.

211. The national police units are the National Bureau of Investigation and the Police University College. The National Bureau of Investigation specialises in the prevention of serious and organised crime. The Police University College is responsible for police training recruitment, for selection of students, for organising diploma and advanced studies, for further training given in the training institute and for research and development in the police field. Local police consists of 11 police departments. Local police services are provided at main police stations, police stations, police service points and joint service points. Licence services provided by the police are linked to the core policing operations, the maintenance of public order and safety, crime prevention, and the promotion of traffic safety. The police force in Finland consists of around 7,200 police officers.

Table 12.

Breakdown of person-years in the police organisation

<i>Year/category</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>Change from previous year</i>
Chiefs	53	52	47	44	43	-1

<i>Year/category</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>Change from previous year</i>
Commanding officers	712	705	680	685	703	18
Senior officers	1 891	1 816	1 781	1 732	1 745	13
Constables and other ranks	4 733	4 759	4 703	4 687	4 709	22
Students	166	157	171	182	263	81
Guards	364	365	381	376	372	-4
Clerical employees	1 308	1 284	1 073	968	952	-16
Other	754	776	894	929	989	60
Total	9 981	9 914	9 729	9 602	9 776	174

Source: Annual reports of the police 2016–2018.

Table 13.
Number of police officers per 100,000 persons

<i>Year</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>Change from previous year</i>
Police officers per 100,000 persons	135.6	134.1	131.2	129.7	130.5	1

Source: PolStat database.

212. Budget appropriations are made by administrative branch and in addition to Parliament, the President of the Republic and the Prime Minister's Office, appropriations are also directed to the various ministries. The table below indicates the funds allocated to certain actors central to the administration of justice from the appropriations in the Budget in 2010–2017. The police service falls within the administrative sector of the Ministry of the Interior and the other actors within that of the Ministry of Justice.

Table 14.
Budget appropriations for the administration of justice, EUR, 2011–2019

<i>Year/Service</i>	<i>Police service</i>	<i>Courts and legal aid</i>	<i>Prosecutors</i>	<i>Enforcement of sentences</i>	<i>Payment defaults, enforcement of payments and bankruptcy administration</i>
2011	689 108 000	334 596 000	43 875 000	225 524 000	98 806 000
2012	703 465 000	340 629 000	44 571 000	227 205 000	100 197 000
2013	727 077 000	359 745 000	45 947 000	231 853 000	106 487 000
2014	737 045 000	364 636 000	45 806 000	233 962 000	105 062 000
2015	738 832 000	370 905 000	46 050 000	234 342 000	102 634 000
2016	750 316 000	405 091 000	46 992 000	216 826 000	104 238 000
2017	735 235 000	416 803 000	44 758 000	215 729 000	103 383 000
2018	760 991 000	413 409 000	44 205 000	214 709 000	100 522 000
2019	797 965 000	419 249 000	45 761 000	221 199 000	101 690 000

Source: Finland's Budget proposals 2011–2019.

(r) Crime

Trends in types of crime

213. The Criminal Code of Finland (39/1889) was first enacted in 1889. Despite the forms of crime evolving over time, the total volume of crime relative to population has remained fairly unchanged.

Coercive measures

214. In Finland, any coercive measures employed by the police, Customs and the Border Guard must always be based in law. Coercive measures refer to *e.g.* apprehension, arrest and the imposition of a travel ban. Coercive measures may and must only be used when they are proportionate to the objectives sought and there is no less intrusive option available. In the use of coercive measures, the attraction of undue attention must be avoided and the conduct must also in other respects be discreet. The table below indicates the use of coercive measures in Finland in 2013–2018.

Table 15.

Use of coercive measures 2013–2018

Category/year	2013	2014	2015	2016	2017	2018
Coercive matters	210 302	196 748	197 191	197 451	195 777	195 137
Criminal matters	132 457	126 437	128 136	131 591	131 467	134 743
Offences against the Criminal Code	128 755	123 145	125 743	129 757	130 859	134 232

Source: Statistics Finland, Statistics on offences and coercive measures.

Homicides

215. The trend in homicides in Finland has been one of decline since the mid-1990s. The greatest change has been seen in the number of alcohol-driven violent acts committed by men. The majority of the manslaughters, murders and killings in Finland take place in private residences. Women accounted for 30% of homicide victims in the years 2010–2018. Homicide in Finland is characteristically a crime committed by and against poorly educated, socially excluded and severely alcoholic men and women. The situation has been the same for the past decades. The crimes are integrally linked to alcohol consumption. The homicide rate per 100,000 inhabitants was 1.7. The table below indicates the number of homicides (manslaughter, murder, killing) in 2008–2018.

Table 16.

Number of homicides 2008–2018

Category/year	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Attempts	363	366	308	306	350	264	327	299	311	348	355
Accomplished acts	132	114	110	114	89	95	101	96	78	73	85
Total	495	480	418	420	439	359	428	395	389	421	440

Source: Statistics Finland, Statistics on offences and coercive measures.

Violence against women

216. In 2018, there were 9,900 victims of domestic violence/violence in close relationships recorded by the police, which is 1.4 per cent more than the previous year. Of adult victims of domestic violence and intimate partner violence, 76.5 per cent were women. In all, 77.6 per cent of suspects were men. Altogether 37.5 per cent of domestic violence and violence in close relationships was violence between married or cohabiting couples. In cases of violence between married or cohabiting couples or ex-couples, the victim was female in over 80 per cent of the cases.

217. Between 2009 and 2018, of the altogether 60,000 victims of domestic violence and violence in close relationships, 8,200 were identified as victims at least twice during different years and 2,000 were identified as victims at least in three time during different years. Of the recurrent victims identified during at least two different years, 83 per cent were female. Of the recurrent victims identified in at least three (or more) times during different years, 89 per cent were female.

218. Moreover, despite the numbers of other types of homicides declining steadily for the past decades, the rate of femicides remains high. In 2018, altogether 16 women were killed

by their current/former partners. The femicide rate is thus one of the highest in Europe, set in proportion with the population.

219. Additionally, according to an EU-wide survey on violence against women conducted by the European Union Agency for Fundamental Rights in 2015, in Finland, women over the age of 15 encountered intimate partner violence the second most often of the EU countries. Of women in relationships, nearly one third had experienced violence from their current or a former partner. Women experienced violence most often in domestic relationships or work tasks.

220. Finland became a party to the Council of Europe Convention on preventing and combating violence against women and domestic violence in August 2015. A coordinating body referred to in the Convention, the Committee for Combating Violence against Women and Domestic Violence (NAPE), has been set by a Government Decree (1008/2016). The members of the Committee are appointed every four years. The coordination body is composed of representatives of various ministries, including the Ministry for Foreign Affairs, the Ministry of Justice, the Ministry of the Interior, the Ministry for Social Affairs and Health, the Ministry of Employment and the Economy, the Ministry of Education and Culture and the Ministry of Finance as well as representatives of some governmental and State agencies. The tasks of the Committee are stipulated in the Decree. They include, inter alia, the drafting of a national action plan for the implementation of the Convention. The first action plan covering years 2018 to 2021 was adopted in 2017.

Sexual offences

221. Finnish legislation on sexual offences has undergone considerable change over the past few decades. Marital rape was criminalised by an amendment enacted in 1994. The requirement of ‘imminent danger’ was removed from the constituent elements of the crime of rape in 1999 and in cases of rape nowadays, only the extent to which the violence employed was sufficient to break the will of the victim is assessed. In 2011, subsection 2 of rape section in the Criminal Code was amended to enhance the protection afforded to defenceless victims. A new definition of rape was adopted in 2014, when the petty form of the crime of rape was removed from the statute and all forcing of another into intercourse became punishable as rape. However, the section was formulated to allow a more lenient sentence to be imposed on the offender in the presence of mitigating circumstances. Sexual harassment was also criminalised in 2014. An amendment enacted in 2019 raised the maximum sentence imposable for the offences of sexual abuse of a child and aggravated sexual abuse of a child. The new offence of ‘aggravated rape of a child’ was added to the statute to cover acts previously punishable as aggravated rape and aggravated sexual abuse of a child.

222. In spring 2019, the Ministry of Justice appointed a working group to prepare a reform of the provisions of the Criminal Code on sexual offences. The reform aims to harmonise legislation and bring it up to date. Aspects under consideration are to strengthen the standing of consent in the constituent elements of the crime of rape and to make intercourse with children and young people punishable as rape. The working group will also evaluate the need for any additional reform of the sexual offence provisions. The report of the working group is due for completion in spring 2020.

223. While the majority of sexual offences are never reported to the police, the number of suspected rapes reported to the police has increased in the 2000s. In 2017, the police recorded 1,245 reports of rape, translating into an increase of around 25% over a decade. In rape cases proceeding to trial, the offender and the victim are usually known to each other. Only about one sixth of the cases prosecuted involved an unknown offender, while in one third of the cases the offender and the victim were married or in a relationship. In nearly all of the rape cases reported to the police, the victims are women and the offenders men. In 2017, around half of the victims were under the age of 20. Around one third of the offenders and slightly under half of the victims were intoxicated at the time of commission of the offence. It has been estimated that around one quarter of the offenders were foreign citizens. The suspects in rape crimes do not randomly represent the different population groups but instead on average come from groups of lower social status. The number of rapes reported to the police in 2018 was 1,393.

224. The number of cases of sexual abuse of a child reported to the police has increased considerably in the past decade. A particular rise in the number of these offences was seen in 2011–2013. Underlying this development are, at least in part, intra-family abuses or other serial abuses committed years earlier and only now reported. The reported number of cases of sexual abuse of a child declined somewhat for a few years since 2013 only to rise again in 2018. However, the statistics on this crime do not necessarily indicate a rise in the instances of the crime as a phenomenon but rather more the intense control put in place by the authorities and a heightened risk of detection, as also indicated by victim studies. Serial crime also has a considerable impact on crime statistics. Finland is aware of the greater opportunities afforded by the internet for the sexual abuse of children and young people, and is especially concerned over the phenomenon of grooming.

Hate crimes

225. Hate crimes reported to the police have been monitored in Finland for over 20 years. The statistics on hate crimes are compiled on the basis of national reports of crimes to the police.

226. In recent years, the police have stepped up their activities to identify and prevent hate crimes. According to the guidelines of the National Police Board of Finland, when taking a report of a crime the police should use the hate crime classification whenever there is reason to suspect that the case involves aspects of a hate crime. In 2017, the police used the classification in 39% of all hate crimes reported to the police, whereas in 2016 the percentage was 23%. One major reason underlying the increase in the classification rate is the enhanced special training on hate crimes provided to the police.

227. A national hate speech investigation team was established at Helsinki Police Department at the start of 2017 and tasked with investigating punishable hate speech on the internet. The increase in the number of hate crime-related reports in 2017 is indeed largely explained by reports made by this team, in which the offences concerned were ethnic agitation, defamation or menace.

Sentences of imprisonment

228. The number of sentences of imprisonment imposed in 2018 was 20,008, which was 4.4% higher than in the previous year. The decline in the number of sentences of imprisonment since 2004 came to a halt in 2018. Custodial sentences accounted for 28% of the sentences of imprisonment and conditional sentences for 64%.

Table 17.

Average duration of remand and custodial sentence

<i>Year</i>	<i>Average duration of remand (months)</i>	<i>Average duration of custodial sentence served by released prisoners (months)</i>
2009	3.5	8.7
2010	3.6	8.7
2011	3.5	9.0
2012	3.4	9.3
2013	3.5	10.0
2014	3.8	10.5
2015	3.6	10.6
2016	3.6	11.1
2017	3.7	11.3
2018	3.5	11.0

Source: Criminal Sanctions Agency.

229. The prison population in Finland has decreased by more than one third since the 1970s. Over the same period, the system of criminal sanctions has been augmented with new forms of sanction, such as the monitoring sentence.

Table 18.

Average daily number of prisoners

Year	Average daily number of prisoners						Available prison places (all prisons)
	Total	Women	Fine default prisoners	Remand prisoners	Foreign prisoners	Released from prisons	
2009	3 492	246	83	569	370	7 246	3 298
2010	3 291	246	57	599	394	6 506	3 113
2011	3 262	234	53	598	444	6 358	3 092
2012	3 236	224	49	626	470	6 073	3 089
2013	3 175	242	48	578	464	5 851	3 089
2014	3 097	239	52	619	483	5 700	3 083
2015	3 086	231	52	597	477	5 573	3 007
2016	3 120	229	57	585	537	5 531	2 959
2017	3 035	230	55	597	540	5 576	2 922
2018	2 910	218	59	547	482	5 531	2 975

Source: Statistical Yearbook 2018 of the Criminal Sanctions Agency.

230. Deaths in prison are fairly uncommon in Finland and their number has remained very constant in the past few years.

Table 19.

Deaths in prisons

Cause of death/Year	2011	2012	2013	2014	2015	2016	2017	2018
Suicide	7	2	2	2	2	2	2	2
Other	2	3	3	7	1	2	0	1

Source: Criminal Sanctions Agency.

Death penalty

231. Finland abolished the death penalty in 1972. In peacetime, the death penalty was last in use in Finland in the 1800s.

Status of victim of crime

232. Victims of crime are entitled to compensation for the damage caused to them by crime. Such damage may comprise personal injury, damage to property or purely financial loss. The compensation may be ordered payable in connection with the criminal proceedings when the proceedings have been consolidated. The Tort Liability Act (412/1974) governs orders of payment of compensation for damage, and the compensation is ordered payable by the party who caused the damage. Damage caused to a natural person or a decedent's estate may secondarily be compensable by the State pursuant to the Act on Compensation for Crime Damage (1204/2005). In such an event, the compensation already paid to the party who suffered damage shall be deducted from the compensation. No interest accrues on compensation paid under the Act on Compensation for Criminal Damage. Finland compiles no statistics on the amount of compensation for damage paid by those who caused the damage.

233. The status of the victim of crime, *i.e.* the injured party, in the criminal proceedings is strong in Finland by international comparison. Compensation ordered payable to the victim for a crime may primarily be claimed from the offender but also from the State Treasury, an insurance company or the Social Insurance Institution of Finland (Kela). The compensation

paid on the basis of the Act on the Compensation for Criminal Damage is fairly high in an international context. Victims of crime are also offered a wide range of advisory, guidance and support services which are furthermore subject to ongoing improvement. The drafting of criminal legislation also seeks to an increasing extent to take into account the status of victims of crime.

(s) General conscription

234. General conscription guarantees Finland's military security. As Finland is not a member of any military alliance, it is prepared to defend its territory relying on its own resources. General conscription generates enough resources for the Army, Navy and Air Force to act effectively in times of war and crises.

235. All Finnish men between the ages of 18 and 60 are liable for military service. Women can apply for voluntary military service. All men must either do military service or non-military service. Every man must attend a call-up the year he turns 18. Where and when conscripts will serve is determined during the call-up, as is also their fitness for service. If a conscript is not fit for service, he is exempt from peacetime military service. A conscript may serve later if he has a good reason to postpone his service. Women can apply for voluntary military service by sending an application to one of the Defence Forces' regional offices.

236. Military service lasts 165, 255 or 347 days. Non-military service currently lasts 347 days. After conscripts have completed their military service, they go into the reserve. Reservists can be ordered to attend refresher trainings and, when required, to defend Finland with arms.

II. General framework for the protection and promotion of human rights

C. Acceptance of international human rights norms

237. Please see Annex III.

D. Legal framework for the protection of human rights

(a) Fundamental rights and human rights safeguarded under national legislation

238. Section 1, subsection 2 of the Constitution of Finland guarantees the inviolability of human dignity. Under the same statute, the Constitution of Finland shall also guarantee the freedom and rights of the individual and promote justice in society. Under section 1, subsection 3 of the Constitution, Finland participates in international cooperation for the protection of peace and human rights and for the development of society. The said subsection is not exhaustively formulated and instead allows Finland to participate also in other forms of international cooperation. Subsection 3 also makes mention of Finland's membership in the European Union. Section 2, subsection 3 of the Constitution confirms the rule of law in Finland, stating that the exercise of public powers shall be based on an Act and that in all public activity, the law shall be strictly observed. In Finland, the emphasis in the rule of law is on the primacy of legislation, which expressly applies to written legislation. In addition, section 22 of the Constitution of Finland imposes on the public authorities the specific duty of observance of fundamental rights and liberties and human rights. Besides government, the said duty also applies in law-drafting and the administration of justice. Pursuant to the statute, public authorities shall refrain from violations of fundamental and human rights and are required actively to promote the realisation of these rights.

239. Finland complies with the general principles of safeguarding fundamental and human rights – their universality, indivisibility and interdependence – and applies these

without discrimination. The Constitution provides a universal guarantee of fundamental and human rights, as they are guaranteed to everyone within the jurisdiction of Finland.

240. The realisation of human rights and fundamental rights is often addressed as a single entity at the national level and the legal protection of human rights at the national level is often equated with the legal protection of fundamental rights. This is due to the substantive convergence of fundamental rights provisions and the human rights provisions enshrined in international human rights instruments as part of the fundamental rights reform implemented in 1995. Moreover, in Finland the human rights provisions exert an interpretational effect on the interpretation of fundamental rights provisions.

241. The civil and political rights as well as economic, social and cultural rights included in the Constitution of Finland are as follows:

section 1, subsection 2, and section 7: the individual's right of self-determination

section 6: equality; non-discrimination; equal treatment of children and gender

section 7: right to life, personal liberty, integrity and security; prohibition of the death penalty, torture and treatment in a manner violating human dignity; prohibition of arbitrary deprivation of liberty

section 8: principle of legality in criminal matters (nullum crimen, nulla poena sine lege)

section 9: freedom of movement and freedom to choose a place of residence; freedom to leave the country; prohibition of preventing citizens from entering the country and prohibition of their extradition; limited right of extradition and prohibition to extradite a foreign citizen to a country where they are at risk of being treated in a manner that violates human dignity

section 10: protection of private life, honour and the sanctity of the home; protection of the secrecy of correspondence, telephony and other confidential communications; protection of family life also included

section 11: freedom of religion and conscience

section 12: freedom of expression and publicity of official documents and recordings

section 13: freedom of assembly and association; right to arrange meetings and demonstrations; freedom to form trade unions

section 14: electoral and participatory rights; right of citizens of legal age to vote and stand for office in elections and to participate in societal activity

section 15: protection of property

section 16: educational rights; right to education and culture; freedom of science, the arts and higher education

section 17: linguistic rights; the right to use Finnish or Swedish before courts of law and other authorities; the right of the Sámi, Roma and other groups to maintain and develop their language and culture, and the rights of persons using sign language

section 18: right to work and freedom to engage in commercial activity; protection of the labour force; protection against unlawful dismissal

section 19: social rights; the right to the indispensable subsistence and care necessary for a life of dignity; the right to basic subsistence in the event of basic social risks; the right to adequate health and social services, promotion of the health of the population, support those providing for children, and the duty of the public authorities to promote the right of everyone to housing and the opportunity to arrange their own housing

section 20: the responsibility of everyone for nature and its biodiversity, the environment and the national heritage

section 21: protection under the law; the right to have cases dealt with appropriately by a court of law or another authority and the right to a fair trial and good governance

242. The Finnish system of the protection of fundamental rights underscores formal protection, or protection relating to the procedures observed. Fundamental rights may be amended and derogated from only and solely in the procedure for the enactment of constitutional legislation laid down in section 73 of the Constitution of Finland. The said procedure requires a legislative proposal to be left in abeyance in the second reading by a majority of votes cast until the first parliamentary session following parliamentary elections. The proposal shall then, once the Committee has issued its reports, be adopted without material alterations in open reading in a plenary session by a decision supported by at least two thirds of the votes cast.

243. In addition to formal protection, the general and special limitation requirements of the Constitutional Law Committee have become established requirements for limiting fundamental rights. The general requirements are as follows: enactment by an Act; sufficient delimitation and specificity; acceptability and the existence of a compelling societal need; inviolability of the core fundamental right; necessity and proportionality with objectives sought; adequate legal protection; and conformity of limitation with international obligations. The limitations correspond to the conditions for limiting human rights laid down in the European Convention on Human Rights (ECHR) and the case law of the European Court of Human Rights (ECtHR), and shall be interpreted in as consistent a manner with these as possible.

244. The Constitution of Finland contains a provision concerning provisional exceptions to fundamental rights and liberties that are compatible with Finland's international human rights obligations in exceptional circumstances. Provisional exceptions to fundamental rights deemed necessary in the case of an armed attack against Finland or in the event of other situations of emergency, as provided by an Act, which pose a serious threat to the nation may be provided by an Act or by a Government Decree to be issued on the basis of authorisation given in an Act for a special reason and subject to a precisely circumscribed scope of application.

(b) Human Rights Instruments in National Legislation

245. The acceptance of Parliament is required for such treaties and other international obligations that contain provisions of a legislative nature, are otherwise significant, or otherwise require approval by Parliament under the Constitution of Finland. The acceptance of Parliament is required also for the denouncement of such obligations. Finland's commitment to international human rights instruments is thus always subject to the approval of Parliament. In respect of international human rights instruments, Finland applies a dualistic model in which the obligations under international instruments are separately transposed into national law. In most cases, international instruments are implemented by incorporating them into national law by a brief blanket provision stating that the instrument is in force nationally.

246. The need to amend national legislation for consistency with new human rights obligations is determined before a human rights instrument is ratified. The mere enactment of a blanket Act making the instrument a part of national law may not suffice and instead ratification may necessitate the amendment of existing Acts or the enactment of new ones.

247. Under section 80 of the Constitution of Finland, the principles governing the rights and obligations of private individuals shall be governed by Acts, and all human rights instruments are thus also brought into force at the level of an Act. In the hierarchy of norms, human rights instruments binding on Finland have constitutional status.

248. The human rights guaranteed under international instruments constitute the minimum standard of the rights of the individual which may not be undercut in legislative drafting any more than in government or the administration of justice, but which may be exceeded. In practice, fundamental and human rights find concrete expression in norms at the level of an Act as well as in case law and other activity by public authorities.

(c) Oversight of Legality**Constitutional Law Committee of Parliament**

249. The supervision of the constitutionality of proposed legislation is mainly *ex ante* supervision carried out by the Constitutional Law Committee of Parliament. Under section 74 of the Constitution of Finland, the Constitutional Law Committee shall issue statements on the constitutionality of legislative proposals and other matters brought for its consideration, as well as on their relation to international human rights treaties. The Constitutional Law Committee is made up of Members of Parliament.

Courts

250. The *ex post* supervision of compliance with fundamental rights and human rights is based on the constitutional interpretation of the law by courts in the administration of justice and on their duty to not apply unconstitutional provisions. Under section 106 of the Constitution of Finland, where in a matter being tried by a court of law, the application of an Act would be in evident conflict with the Constitution, the court of law shall give primacy to the provision in the Constitution. Under section 107 of the Constitution, where a provision in a Decree or another statute of a lower level than an Act is in conflict with the Constitution or another Act, it shall not be applied by a court of law or by any other public authority. Section 107 of the Constitution applies to all authorities and the conflict need not be evident. Owing to the *ex ante* supervision by the Constitutional Law Committee, there is seldom need in Finland to rely on *ex post* supervision.

Parliamentary Ombudsman

251. Elected by Parliament for a term of four years, the Parliamentary Ombudsman exercises oversight to ensure that the courts and other authorities as well as public officials, employees of a public body and others in the performance of a public duty comply with the law and fulfil their duties. The Ombudsman oversees the legality of actions taken by the authorities primarily by investigating complaints received. The duties of the Ombudsman are governed by the Constitution of Finland and the Act on the Parliamentary Ombudsman (197/2002). The provisions laid down concerning the Parliamentary Ombudsman also apply, as applicable, to the Deputy Ombudsman. The institution of Parliamentary Ombudsman was established in Finland as early as 1920 and it is thus the second oldest of its kind in the world.

252. The Ombudsman may take matters under investigation on his own initiative. The Ombudsman also conducts on-site investigations in public offices and institutions. He has a special duty to make regular inspection visits to prisons and other institutions, such as psychiatric hospitals, in which persons can be confined against their will. Other places visited are units of the Defence Forces and Border Guard.

253. In his work, the Ombudsman concentrates on promoting fundamental and human rights. Additionally, when he makes presentations, issues statements or writes articles, he emphasises the importance of these rights in the performance of public tasks and legislative drafting. Besides advisory services and customer service, the Ombudsman actively provides the public with information about his activities. Together with the Human Rights Centre and its Delegation, the Parliamentary Ombudsman is a part of the Finnish National Human Rights Institution.

254. In 2014, the Parliamentary Ombudsman became the National Preventive Mechanism (NPM) under the Optional Protocol to the UN Convention against Torture (OPCAT). The position expands the competence of the Ombudsman to inspect all private places where people are, or may be, deprived of their liberty. These include, for example, detention facilities on board ships or aircraft, or in connection with certain public events. When carrying out duties in the capacity of the NPM, the Ombudsman may now rely on expert assistance, also from experts by experience. The Ombudsman furthermore has a statutory duty to promote, protect and monitor the implementation of the Convention on the Rights of Persons with Disabilities together with the Human Rights Centre and its Delegation. The monitoring of the rights of children has been assigned to one of the Deputy Ombudsmen.

255. The Parliamentary Ombudsman submits an annual report to Parliament, in which he reports on the state of administration of justice, public administration and the performance of public tasks, as well as on shortcomings observed in legislation.

Chancellor of Justice of the Government

256. The second supreme overseer of legality besides the Parliamentary Ombudsman is the Chancellor of Justice of the Government, whose duty it is to supervise the lawfulness of the official acts of the Government, the ministries and the President of the Republic. The Chancellor of Justice attends all the plenary sessions of the Government as well as presidential sessions, at which the President of the Republic makes decisions on proposals presented by the Government, and Government discussions. In practice, the supervision of legality is implemented by reviewing the presentation agendas that are submitted in advance to the Chancellor of Justice. The primary duty of the Chancellor of Justice is to promote the implementation of the rule of law as prescribed by the Constitution of Finland.

257. In 2018, the Chancellor of Justice moreover introduced a new procedure of advance supervision of legislative drafting and legislative proposals, the preliminary review of draft Government proposals significant to fundamental and human rights and the application of the rule of law. One element of the preliminary review is to determine whether fundamental and human rights are realised in the manner required under international instruments binding on Finland. The preliminary review also pays attention to the appropriate application of national latitude in the implementation of international conventions.

258. Upon request, the Chancellor of Justice must furnish the President, Government and Ministries with information and statements on legal issues. The statements are generally issued in writing, but in some cases, they are also presented as oral statements.

259. The Chancellor of Justice endeavours to ensure that the courts of law, other authorities and other persons or bodies assigned to perform public tasks comply with the law and fulfil their assigned obligations. The Chancellor of Justice is entitled to perform inspections of those authorities, institutions, offices and other units that fall within the scope of his supervisory authority.

260. The Chancellor of Justice oversees, from a public interest standpoint, the actions of attorneys-at-law to ensure that they are complying with the Advocates Act and the professional code of conduct for attorneys-at-law. The Chancellor of Justice has the right of appeal in matters concerning disciplinary sanctions imposed on attorneys-at-law, public legal aid attorneys and licensed attorneys. In the performance of oversight, the Chancellor of Justice pays attention *i.a.* to the realisation of the right to a fair trial as well as the realisation of fundamental and human rights also in other respects in matters involving attorneys-at-law, public legal aid attorney and licensed attorneys.

261. The Chancellor of Justice also oversees the realisation of fundamental and human rights in the performance of all duties of the Chancellor. This duty entails the handling of complaints as well as observations made through inspections and otherwise, as well as *i.a.* proactive oversight of legislation and supervision of the highest echelons of government and supervision of attorneys-at-law. The Chancellor of Justice may also take up a matter on his own initiative. Besides considering individual cases, the Chancellor of Justice also pays particular attention to supervising the structural prerequisites for the realisation of fundamental and human rights.

262. The President of the Republic appoints the Chancellor of Justice and the Deputy Chancellor of Justice and also names the substitute for the Deputy Chancellor of Justice. The Deputy Chancellor of Justice and his or her substitute independently resolve matters that are brought to their attention. The Chancellor of Justice is called upon to resolve, in particular, matters concerning the supervision of the Government, as well as matters of principle or of far-reaching consequence.

263. The Chancellor of Justice submits an annual report to Parliament and the Government on his or her activities and observations on how the law has been obeyed.

(d) Human rights in Finnish courts

264. Reference to fundamental and human rights has grown considerably more commonplace in case law, especially since Finland's accession to the European Human Rights Convention in 1990, the fundamental rights reform of 1995 and the entry into force of the new Constitution of Finland on 1 March 2000. Finland's accession to the European Union in 1995 also marked an increase in the weight given to fundamental and human rights. The original trailblazer in this respect was the Supreme Administrative Court, whose reference to the Covenant on Civil and Political Rights in 1988 was the first of its kind in Finnish legal history. In the same year, the Supreme Administrative Court issued the first ever ruling in which a reference to the Convention relating to the Status of Refugees was made by a Finnish court of highest instance.

265. Breaches of human rights obligations are catered for at the level of an Act when e.g. providing for extraordinary appeal. Namely, if a judicial or supervisory body competent to supervise international human rights obligations finds judicial error in the consideration of a case, the victim of the breach may file a complaint of court error. Today, direct reference to human rights conventions as well as to concluding observations issued by the Committees can also be found in the reasoning of the decisions of lower courts.

(e) Human rights violations and legal remedies

266. Any person who considers their human rights to have been violated has recourse to a court of law. In practice, a person may invoke their human rights in both civil cases, between two individuals, and in criminal cases before a general court of law, as well as in administrative cases before an administrative court. If the decision of an authority or, in certain cases an act by a private party, is found to contravene human rights provisions, the decision or act is overturned. Human rights may be invoked in all Finnish courts and at all court instances up to supreme courts.

267. When the human rights violation has caused damage, the victim of the violation is entitled to compensation in accordance with the Tort Liability Act. However, in order for liability to compensate to arise, it is usually required that the damage can be established, that it was caused by an error or omission on the part of the party which caused the damage, and that the party which caused the damage acted with negligence. The forms of compensable damage are moreover limited in the Tort Liability Act. In a supplementary manner, liability to compensate may be established by construing the Tort Liability Act with a human rights convention norm, for example Article 13 of the ECHR, when a given procedure is found to violate human rights without national legislation providing a de facto opportunity for appropriate compensation of the violation.

268. In Finland, compensation for damage is ordered payable on the principle of restitution, meaning that the compensation makes up for the entire loss caused to the party which suffered the damage. On the other hand, in Finland compensation for damage may not be excessive to the extent that subsequent to compensation, the party which suffered the damage is unjustly enriched. Punitive damages are also not in use in Finland. Since human rights in Finland are enshrined in law, the damage caused by a human rights violation is always unlawful, which in turn allows full compensation of personal injury, damage to property and purely financial loss. A public body may also be found liable to compensate but higher requirements apply in the exercise of public authority than in the exercise of private authority.

269. Where the human rights violation arises from a criminal offence, the victim of the violation, in this case the injured party in the criminal offence, may report the offence to the police for investigation. After pre-trial investigation and consideration of charges, the criminal matter is, as a rule, heard by the competent District Court. The Finnish system of sanctions in principle focuses on the offender and not the victim. Owing to the enforcement in Finland of the EU Directive on victims' rights (Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime), however, sound rights in criminal proceedings are guaranteed in Finland for the victims of crime, and Finland has moreover introduced a victim surcharge to fund support services for victims of crime, such as Victim

Support Finland. Criminal matters are also capable of mediation with the assistance of an impartial mediator to allow the mental and material harm caused to the victim as a result of the crime to be addressed and measures to make restitution for this to be agreed on the parties' own initiative.

270. In all government activities, the basic premise shall be interpretation of the law and action that is favourable for fundamental and human rights. The rule of law requires a public body to comply with the law in all of its activities. Since fundamental and human rights have been enshrined in law, any action that contravenes them, for example an administrative decision, is unlawful as a rule. Amendment of an unlawful administrative decision may be sought either by filing a claim for a revised decision or an appeal with an administrative court. Unlawful administrative decisions shall be overturned by the administrative court and the Supreme Administrative Court.

271. An administrative complaint concerning the unlawful conduct of an authority, a person employed by an authority or another entity performing a public administrative duty, or their failure to fulfil an obligation, may be filed by anyone. The complaint shall be filed with the authority that oversees the respective activities. Ultimately a complaint may always be filed with a supreme overseer of legality.

(f) Monitoring the realisation of human rights

Supreme overseers of legality

272. Finland has in place two supreme overseers of legality, the Parliamentary Ombudsman and the Chancellor of Justice of the Government (see paras 250–262). Under sections 108 and 109 of the Constitution of Finland, both overseers in the performance of their duties shall monitor the implementation of fundamental and human rights. They shall also annually report on their activities, observations of compliance with law and the state of the administration of justice and shortcomings observed in legislation.

Non-Discrimination Ombudsman

273. The Non-Discrimination Ombudsman is appointed by the Government for a term not to exceed five years. The Ombudsman is an independent and autonomous authority. The person appointed as Ombudsman is relieved from any other position for the duration of the appointment. The qualifications required of the Ombudsman are a master's degree, good knowledge of fundamental and human rights and the remit of the position, and proven leadership and management skills.

274. The task of the Non-Discrimination Ombudsman is to monitor compliance with the Non-Discrimination Act in the manner provided in the said Act and in general to promote equality and to prevent discrimination. The Ombudsman also serves as the National Rapporteur on Trafficking in Human Beings. The Ombudsman shall assist persons discriminated against in the investigation of their complaints of discrimination, provide assistance in the planning of measures to promote equality, issue general recommendations for the prevention of discrimination and the promotion of equality, and take measures towards reaching settlement in cases involving compliance with the Non-Discrimination Act. Besides promoting equality and addressing discrimination, the remit of the Ombudsman also covers monitoring the realisation of the rights of foreign citizens, the duties of the National Rapporteur on Trafficking in Human Beings, and monitoring the removal from the country of foreign citizens. In the performance of these duties the Ombudsman shall commission reports, submit initiatives, issue statements, promote the dissemination of information, education and training, and take part in European and international cooperation.

275. The Non-Discrimination Ombudsman has moreover been secured certain rights to enable the effective performance of the Ombudsman's duties, for example the right, secrecy provisions notwithstanding, to obtain, free of charge, from any authority or other entity performing a public administrative duty, the information necessary for the performance of the Ombudsman's monitoring duties provided in the Non-Discrimination Act and the Aliens Act. The Ombudsman also has the right to obtain from any authority or other entity

performing a public administrative duty, for example from a school, as well as from their employees, any facts pertinent to the performance of the Ombudsman's duties. In addition, the Ombudsman may conduct inspections on the premises of an authority, education provider and educational institution or provider of goods or services when such an inspection is necessary in matters falling within the competence of the Ombudsman in monitoring compliance with the Non-Discrimination Act. The Ombudsman is empowered to impose a conditional fine to enforce compliance with the obligation to provide access to information. When hearing a case concerning application of the Non-Discrimination Act, a court of law shall reserve the Non-Discrimination Ombudsman an opportunity to be heard inasmuch as the case falls within the Ombudsman's remit.

276. The Non-Discrimination Ombudsman submits to the Government an annual report on activities, in addition to which a report on the realisation of equality is submitted to Parliament at intervals of four years.

Ombudsman for Equality

277. The objectives of the Act on Equality Between Women and Men, i.e. the Equality Act (609/1986), are to prevent discrimination based on gender, to promote equality between women and men, and thus to improve the status of women, particularly in working life. Furthermore, it is the objective of the Act to prevent discrimination based on gender identity or gender expression. Compliance with the Equality Act is monitored by the Ombudsman for Equality, who is appointed by the Government for a term not to exceed five years. The Ombudsman for Equality is an independent and autonomous authority within the administrative branch of the Ministry of Justice.

278. The Ombudsman monitors compliance with the prohibitions under the Equality Act against discrimination and the obligations under the Act to promote equality in respect of discrimination based on gender, gender identity or gender expression. In addition, the Ombudsman shall, by means of initiatives, advice and guidance, promote the accomplishment of the objectives of the Equality Act and provide information on equality legislation and its application in practice. Upon observation of non-compliance with the obligations laid down in the Equality Act or other breach of the provisions of the Act, the Ombudsman shall provide advice and guidance to ensure that the unlawful conduct is not continued or repeated. In addition, the Ombudsman may take measures towards reaching settlement in cases involving discrimination within the meaning of the Equality Act. In cases of discrimination, the Ombudsman shall issue an opinion on the interpretation of the Equality Act. The opinions issued by the Ombudsman are given by way of recommendation.

279. The Ombudsman for Equality has the right to obtain from the authorities, free of charge, the information necessary for monitoring compliance with the Equality Act, the provisions laid down on the confidentiality of matters or documents notwithstanding. The Ombudsman also has the right to receive information that is necessary in order to monitor compliance with the Equality Act from all relevant parties, for example an employer, within a reasonable period as specified by the Ombudsman, as well as the right to demand that they present any document that they possess, unless the person has the right or responsibility under law to refuse to testify or present the document. The Ombudsman moreover has the right to carry out inspections at a workplace, educational institution, organisation representing labour market interests, or the business facilities of a provider of goods and services, if there is reason to suspect that actions have been taken that are contrary the Equality Act or that the obligations concerning equality laid down in the Act have not otherwise been complied with. For the performance of these duties, the Ombudsman is entitled to obtain executive assistance from other authorities in carrying out inspections. The Ombudsman may additionally provide advice, for example in the preparation of an equality plan.

280. The Ombudsman for Equality submits to the Government an annual report on activities, in addition to which a report on the realisation of equality is submitted to Parliament at intervals of four years.

Ombudsman for Children

281. The Ombudsman for Children is an independent and impartial central government authority whose mandate is based on the Act on the Ombudsman for Children (1221/2004). Under the Act, the Ombudsman has a duty to protect the interests and rights of children across society. The Ombudsman does not have authority over the affairs of individual children or families, and cannot overturn the decisions of other authorities. The Ombudsman works in close cooperation with other public authorities, local governments, regional councils, researchers, non-governmental organisations, religious groups, businesses, other parties involved in the execution of policies concerning children, and a range of children's rights experts.

282. Together with the Parliamentary Ombudsman, the Ombudsman for Children makes up the national supervisory body for the rights of children required by the UN Committee on the Rights of the Child. Under law, the Ombudsman for Children has the following duties:

- Ensuring the well-being of children and young people and protecting their rights;
- Promoting the interests of children;
- Consulting children and young people and communicating their views to the decision-makers;
- Disseminating information about children's rights to government authorities and organisations that deal with children as well as to the general public;
- Encouraging cooperation between the parties involved in the execution of policies concerning children;
- Promoting compliance with the UN Convention on the Rights of the Child.

283. The Ombudsman for Children reports to the Finnish Government once a year and to the Parliament of Finland once every four years. The Ombudsman also reports on the welfare and status of children and young people to the UN Committee on the Rights of the Child by submitting its own report to the Committee in connection with the review of the Government's periodic report. The Ombudsman's annual report includes an overview of the Ombudsman's work during the year, the status of the rights of children, progress made in respect of the welfare of children and any legislative issues that have come to the Ombudsman's attention.

Data Protection Ombudsman

284. The Office of the Data Protection Ombudsman is an independent and autonomous authority. The Data Protection Ombudsman and the Deputy Data Protection Ombudsmen are appointed by the Government for a term of five years at a time.

285. The Office of the Data Protection Ombudsman has i.a. the following duties:

- Supervising compliance with data protection legislation and other laws concerning the processing of personal data;
- Promoting awareness of the risks, rules, safeguards, obligations and rights related to the processing of personal data;
- Carrying out investigations and inspections;
- Imposing administrative sanctions for violations of the GDPR;
- Issuing statements on legislative and administrative changes that affect the protection of the rights and freedoms of individuals with regard to the processing of personal data;
- Issuing statements on offences involving the processing of personal data;
- Supervising the processing of credit status information and corporate credit ratings;
- Processing requests for issuing orders with regard to the rights of data subjects and notifications of other violations related to the processing of personal data;

- Receiving declarations of Data Protection Officers;
- Receiving reports of personal data breaches;
- Drawing up a list of circumstances in which a data protection impact assessment is required;
- Evaluating prior consultations concerning high-risk data processing;
- Approving code of practice and standard clauses;
- Encouraging the adoption of certificates, accrediting certification bodies and revoking issued certificates;
- Cooperating with the EU's other data protection authorities within the scope of the one-stop-shop principle and referring matters to the European Data Protection Board when required.

Intelligence Ombudsman

286. Upon the adoption by Parliament of the new Act on the Oversight of Intelligence Gathering (121/2019), the position of Intelligence Ombudsman was established in connection with the Office of the Data Protection Ombudsman to oversee the legality of intelligence activities. The Ombudsman is an autonomous and independent authority appointed by the Government for a term of five years at a time. Before making its appointment, the Government shall reserve for the Intelligence Oversight Committee of Parliament an opportunity to be heard on the matter.

287. In its capacity of overseer of the legality of intelligence activities, the Intelligence Ombudsman has the following duties:

- Supervising the legality of the use of intelligence gathering methods and intelligence information as well as other intelligence activities;
- Supervising the realisation of basic and human rights in intelligence activities;
- Promoting the realisation of legal protection and the related best practices in intelligence activities;
- Monitoring and assessing the functionality of legislation within the Ombudsman's purview and making development proposals that the Ombudsman considers necessary.

288. The Intelligence Ombudsman must, without delay, be informed of all claims made to courts of law concerning intelligence gathering methods as well as authorisations of intelligence gathering methods issued by courts of law and decisions taken by intelligence authorities. The Ombudsman has the right to obtain the information and reports required for the performance of its oversight duties from the authorities and other entities performing public administrative duties. The Ombudsman may also carry out inspections on the premises of public authorities and other parties with public administration duties for the purpose of overseeing the legality of intelligence activities in matters falling within the competence of the Ombudsman. In the context of such inspections, the Ombudsman has the right of access to all premises and information systems necessary for oversight. The Ombudsman has the right to attend and to be heard in court upon consideration of an authorisation for an intelligence gathering method, and also the right to appeal against the decision of the court.

289. Anyone who believes that their rights have been violated in connection with intelligence activities or that other illegal actions have been taken may file a complaint with the Intelligence Ombudsman in a matter within the Ombudsman's purview. Due to a complaint, the Ombudsman takes those measures the Ombudsman considers necessary with regard to the legality of intelligence activities, the realisation of fundamental and human rights, or the realisation of legal protection. A report deemed necessary by the Ombudsman is obtained in the case.

290. Anyone who has been subject of intelligence gathering or suspects that they have been subject to intelligence gathering can ask the Intelligence Ombudsman to investigate

the lawfulness of the used intelligence gathering methods. The Ombudsman may order the use of an intelligence gathering method to be suspended or stopped if the Ombudsman considers that the authority acted illegally in the course of its intelligence activities.

291. The Intelligence Ombudsman submits a report on its activities each year to Parliament, the Parliamentary Ombudsman and the Government and forwards any significant oversight findings for the consideration of the Intelligence Oversight Committee of Parliament.

(g) Regional human rights mechanisms

Council of Europe and European Court of Human Rights

292. Finland acceded to the Council of Europe in 1989. The European Convention on Human Rights (ECHR) was ratified by Finland in 1990 and at the same time Finland accepted the competence of the European Court of Human Rights (ECtHR). Owing to the aforementioned dualistic model, the ratification of the ECHR required Finland to enact numerous legislative amendments, and a simple blanket enforcement was thus not an option. In the context of the ratification, Finland recognised both the competence of the then Human Rights Committee to consider communications from individuals as well as the competence of the ECtHR. The enforcement took place by enacting an Act adopted in procedure for constitutional enactment, i.e. with two thirds majority of Parliament. Accepting the competence of the ECtHR did not require amendment of the Constitution of Finland, however.

293. The Parliament of Åland was also required to approve the Act in order for the ratification to be accomplished. The authentic versions of the ECHR in Finland are its English and French versions. The first reference made to the ECHR in case law appears in a judgment issued by a Court of Appeal on 12 September 1990 (Article 6 ECHR). The Supreme Court as well in its rulings has started to invoke the ECHR and the judgments of the ECtHR as an element of its ‘human rights-friendly’ interpretation of law.

294. The total number of judgments issued by the ECtHR in cases involving Finland is 190, and in 141 of these the judgment was made against the State. In Finland, the case law of the ECtHR has impacted on i.a. the interpretation of rights concerning freedom of expression and protection of privacy as well as striking a balance between these rights. Many of the judgments finding breach of the reasonable-time requirement have led to the adoption of legislation concerning compensation for legal proceedings of excessive duration, whereas in cases involving the principle of *ne bis in idem* in taxation, the Finnish Supreme Court has in certain respects adopted a stricter approach than the ECtHR.

295. In Finland, the execution of the judgments of the ECtHR is monitored and coordinated by the Government Agent before the ECtHR, who is the head of the Unit for Human Rights Courts and Conventions at the Ministry for Foreign Affairs. The measures to execute the judgments (apart from payment of compensation and distribution of judgment) are assessed by the sectoral ministries in cooperation with the Government Agent, who also prepares all plans and reports of action.

296. To date, a total of 173 cases to which Finland has been party have been submitted to the Council of Europe’s Committee of Ministers for supervision of execution. Of these, 144 cases have been closed by final resolution while 29 cases remain pending. In these, national execution measures have been undertaken but reports on action are yet to be completed.

European Union

297. Besides the constitutions of the EU Member States, human rights and fundamental rights have also been strengthened in the Charter of Fundamental Rights of the European Union. Regulation to promote fundamental rights has moreover been put in place within the EU. While the Charter complements national systems, it does not replace them. Where the fundamental rights of individuals are not respected, it is up to the national courts to decide such cases. In special cases where a Member State fails to comply with EU law and violates the rights of an individual, the European Commission may bring an action against the Member State in the Court of Justice of the European Union.

E. Framework for the promotion of human rights

(a) Parliament of Finland

298. The basic premise is the equal value of all human rights and civil and political rights as well as economic, social and cultural rights along with all other human rights. All human rights are equally important, and they are mutually interdependent. Human rights obligations are binding on those exercising public authority at all levels: national, regional and local. Under section 124 of the Constitution of Finland, a public administrative task may be delegated to others than public authorities only by an Act or by virtue of an Act, if this is necessary for the appropriate performance of the task and if fundamental rights and liberties, legal remedies and other requirements of good governance are not endangered. In such an event, the party to which the task has been delegated shall also, in its activities, respect fundamental and human rights and comply with Finland's international obligations.

299. Pursuant to section 3 of the Constitution of Finland, legislative power in Finland is exercised by Parliament, which also decides on State finances. In its exercise of legislative power, Parliament must comply with the law. Among other things, Parliament already during legislative drafting must ensure that an Act is not unconstitutional and thus contrary to fundamental and human rights. Attention to fundamental and human rights in legislative drafting is paid i.a. during the procedure for obtaining statements and in consideration by the Government, both of which take place before an Act is adopted and enters into force.

300. Under section 35 of the Constitution of Finland, for each electoral term, Parliament appoints the Grand Committee, the Constitutional Law Committee, the Foreign Affairs Committee, the Finance Committee, the Audit Committee and the other standing Committees provided in the Parliament's Rules of Procedure. The principal function of the Constitutional Law Committee is to issue statements on bills sent to it for consideration and on the constitutionality of other matters and their bearing on international human rights instruments. The Constitutional Law Committee drafts the Constitution as well as legislation closely connected to it, such as the legislation pertaining to autonomy of Åland, election, citizenship, language and political parties. The Constitutional Law Committee is a permanent special committee of Parliament.

301. The Constitutional Law Committee shall consist of at least 17 members who are appointed from among the Members of Parliament. The Committee is responsible for legislative drafting in matters concerning enactment or amendment of the Constitution or legislation closely related thereto. The reports of the Committee usually address appropriateness aspects and may also put forward interpretation of the Constitution of Finland. Upon request of another Committee or the plenary session of Parliament, the Committee shall submit opinions in which it assesses the constitutionality of the legislative drafting projects in hand and their relationship with international human rights conventions. The opinion of the Committee is usually requested on legislative drafting projects where the relationship of the proposed legislation with the Constitution is unclear or on the subject matter of which the Committee has issued no earlier opinion.

302. With the Constitutional Law Committee responsible for the constitutionality of legislation, it is customary for the Committee, for example when preparing an opinion, to consult experts in constitutional law and, from time to time, also other branches of law, in accordance with established practice and in reliance on the Parliament's Rules of Procedure. The Committee has consulted extensively with law researchers and professors. The institution of consultation of experts by the Constitutional Law Committee has become so established, commonplace and extensive in terms of persons involved that it may de facto be considered the Committee's most important tool in the ex ante supervision of the constitutionality of legislation. The consultation procedure itself in many cases takes place in writing, i.e. experts are asked to submit a written opinion on the matter in hand.

(b) Local Government

303. Human rights shall also be promoted at the level of local government. This obligation is based on section 22 of the Constitution of Finland, in which 'public authorities' refers to both central and local government. The duty of the public authorities

to guarantee fundamental rights and liberties and human rights is an extension of the sanctions-containing human rights system, as is made apparent by the fact that the said provision equates fundamental rights and human rights. However, no sanctions are in place in respect of the duty of local government to guarantee fundamental rights and human rights. The legal interests in fundamental and human rights nonetheless converge to such an extent that action by the public authorities in many cases accomplishes both objectives.

(c) National Human Rights Institution (NHRI)

304. The National Human Rights Institution of Finland consists of the Human Rights Centre and its Delegation together with the Parliamentary Ombudsman. The National Human Rights Institution of Finland was accredited with status A in the years 2014 and 2019.

305. The NHRI as a whole promotes, protects and monitors the implementation of the UN Convention on the Rights of Persons with Disabilities on the basis of an Act, in accordance with Article 33(2) of the Convention.

306. An additional focus in the activities of the NHRI is the promotion of the rights of older persons with the aim of strengthening the legislative perspective in activities and decision making related to older persons as well as more extensively with regard to attitudes.

Human Rights Centre

307. The Human Rights Centre started its operation in March 2012. Its duties are laid down in the Act on the Parliamentary Ombudsman. The Human Rights Centre is an autonomous and independent expert institution whose task is to promote the implementation of fundamental and human rights and to increase cooperation and exchange of information between various actors. It is administratively connected to the Office of the Parliamentary Ombudsman.

308. The statutory tasks of the Human Rights Centre are:

- To promote information provision, training, education and research on fundamental and human rights;
- To draft reports on the implementation of fundamental and human rights;
- To take initiatives and give statements for the promotion and implementation of fundamental and human rights;
- To participate in European and international cooperation related to the promotion and protection of fundamental and human rights;
- To perform other similar tasks associated with the promotion and implementation of fundamental and human rights;
- To promote, protect and monitor the implementation of the UN Convention of the Rights of Persons with disabilities.

309. The Centre does not handle complaints or other individual cases.

310. The Centre monitors compliance with international human rights instruments in Finland, the implementation of concluding observations adopted by international treaty monitoring bodies concerning Finland, and the execution of judgments and other rulings of the EctHR and other international treaty bodies.

311. The Centre engages in extensive international cooperation within the European Network of National Human Rights Institutions (ENNHRI) and the Global Alliance of National Human Rights Institutions (GANHRI) as well as their thematic working groups.

Human Rights Delegation

312. The Human Rights Centre has a 20 to 40-member Human Rights Delegation whose members broadly represent the Finnish human rights actors. The Delegation's composition is diverse in terms of expertise as well as representative, and the selection process is

transparent. The Delegation functions as a cooperative body in the field of fundamental and human rights and helps to intensify information flow between the different actors. It also deals with human rights issues of a far-reaching significance and principal importance. The Delegation regularly submits initiatives and opinions on topical fundamental and human rights issues and strives to advocate for them i.a. in domestic human rights policy. The Parliamentary Ombudsman appoints the Delegation for a term of four years at a time after consulting the Director of the Human Rights Centre, who also chairs the Delegation. The Delegation selects its Vice Chair. The Delegation convenes two to four times per year.

313. The meetings and work of the Human Rights Delegation are prepared, together with the Human Rights Centre, by a working committee made up of 6–8 Delegation members. The Delegation is also empowered to establish divisions to which it appoints the members from among its number. Divisions may be appointed for the purpose of preparing and considering specific tasks. A permanent division of the Delegation is the Disability Rights Committee, which takes part in the duties defined in Article 33(2) of the UN Convention on the Rights of Persons with Disabilities in the manners determined in the Rules of Procedure of the Delegation. The Delegation may also establish temporary divisions as necessary.

(d) Government network of fundamental and human rights contact persons

314. The Government network of fundamental and human rights contact persons serves to strengthen the realisation of fundamental and human rights in Finland. The duties of the network include monitoring the fundamental and human rights situation in Finland and the national implementation of international obligations and Government fundamental and human rights policy. The network also takes part in strengthening internal coordination within the Government and dialogue in fundamental and human rights issues. In addition, the network initiates studies and development projects aiming at producing information on the realisation of fundamental and human rights in Finland and promoting their realisation. All ministries are represented in the network, which also includes experts from the Parliamentary Ombudsman and the Chancellor of Justice of the Government and the Human Rights Centre.

315. One of the key duties of the Government network of fundamental and human rights contact persons is to supervise the implementation of the National Action Plan on Fundamental and Human Rights. The establishment of the network has provided a new tool for the systematic monitoring of plan implementation. The network holds regular meetings and drafts its own agenda independently. The network frequently engages in analysis and benchmarking of recommendations issued pursuant to international human rights instruments and monitors their implementation. Increased communication between stakeholders may also be attributed to the network of fundamental and human rights contact persons.

F. Publication, dissemination and awareness of human rights instruments

(a) Awareness of Human Rights

316. The Finnish and Swedish translations of human rights instruments are published in the Treaty Series of the Statute Book of Finland. The Statute Book is available at major public libraries, in addition to which the instruments may be reviewed online in the Finlex internet service on legal information (www.finlex.fi/en) and the website of the Ministry for Foreign Affairs (<https://um.fi/kahdenvaliset-ja-monenvaiset-sopimukset>). Free internet access is provided in Finland by e.g. public libraries.

317. The periodic reports of the Government on the implementation of the instruments are published on the Ministry for Foreign Affairs website (<https://um.fi/kahdenvaliset-ja-monenvaiset-sopimukset>), which also provides concluding observations in three languages (English, Finnish, Swedish).

National Action Plan on Fundamental and Human Rights

318. In raising awareness of human rights, the National Action Plans on Fundamental and Human Rights for 2012–2013 and for 2017–2019 have played an instrumental role. The third National Action Plan on Fundamental and Human Rights 2020–2023 is currently being drafted. It will focus on the development of fundamental and human rights indicators. A systematic monitoring system will be developed to monitor the implementation of fundamental and human rights, based on measurable indicators.

319. As regards the second National Action Plan on Fundamental and Human Rights for 2017–2019, the Government took a decision in principle to accept the Action Plan on 16 February 2017. The objective of the Action Plan was to promote the obligation of the public authority to guarantee the observance of fundamental rights and liberties and human rights as stipulated in Section 22 of the Constitution of Finland. The measures taken under the Action Plan were designed to act on identified problems with fundamental and human rights and to complement the work being carried out in various policy sectors to promote fundamental and human rights.

320. In preparing the Action Plan, particular note was taken of the recommendations to Finland from international treaty monitoring bodies, the views of the overseers of legality and the special ombudsmen, as well as the areas of concern raised by civil society organisations. The main areas the National Action Plan focused on fundamental and human rights education, equality, the right to self-determination as well as fundamental rights and digitalisation. The Action Plan included a total of 43 projects and it strived to provide a framework for the realisation of human rights over a given period of time in spite of numerous changes in society taking place over the same time period.

321. The selected priority areas in the Action Plan were broad in scope and covered horizontal themes, i.e. themes relevant to the mandate of several ministries. The priority areas allowed for every ministry to participate in the implementation of the objectives and measures of the Action Plan. The selection of horizontal themes also promoted the development of cooperation in the realisation of fundamental and human rights across the ministries' sectoral boundaries.

322. The Action Plan was also designed to improve awareness of fundamental and human rights both among certain professional and population groups and among the general public. The implementation of the Action Plan was also envisioned to ensure consistency in Finland's national and international fundamental and human rights policies.

323. Indicators were defined for each measure in the Action Plan for monitoring their implementation. The indicators were primarily general indicators of implementation. The work on indicators has been continued within the framework of the Action Plan through developing equality indicators and a fundamental rights barometer.

324. With regard to education and training in fundamental and human rights, projects under the Action Plan have strengthened the fundamental and human rights competence of Government officials, developed the assessment of fundamental and human rights impacts of statute projects, promoted fundamental and human rights education and training in schools, and increased knowledge of fundamental and human rights among asylum seekers. The Action Plan also comprised a national fundamental rights barometer implemented in 2019 as a complement to the Fundamental Rights Survey of the EU Agency for Fundamental Rights to determine the views, experiences and awareness of fundamental and human rights and their realisation in Finland among Swedish, Russian and Arabic speakers as well as persons with disabilities.

325. The education and training projects under the Action Plan have also involved partners outside the Government, such as the Human Rights Centre, the Finnish National Agency for Education, the Sámi Parliament and the teacher education programme at the University of Helsinki.

326. The Action Plan stated that increasing research-based information and lowering the threshold for reporting discrimination are key means for improving identification of discrimination and for making it visible, and that discrimination can be prevented by influencing the attitudes and perceived security of various groups as well as interaction

between them and their inclusion in society. Projects under the Action Plan have i.a. increased awareness of equality, influenced attitudes and the culture of civic debate, promoted the development of good relations between population groups, improved the equal opportunities of different population groups, supported equality planning in local government, and increased the capacity of the Government to assess the realisation of equality, to identify and address discrimination, and to promote equality. As a part of the Action Plan, the discrimination monitoring group also established a set of equality and discrimination indicators to monitor the following five sectors: 1) attitudes, 2) experiences and observations of discrimination, 3) judgments and complaints concerning discrimination, 4) hate crimes and hate speech, and 5) equality promotion. Research data and statistical data relating to these monitored thematic sectors are compiled regularly on a monitoring indicator page on the website www.yhdenvertaisuus.fi.

Awareness of human rights in the education system

327. Human rights have been built into all sectors of the new national curriculum for basic education that took effect in August 2016. Democracy education and equality education are moreover catered for in the vocational education of persons working with children and young people, and also included as themes in the further and continuing education provided to them. Equality work is moreover carried out expressly in basic education and early childhood education and care. A joint project of the Human Rights Centre, the Ministry of Justice and the University of Helsinki launched in 2018 examines ways to make democracy education and human rights education a component of teacher education and school culture in a manner that goes beyond the occasional theme day. The contents of democracy education and human rights education are at the core of the professional skills of teachers and are only growing in importance in our increasingly diverse society. The project is a part of the wider DINO (Development of democracy and human rights education and promotion of youth participation) coordination project of the Ministry of Justice for the development of education for democratic citizenship and human rights education as well as the involvement of young people.

(b) Fundamental and human rights research

328. The status of fundamental and human rights research in Finland is good. Finland has solid expertise in this field of research, which has become an established discipline over the past few decades. Finland has taken note of the high volume of human rights research as well as the multidimensionality of its content. While human rights research is primarily carried out at universities and their research institutions, research is also generated in other quarters including governmental research facilities, the Government and the ministries, CSOs and consultancy agencies, and independent researchers. Multidisciplinarity is appreciated, as it is perceived to enrich all parties taking part in the research and to enhance the thinking of the researchers owing to the multiple approaches adopted in the research.

329. The research has come on an established footing in tandem with the incorporation of fundamental and human rights into the laws of Finland. To date, the focus in the research has been on fundamental rights, which is reflected i.a. in the fact that most of the research is published in Finnish or Swedish, although in recent years English-language research publications have become more commonplace. The number of courses and study modules offered in Finnish in fundamental and human rights has nonetheless been considered low, and this has been reflected in the choice of research topics.

330. Relevant research at universities may be carried out in several faculties but the emphasis is on the disciplines of law and public law. Research institutions specialising in fundamental and human rights have also been established in Finland under the auspices of universities. The remit of certain governmental research institutions separate from universities, such as the Finnish Institute for Health and Welfare (THL) and the Finnish Institute of International Affairs (FIIA), includes the generation of societally useful sectoral research. The researchers at these institutes address fundamental and human rights in their research. Central government authorities, such as the Government and individual ministries, also commission research into fundamental and human rights in order to make use of the findings in decision-making and legislative drafting.

(c) Role of civic participation in the promotion of human rights

331. In Finnish democracy, the Constitution of Finland guarantees the right of the individual to participate in and influence the development of society and his or her living conditions. Official channels for civic participation consist of voting, the citizens' initiative, and CSOs and political organisations. Civic participation moreover includes communication with Members of Parliament and members of local councils, lobbying and consultations of experts, public debate, petitions, and sometimes also boycotts and demonstrations.

332. Under Finnish legislation, authorities must act in an open and transparent manner. Citizens must be provided with opportunities to protect their rights and interests, receive information about decisions being prepared by authorities, and influence decision-making on matters that concern them. Public authorities must consult citizens when they prepare matters that affect the citizens' lives. Under the Act on the Openness of Government Activities, the activities of authorities are guided by the principle of openness. Official documents, for example, are in the public domain as a rule. Authorities must also inform the public about their activities and services as well as about the rights and obligations that private individuals and corporations have in matters falling within the authorities' field of competence. Everyone has the right to receive information about matters being prepared by authorities and participate in and influence the development of society and their own living environment. Online democracy services allow citizens and stakeholders to participate in the preparation of matters and to contribute to decision-making.

333. Consultation is an integral part of the law drafting process in fundamental and human rights. Consultation refers to a stage of the law drafting process where the key stakeholders' views, knowledge and experiences of the matter being prepared are obtained. The purpose of consulting citizens and stakeholders is to ensure that the law drafting process is open, transparent and of high quality.

(d) Budget allocations to human rights

334. Budget appropriations for promoting human rights include in particular appropriations in the administrative branch of the Ministry of Justice for national human rights issues and in the administrative branch of the Ministry for Foreign Affairs for development cooperation.

(e) Development Cooperation

335. In 2019, Finland's development cooperation appropriations of EUR 989 million represent 0.41% of the gross national income (GNI). The appropriations will be used to fund the official development assistance (ODA) and for other development cooperation activities.

336. The Ministry for Foreign Affairs is responsible for Finland's exclusive ODA budget item. The funds thereunder are used for e.g. bilateral development cooperation between Finland and its partner countries, support for work done by the UN agencies, development banks and Finnish CSOs, and humanitarian aid.

337. In statistics, other development cooperation funding covers costs arising from the reception of refugees, Finland's contribution to the European Union's development cooperation budget, and other disbursements falling under development assistance in various administrative sectors. It also includes an estimate of the investments made by the Finnish Fund for Industrial Cooperation Finnfund in 2019, which are considered to fall under development cooperation activities and an estimate of other development policy investments.

338. Finland has pledged to reach the ODA target level of 0.7% as a proportion of GNI.

339. The ten biggest partner countries or regions in 2018 were Afghanistan, Ethiopia, Nepal, Indonesia, Kenya, Mozambique, Tanzania, Somalia, Syrian Arab Republic and Vietnam

340. Finland is committed to channelling annually about 10% of its development aid appropriations for humanitarian aid directed to official development assistance recipient countries. Finnish aid is directed to countries that have made a formal aid request to the UN, provided that their humanitarian situation has been subject to a reliable needs assessment and a UN-coordinated consolidated appeal has been made by humanitarian aid organisations. When making an aid decision, Finland considers several factors: the extent of the crisis, the proportion of the population affected by it, the numbers of dead and sick, those in need of emergency aid and acutely malnourished children under the age of five. The Ministry for Foreign Affairs channels its funds for humanitarian aid through UN bodies, the international Red Cross movement and Finnish aid organisations.

G. Reporting procedure at the national level

(a) National coordination of periodic reporting

341. In Finland, the periodic reports on the core human rights treaties of the UN and the Council of Europe as well as the UN Universal Periodic Review (UPR) have been centralised on the Unit for Human Rights Courts and Conventions at the Ministry for Foreign Affairs. The Ministry prepares and coordinates the draft reports, finalises the reports and forwards these to the Committees. In addition, the Ministry conducts the preparations for Finland's participation in the hearings by the treaty bodies and also coordinates the comments of the Government on the draft general comments/recommendations of the treaty bodies.

(b) Involvement of governmental and non-governmental bodies

342. The periodic reports submitted to the international treaty bodies are prepared openly at the Ministry for Foreign Affairs in collaboration with the other ministries and in consultation with the overseers of legality, special ombudsmen, advisory boards, churches and religious communities, and civil society. The Ministry for Foreign Affairs prepares the draft report circulated for comments and submitted for consultation. Opinions on the draft reports are invited i.a. via the online service Lausuntopalvelu.fi which allows also private individuals to submit their contributions.

343. The National Human Rights Institution represented in international cooperation by the Human Rights Centre is also extensively involved in periodic reporting by drafting its own opinions at the various stages of the reporting process, by organising events relating to the reports, by providing guidance to CSOs and by taking part in hearings before the treaty bodies.

(c) Draft report hearings

344. The Ministry for Foreign Affairs organises national hearings on the draft reports to allow direct interaction between the authorities and civil society.

(d) Follow-Up on and distribution of concluding observations

345. The concluding observations are translated into Finland's national languages, Finnish and Swedish, and also, as necessary, into Northern Sámi in respect of recommendations concerning the Sámi. The Government issues a press release on the concluding observations of the UN treaty bodies, in addition to which the concluding observations are also directly distributed to the President of the Republic, Parliament, the ministries, the supreme courts and overseers of legality, the National Human Rights Institution, special ombudsmen, advisory boards, the Association of Finnish Local and Regional Authorities, the Åland Government, churches, religious communities, human rights institutes at universities and numerous CSOs. The language versions of the concluding observations are made available on the Ministry for Foreign Affairs website.

346. The Government network of fundamental and human rights contact persons considers the recommendations issued to Finland and strives for its part to promote their

implementation in the ministries. The implementation of the concluding observations is also addressed at seminars.

H. Other information relating to human rights

Agenda2030

347. The Prime Minister's Office assumed responsibility at the start of 2016 for coordinating the national implementation of Agenda2030 and for the national sustainable development policy by means of secretariat to the National Commission on Sustainable Development. The coordination secretariat established at the Prime Minister's Office plans, prepares, coordinates and ensures the national implementation of Agenda2030. The coordination secretariat consists of representatives of the general secretariat of the National Commission on Sustainable Development, the Ministry for Foreign Affairs and the Prime Minister's Office.

348. The National Commission on Sustainable Development, which is chaired by the Prime Minister, is a key actor responsible for monitoring and assessing the implementation of Agenda2030. The Commission is tasked with integrating the implementation of Agenda2030 as a part of national sustainable development efforts. A second duty of the Commission is to promote, monitor and assess the implementation of the national Society's Commitment to Sustainable Development and to communicate its results. The Expert Panel on Sustainable Development hosted by the Finnish Innovation Fund Sitra prepares, challenges and evaluates the work of the Commission and the progress made on the Commitment.

349. A second key actor in the implementation of Agenda2030 is the Development Policy Committee. Whereas the National Commission on Sustainable Development monitors and assesses progress in sustainable development mainly in Finland and from the perspective of national policy action, the Development Policy Committee looks outward from Finland to monitor and assess the realisation of Finland's development policies and international commitments. It monitors the implementation of Agenda2030 with regard to Finland's development policy and supervises the implementation of the Government Programme and the Government's development policy.

350. The Government prepared a National Action Plan for the implementation of Agenda2030 and the plan was incorporated into the Government Programme. The foundation for the implementation of Agenda2030 consists of the Government's policy and legislative action and the enforcement of national and international instruments and strategies binding on Finland. Numerous strategies, programmes and measures that directly implement or support Agenda2030 are implemented in the various administrative branches.

351. To this end, a study on Finland's capabilities and baseline situation in implementing Agenda2030 was carried out. The study mapped the areas where Finland has the greatest gaps to overcome and those where it has exceeded objectives, as well as areas where Finland could share its expertise with other States. Finland revised its national sustainable development indicators in autumn 2016 in an effort that involved not only the national indicator network but also CSOs.

352. Finland was among the first States to report their plans for Agenda2030 implementation before the UN High-Level Political Forum on Sustainable Development in July 2016.

III. Non-discrimination, equality and legal remedies

I. In general on equality and non-discrimination

353. The equality provision enshrined in the Constitution of Finland (section 6) confirms the equality before the law of everyone in Finland's jurisdiction. The provision is of particular significance in terms of the relationship between individual and government, but

it also applies to relations between private individuals. The provision not only expresses the traditional requirement of equality before the law, but also the notion of de facto equality. The section consists of the general equality clause (subsection 1), the prohibition of discrimination (subsection 2), the provision on treating children equally and as individuals and the provision of the right of children to influence matters pertaining to themselves to a degree corresponding to their level of development (subsection 3), and the provision on the equality of the sexes (subsection 4).

354. The regulation of equality and non-discrimination under the Constitution of Finland sets a minimum standard and consequently specialised regulation (e.g. the Non-Discrimination Act) is broader in scope. The minimum standard of equality and non-discrimination set by the Constitution may always be derogated from in a manner favourable to fundamental rights protection. Nonetheless, section 6 of the Constitution is a provision that provides guidance to legislators as well as the findings of courts of law.

355. Section 6 of the Constitution of Finland is excluded from the scope of application of the exceptional powers in crisis conditions under section 23 of the Constitution, and consequently no such provisional exceptions to the equality and non-discrimination provision that are deemed necessary in the case of an armed attack against Finland or in the event of other situations of emergency, as provided by an Act, which pose a serious threat to the nation, may be provided by an Act or by a Government Decree to be issued on the basis of authorisation given in an Act for a special reason and subject to a precisely circumscribed scope of application.

356. The general equality clause in the Constitution of Finland expresses the main principle of non-discrimination and equality. It includes the prohibition of arbitrary treatment and the requirement of equal treatment in equal cases. A person or a group of persons cannot arbitrarily be placed in a more advantageous or disadvantageous position than others. However, the clause does not require all people to be treated the same in all respects, unless the circumstances are the same. Equality viewpoints are relevant both when extending benefits and rights through legislation and when imposing obligations. On the other hand, it is characteristic of legislation that owing to a certain acceptable societal interest, people are treated differently in legislation i.a. in order to promote de facto equality.

357. The non-discrimination provisions in the Constitution of Finland supplement the general equality clause. Section 6, subsection 2 of the Constitution contains a list of certain prohibited grounds for discrimination, making express mention of sex, age, origin, language, religion, conviction, opinion, health and disability. The list is non-exhaustive, however. Other reasons that concern the person are equated with the specifically mentioned prohibited grounds for discrimination. Such other reasons include social status, wealth, participation in the activities of an association, family relations, pregnancy, legitimacy of a child, sexual orientation, and place of residence.

358. The non-discrimination provision does not prohibit all manner of discrimination even if the discrimination is based on a reason expressly mentioned in the provision. What is essential is whether the discrimination can be justified in a manner acceptable in terms of the system of fundamental rights. High requirements apply to such justification, however, particularly in respect of the prohibited grounds for discrimination enumerated in the provision. The praxis of the Constitutional Law Committee has drawn attention not only to the acceptability of the discrimination but also to the proportionality of the chosen means of discrimination. The non-discrimination provision also applies to segregation. The provision of services, while equivalent per se, to different population groups in a segregated manner is prohibited unless in a given situation, this can be deemed justified on the basis of an acceptable reason.

359. The Constitution of Finland also prohibits indirect discrimination, i.e. measures the effects of which de facto – if only indirectly – lead to a discriminatory outcome. Favouritism or placing an individual or a group in a privileged position is likewise prohibited when substantively it would translate into discrimination against others.

360. The equality and non-discrimination provisions of the Constitution of Finland do not preclude positive discrimination necessary to safeguard de facto equality, i.e. measures to

improve the status and circumstances of a given group (e.g. women, children, minorities, the unemployed).

361. In Finland, equality is integrally linked also to the status of children, as the provisions in section 6, subsection 3 of the Constitution of Finland on the equal treatment of children emphasise that children shall be treated as equals with the adult population, having equal fundamental rights in principle, and also treated equally with one another. The provision on the right of children to influence matters pertaining to them correspondingly illustrates how every child shall be treated as an individual and not merely the passive object of activities.

362. Section 6, subsection 4 of the Constitution of Finland contains the general obligation to promote the equality of the sexes in societal activity and working life, especially in the determination of pay and the other terms of employment, as provided in more detail by an Act. The promotion of equality in societal activity refers i.a. to promoting the equal opportunities for participation and civic action for the sexes in decision-making in society. The provision does not specify the means to be employed in promoting the equality of the sexes and instead leaves this decision up to the legislator.

363. Discrete Acts have been enacted to put the provisions of section 6 of the Constitution of Finland in concrete terms: the Non-Discrimination Act and the Equality Act.

J. Promotion of equality and non-discrimination and the prevention of discrimination

364. The new Non-Discrimination Act entered into force on 1 January 2015. The Act provides broad protection against discrimination. Besides public activities, the Act also applies also to private activities, however excluding activities pertaining to private or family life and the practising of religion. The Act provides for equally broad protection against discrimination regardless of whether the discrimination is based on origin, age, nationality, language, religion, belief, opinion, state of health, disability, sexual orientation or other personal characteristics.

365. The duty laid down in the Non-Discrimination Act to promote equality applies not only to the authorities but also to education and training providers, educational institutions and schools, and employers. They are subject to an obligation to prepare a plan for promoting equality. The plan preparation obligation applies to employers who regularly employ at least 30 persons. The plan shall be prepared to cover all grounds for discrimination under the Non-Discrimination Act. Earlier, preparation of the plan was only required for promoting ethnic equality.

366. An authority, education provider, employer or provider of goods and services has to make due and appropriate adjustments necessary in each situation for a person with disabilities to be able, equally with others, to deal with the authorities and gain access to education, work and generally available goods and services, as well as to manage their work tasks and to advance their career. The goods and services offered must also be equally obtainable by all. A person's disability must be taken into account in the service setting and e.g. accessible routes must be arranged inasmuch as possible for anyone who needs them. Employers have already to date been subject to an obligation to make due and appropriate adjustments for an employee with disabilities, whereas this is a new obligation for providers of goods and services, such as hotels, restaurants and supermarkets.

367. For the purposes of the Act, provider of goods and services also applies to public providers of goods and services. Although the requirement of due and appropriate adjustments applied to employers already under the previous Non-Discrimination Act, a new obligation applies to employers to promptly provide, upon request, a written report on the grounds of its procedures to a person with disabilities, who considers that they have been discriminated against as a result of the denial of reasonable adjustments in applying for employment or public service employment or in an employment relationship or in an employment relationship under public law.

368. Compliance with the Non-Discrimination Act is supervised by the Non-Discrimination Ombudsman, the National Non-Discrimination and Equality Tribunal, and the occupational safety and health authorities. The Non-Discrimination Ombudsman also has duties involving equality in working life although in individual working life cases, the realisation of equality remains subject to the supervision of the occupational safety and health authorities.

369. The provisions on prohibiting discrimination based on gender and the equality of the sexes continue to be enshrined in the Act on Equality between Women and Men. The purpose of the Act is to prevent gender-based discrimination and promote equality between women and men, as well as to improve the standing of women especially in the workplace. The aim of the Act is also to prevent discrimination based on gender identity or gender expression.

370. Provisions on the prohibition of discrimination based on gender identity or gender expression have been added to the Equality Act, the provisions of the Act concerning the equality plan in the workplace have been revised, and equality planning at educational institutions has been extended to apply also to schools providing the education referred to in the Basic Education Act.

371. The Ombudsman for Equality supervises compliance with the Equality Act (on the mandate of the Ombudsman, please see paras 276–279). Where a person believes they have been subjected to discrimination prohibited under the Equality Act, they may turn to the Ombudsman for Equality for advice, guidance or promotion of settlement. Where the Ombudsman observes failure to comply with the obligations under the Equality Act or violation of its provisions, the Ombudsman shall seek to prevent such conduct primarily by means of providing guidance and advice. The Ombudsman for Equality is authorised to submit a case of unlawful discrimination against an individual to the National Non-Discrimination and Equality Tribunal for consideration.

372. Besides the Ombudsman for Equality, a Non-Discrimination Ombudsman promotes equality and address discrimination (on the mandate of the Ombudsman, please see paras 272–275). Persons who have experienced or observed discrimination on the basis of age, origin, nationality, language, religion, belief, opinion, political or trade union activity, family relations, health, disability, sexual orientation or other personal characteristic may contact the Non-Discrimination Ombudsman, who is subject to an active statutory duty to promote the circumstances and rights of groups at risk of discrimination.

373. The remit of the National Non-Discrimination and Equality Tribunal covers supervision of all grounds for discrimination. The Tribunal may issue injunctions and orders and confirm a conciliation settlement between the parties to a case, and also impose a conditional fine in order to enforce its injunction or order. Compliance with the Non-Discrimination Act on working life is outside the Tribunal's supervisory remit.

374. The National Non-Discrimination and Equality Tribunal is an impartial and independent judicial body. In cases concerning the Non-Discrimination Act, a petition with the Tribunal may be filed by the person alleging discrimination or by the Non-Discrimination Ombudsman. In cases concerning the Equality Act, the petition is filed by the Ombudsman for Equality with the consent of the person concerned. The Tribunal is not empowered to take up cases or to undertake supervisory action on its own initiative. The Tribunal is appointed by the Government to supervise compliance with the Non-Discrimination Act and the Equality Act. The mandate of the Tribunal covers both private activities and public administrative and commercial activities, while matters related to private life and family life are excluded from its mandate. A matter concerning the Parliament of Finland may be submitted to the Tribunal for consideration only if the matter concerns the activities of the Parliament or one of its organs as public authority or employer. The supervision carried out by the Tribunal does not cover the activities of the President of the Republic, the Government plenary session, the courts of law and other judicial bodies, the Chancellor of Justice of the Government or the Parliamentary Ombudsman.

375. The National Non-Discrimination and Equality Tribunal will not investigate a case that is already pending before another authority. In cases where the Tribunal issues a

decision, it may prohibit continued or repeated discrimination or victimisation and impose a conditional fine to enforce compliance with its injunctions, and also order payment of such a fine. In addition, the Tribunal may order the party concerned to take measures within a reasonable period of time in order to fulfil the obligations under the Non-Discrimination Act. However, it cannot order a party to pay compensation. The decisions of the Tribunal may be appealed to an administrative court. While no fee is charged for the processing of petitions or for decisions, the parties themselves are liable for other costs relating to the proceedings, for example the fees of a legal advisor or attorney.

376. The National Non-Discrimination and Equality Tribunal has issued decisions and opinions on topics including discrimination against persons with disabilities and discrimination based on ethnic origin, sexual orientation, place of residence, language and age.

377. The posts and offices of the Ombudsman for Equality, the Ombudsman for Children and the Non-Discrimination Ombudsman belong to the administrative branch of the Ministry of Justice. The same applies to the National Non-Discrimination and Equality Tribunal. The specialised Ombudsmen and the new Tribunal act as independent and impartial authorities within the administrative branch of the Ministry of Justice. Duties and projects relating to the promotion of non-discrimination and equality under the new Non-Discrimination Act as well as the Advisory Board for Ethnic Relations have been transferred from the Ministry of the Interior to the Ministry of Justice, while the Ministry of Social Affairs and Health remains responsible for duties relating to the Equality Act.

378. The national discrimination monitoring system of the Government is tasked i.a. with preparing reports on the incidence of discrimination in Finnish society. The monitoring team collects information on the discrimination situation in respect of various age groups and minority groups, and also reviews the situation vis-à-vis gender-based discrimination. A website where discrimination data is compiled is maintained by the Ministry of Justice.
