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Consideration of reports submitted by States parties under article 40 of the Covenant

Sixth periodic reports of States parties

Finland*

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I. Introduction

1. This document is the sixth periodic report of Finland under article 40 of the International Covenant on Civil and Political Rights (hereafter "the Covenant"). The periodic report takes account of the harmonized guidelines on reporting (HRI/GEN/2/Rev.6) and the treaty-specific reporting guidelines concerning the Covenant (CCPR/C/2009/1).

2. The sixth periodic report of Finland covers developments after the submission of the previous report in 2003, mainly until the end of 2009. The report also deals with some developments after this period.

3. During the preparation of the report, non-governmental organizations were requested to issue their opinions, and thus their main concerns were included in the report as appropriate.

II. Concluding observations of the Human Rights Committee

4. The Committee considered the fifth periodic reports of Finland (CCPR/C/FIN/2003/5) on 18 and 19 October 2004 and adopted its concluding observations on the report on 27 October 2004 (CCPR/CO/82/FIN).

Response to the recommendation contained in paragraph 7 of the concluding observations (CCPR/CO/82/FIN)

5. The reservations are dealt with in connection with the relevant articles.

Response to the recommendation contained in paragraph 8 of the concluding observations

6. Reference is made to Finland's reply to the concluding observations of the Human Rights Committee of 3 November 2004 concerning the fifth periodic report of Finland. In its concluding observations the Committee referred to its communication concerning the case of *Anni Äärelä and Jouni Näkkäläjärvi v. Finland* (no. 779/1997). After the Committee issued its views concerning the case the Government gave up accordingly recovering legal costs and returned the already paid costs to the complainants. The Chancellor of Justice examined the lawfulness of the national judgments and found that no grounds existed for annulling the final judgment or any other measures (OKV/11/20/2002).

7. In 1999, some flexibility was added to the provisions of the Code of Judicial Procedure (4/1734) on the obligation to compensate for legal costs. If the legal issues in the case have been so unclear that the losing party has had a justifiable reason to pursue the proceedings, the court may order that the parties are to be liable for their own legal costs in full or in part. If it was manifestly unreasonable to render one party liable for the legal costs of the other, the court may on its own motion reduce the payment liability of the party.

8. The Sámi Parliament has expressed its concern about the implementation of the concluding observations of the Human Rights Committee. According to the Sámi Parliament the amendments of the Code of Judicial Procedure have not de facto changed legal practice as required by the Human Rights Committee. Courts have continued to order Sámi to pay legal costs of the Government in proceedings concerning land ownership and reindeer herding. The Sámi Parliament proposes that the Government should always bear its own legal costs for proceedings concerning the status of the Sámi as an indigenous people.

Response to the recommendation contained in paragraph 9 of the concluding observations

9. Women are paid an average of 18 per cent less for regular working hours than men.

10. The latest Cabinets have set equal pay for women and men as one objective in the Government Programmes and Equality Programmes. The first Cabinet of Prime Minister Matti Vanhanen (2003–2007) adopted an Equal Pay Programme prepared by the labour market parties in tripartite cooperation, and Vanhanen's second Cabinet (2007–2010) and Mari Kiviniemi's first Cabinet (2010–2011) committed themselves to further pursuing the programme. The Ministry of Social Affairs and Health coordinates the programme. The main objective of the programme is to narrow the gender pay gap to 15 per cent by 2015.

11. The report on the overall assessment of the Equal Pay Programme 2007–2010 evaluates the success and effectiveness of the programme. The overall assessment shows that the average gender pay gap has been bridged by only about one percentage unit during the evaluation period. The factors that have narrowed the gender pay gap are collective agreements, introduction of new analytical pay systems, equality planning and pay surveys and career development of women. Measures that so far have had only a minor impact on the gender pay gap include changes in gender segregation of occupations and professions, reforms on family leaves and development of the number of fixed-term employment contracts. The social partners and measures at workplaces play a key role in achieving most of the goals of the Equal Pay Programme.

12. Parliament considered the Government report on Gender Equality in March 2011. When the report was under discussion Parliament required that the Government prepare for Parliament a proposal to amend the Act on Equality between Women and Men (609/1986) by, among other things, clarifying the obligation to conduct pay surveys and increasing the opportunities of staff to influence the preparation of equality plans and the conduction of pay surveys at workplaces and to obtain pertinent information.

13. In addition, in 2010 the Ministry of Social Affairs and Health submitted a report on the functioning of the Act on Equality between Women and Men to the Employment and Equality Committee of Parliament. The Committee required in its opinion that the Act must be supplemented with a provision obligating employers, in the context of pay surveys, to compare the pay levels under different collective agreements. The Committee considered it important to stipulate more detailed provisions on the right of elected officials to obtain pay-related information. At the same time, it must be clarified that the concept of pay includes different pay supplements.

Response to the recommendation contained in paragraph 10 of the concluding observations

14. In March 2011, Parliament adopted bills for an overall reform of the legislation on criminal investigations, coercive measures and the police. Moreover, in October 2006 a new Act on the Treatment of Persons Held in Police Custody (841/2006) took effect. This act applies to the treatment of persons apprehended and arrested by the police and of remand prisoners.

15. The new legislation will enter force at the beginning of 2014. The regulation has been supplemented and made more detailed. The new Criminal Investigations Act provides expressly that a party has the right to use a counsel chosen by himself or herself in criminal investigation. The party, also when arrested suspected of an offence, must be informed about this right in writing before hearing him or her. Exceptionally, the obligation to inform a party does not apply to simplified criminal investigation. Simplified criminal investigation is conducted in respect of offences which have so little significance and are so straightforward that the possibility of arresting the suspect is in practice excluded.

However, the new Criminal Investigations Act provides that the information about a suspect's right to counsel must be given to him or her in writing immediately after apprehension, arrest or detention.

16. According to the new Criminal Investigations Act the investigation authorities must ensure that the right of a party to use a counsel is implemented de facto. In practice this means for instance that the police must arrange the interrogation at a time when the counsel can attend it. In addition, the head of investigation or the prosecutor must propose to the court that it orders a counsel for the suspect if certain conditions, prescribed in more detail by law, are fulfilled. Such a proposal must be made for example when the suspect is under 18 years of age or cannot be regarded as able to defend himself or herself. In addition, the new Act provides that the investigation authorities must ensure the confidentiality of all communication between the suspect and the counsel, especially consultations between them.

17. The Act on the Treatment of Persons Held in Police Custody provides that persons deprived of their liberty must be treated fairly and by respecting their human dignity. According to the Act, persons deprived of their liberty are entitled to any health care and medical care that their medical needs necessitate.

Response to the recommendation contained in paragraph 11 of the concluding observations

18. The concept of remand prisoner refers to a person detained suspected of an offence. The number of remand prisoners in Finland has clearly increased during the past ten years. The increase is seen in both the absolute number of remand prisoners and their percentage of all prisoners. According to the Detention Act (768/2005) which took effect on 1 October 2006, remand prisoners are primarily placed in prisons maintained by the Prison Service. The Act provides that a remand prisoner must be placed in a prison or a department separate from those where prisoners serving their punishments are kept. However, an exception to this provision is permitted if the remand prisoner requests it in order to be able to participate in different activities. Further, an exception is possible if it is necessary for preventing a risk that threatens the safety of prisoners, remand prisoners or staff or if it is otherwise necessary temporarily for maintaining order in the prison in an exceptional situation.

19. According to the Detention Act, the court deciding on detention may, at the proposal of an official entitled to arrest or of a prosecutor, decide to place a remand prisoner in a custody room maintained by the police for remand prisoners, if this is necessary for separating the remand prisoner or for considerations of safety or if the clearing up of the offence calls for it for a particular reason. A remand prisoner must not be kept in a police custody room for longer than four weeks without a very weighty reason. If a remand prisoner is placed in a police custody room, the court must consider the placement and the grounds for it when reconsidering the detention.

20. Remand prisoners are usually kept in police custody for short times only. In 2010 the average number of remand prisoners kept in police custody was 95 persons per day. The remand prisoners kept in police custody for a longer time have mostly been suspected of aggravated and extensive narcotics offences and have therefore been separated.

21. A working group set up by the Ministry of Justice to examine questions related to the placement of remand prisoners, especially the possibility of reducing their number, submitted its report in November 2010. The group proposes for example that the travel ban under the legislation currently in force be used more actively instead of remand imprisonment, and the possibility of using certain new alternative and more individual coercive measures already used abroad be examined also in Finland.

22. When the new Criminal Investigations Act was enacted, the Detention Act was amended by stipulating that a remand prisoner may petition a court to reconsider his or her being kept in police custody also separately, i.e. outside the consideration of the detention issue. However, the keeping in police custody need not be reviewed earlier than after two weeks from the previous consideration of the issue. An official entitled to arrest or a prosecutor must refer the issue to the court if the remand prisoner must be kept in police custody for longer than four weeks.

Response to the recommendation contained in paragraph 12 of the concluding observations

23. Chapter 13 of the Aliens Act (301/2004) contains provisions on due process. A decision of the Finnish Immigration Service may be appealed to an administrative court as laid down in Administrative Judicial Procedure Act (586/1996). A decision on refusal of entry taken under the Aliens Act may not be enforced until it is final unless otherwise stipulated under the act. Exceptions to the rule are decisions concerning the cancellation of an application for international protection, sending the applicant to another State by virtue of the regulation on determining the State responsible for examining an asylum application, or a subsequent application which does not contain any new grounds for staying in the country that would influence the decision on the matter. In such cases the decision is enforceable upon communication to the applicant. An administrative court may order otherwise regarding the enforcement.

24. Even if leave to appeal against a decision is sought before the Supreme Administrative Court, the decision may be enforced if the Court does not order otherwise.

25. In its opinion issued to the Parliamentary Ombudsman regarding the removal of an alien from Finland (11 May 2009, reg. no. 3555/4/07), the Finnish Immigration Service stated that it is problematic for both the authority responsible for removals from the country and aliens who have sought international protection that seeking leave to appeal before the Supreme Administrative Court does not prevent the enforcement of decisions on refusal of entry. The Ministry of the Interior, for its part, has stated that the wordings of the Aliens Act and the provisions as an aggregate, as well as the reasoning given for them in the legislative materials, are open to interpretation. The Parliamentary Ombudsman considers that the legislation should be clarified.

26. In February 2011 the European Court of Human Rights ruled (in *M.S.S. v. Belgium and Greece*) that Greece had violated the European Convention of Human Rights by maintaining a defective asylum procedure, a risk of refoulement and defective detention and living conditions for an asylum-seeker. The Court held that Belgium, too, had violated the Convention by sending the applicant, by virtue of the Dublin Regulation, to Greece, where the detention and living conditions may conflict with the Convention and the applicant may be exposed to risks arising from the deficiencies in the asylum procedure. On account of the Court's judgment the Finnish Immigration Service has decided not to apply the regulation and turn back the asylum-seekers to Greece. Accordingly, the Finnish Immigration Service considers for now applications that would be of the responsibility of Greece if the Dublin Regulation was applied. In addition, the Finnish Immigration Service considers applications for asylum that had already been left to Greece but the applicant is still in Finland.

Response to the recommendation contained in paragraph 13 of the concluding observations

27. Finland reported on this issue in its reply given to the Human Rights Committee on 3 November 2004 due to the consideration of Finland's fifth periodic report and the Committee's report and the hearing of the Government. According to section 3 of the

Finnish Constitution, the judicial powers are exercised by independent courts of law, with the Supreme Court and the Supreme Administrative Court as the highest instances. The requirement of independence of courts of law appears in section 21 of the Constitution.

28. The only permitted and acceptable manner of influencing the work of the judiciary is through legislation. However, section 12 of the Constitution provides that everyone has the freedom of expression. The freedom of expression of the Government and the members of Parliament has not been restricted when it comes to commenting on rulings of the judiciary. Moreover, the Minister of Justice follows legal practice.

Response to the recommendation contained in paragraph 14 of the concluding observations

29. The legislation on non-military service has been reformed by passing a new Non-Military Service Act (1446/2007), which entered force in 2008. This overall reform was intended to make the legislation meet the requirements of the Finnish Constitution and international human rights treaties also in a state of emergency.

30. The new Non-Military Service Act contains provisions on the processing of non-military service applications in special conditions, i.e. during serious disturbances to normal conditions and during mobilization. Centre for Non-Military Service is responsible for ordering persons liable for non-military service to enter service and for placing them during special conditions.

31. Approving an application in special conditions requires that the applicant's conviction be investigated by the Investigation Committee of Conviction of Persons Liable for Military Service, appointed by the Government and operating under the Ministry of Employment and the Economy. The composition of the Committee and the eligibility criteria for its members are laid down by law.

32. If the President of the Republic has issued a decision on extra service and partial or general mobilization of the defence forces by virtue of the Conscription Act (1438/2007), non-military service applications lodged after this decision are processed in the conviction investigation procedure. The Investigation Committee investigates the nature and permanence of the applicant's conviction and its impact on performing the service stipulated in the Conscription Act.

33. The procedure applies both to those conscripts who have applied for non-military service instead of service as a conscript and to those who have applied for non-military service after service as a conscript or women's voluntary military service. The conviction is also investigated in respect of those persons liable for military service who have lodged an application for non-military service just before the President's decision on extra service and partial or general mobilization of the defence forces and whose application has not yet been approved.

34. The new Non-Military Service Act shortened the continuous term of non-military service by one month. The period of non-military service is 362 days. When determining the length of the period, the legislator took account of the overall burden caused by the different forms of service. The term of military service is either 180, 270 or 362 days depending on the training provided to the conscript. Unlike military service, non-military service does not involve participation in reservist training.

35. The favourable treatment provided to Jehova's witnesses by law remains in force (Act on the exemption of Jehovah's witnesses from military service under certain conditions, 645/1985), and it has not been extended to other groups of conscientious objectors. In 2003 the Ministry of Defence set up a working group to examine the need to amend the legislation. Possible amendments of the legislation were discussed on the basis

of the working group's report, submitted in 2007, but no amendments were made. The examination of the issue continues.

Response to the recommendation contained in paragraph 15 of the concluding observations

36. Finland adopted its first National Policy on Roma in December 2009. In December 2010 the Government made a decision in principle on the guidelines for promoting policies on Roma. The National Policy on Roma is intended to implement the recommendations of international organizations on the development of Roma policies in member states. The vision of the Policy is that in 2017 Finland will be a trail-blazer in Europe in promoting the inclusion of the Roma population. The priorities of the National Policy on Roma include to strengthen the participation of Roma children and adolescents in education, to strengthen the education of Roma adults and promote their employment, to promote equal treatment of the Roma and their access to services, to support the maintenance and development of the Roma language and culture, to promote equality of the Roma and prevent discrimination against them, to develop the Roma policy, and to strengthen Roma people's opportunities of participation.

37. The Ministry of Social Affairs and Health is responsible for monitoring the implementation of the National Policy on Roma. For this purpose, the Ministry will set up a monitoring group with representatives of all actors concerned. The implementation of the Policy will be evaluated periodically. The first monitoring report will be issued in 2013.

38. The Ministry of Social Affairs and Health is responsible for strengthening the inclusion of Roma people in society and consolidating the relevant cooperation structures at local level. The necessary funds are provided in the National Programme for Social Welfare and Health Care (Kaste). In 2012, the Government will launch a second Kaste programme (Kaste II), which will take account of the linguistic and cultural minorities, including the Roma.

39. Under the leadership of the Ministry of Education and Culture and the Ministry of Justice, measures are being taken to revive the Roma language and to reinforce its position. In 2010 the University of Helsinki prepared a plan for the teaching of the Roma language and the education of Roma language teachers, and the related budget.

40. Annually about 120 of the approximately 1,000 Roma pupils in Finland receive teaching of the Roma language. The providers of this teaching may apply for state subsidies from the National Board of Education if the group to be taught comprises at least three pupils when the term begins. At the beginning of 2007 the number of weekly lessons of the Roma language rose from 2 to 2.5. The small number of pupils receiving teaching of the Roma language is partly due to the fact that schools do not always realize the significance of such teaching or that there are too few pupils for forming a teaching group.

41. The Advisory Board on Romani Affairs has pointed out that Finland has no established system for educating and qualifying Roma language teachers. Moreover, fewer resources are used for teaching and developing this language and planning its use than in respect of the other minority languages mentioned in the Constitution. The Advisory Board underlines that Roma is a threatened language, which the Roma population knows and uses less than before.

42. The opportunities of Roma children and adolescents for participation and for pursuing hobbies are promoted, too. The Ministry of Education and Culture and the Advisory Board on Romani Affairs are preparing relevant measures as part of their official duties with a view to including proposals for the measures in the Development Programme for Child and Youth Policy of the next electoral period.

43. The Ministry of the Environment will study the housing problems of the Roma population.

Response to the recommendation contained in paragraph 16 of the concluding observations

44. One of the objectives in the Government Migration Policy Programme published in 2006 was that authorities, especially those responsible for providing education, social welfare and health-care services and other basic services, should put in place good practices to prevent racism and discrimination at both the national and local level. In addition, the Programme contained recommendations for measures related to the reception of asylum-seekers and to the social welfare and health-care services provided to them.

45. Multicultural youth work and non-discrimination are among the key priorities in the Development Programme for Child and Youth Policy (2007–2011). The Ministry of Education and Culture grants subsidies to non-governmental organizations for anti-racism projects. The subsidised activities have increased considerably. Annually, the Ministry has granted subsidies to tens of projects, e.g. school visits and information activities to combat racism. In the Ministry’s view, projects intended to divert young people away from racist groups have been particularly important.

46. The Ministry of Education and Culture supports multiculturalism by means of global education, tolerance education and cultural policy. In the principles concerning immigration policy that the Ministry has published for its administrative sector, it underlines the promotion of good ethnic relations.

47. More studies for facing multiculturalism are needed in all education of teachers. In addition, the number of student places for teachers with immigrant background will be increased and their studies of Finnish and Swedish – the national languages and culture – will be strengthened. As from 2009, the continuing education of teaching and guidance counselling staff with immigrant background and working in the education of immigrants has been increased in the fields of early childhood education, basic education, general and vocational upper secondary education and training, and vocational further education and training. Knowledge of Finnish and Swedish and skills of multiculturalism will be emphasized.

48. Activities to improve skills of multiculturalism were part of a programme to improve the quality of basic education, which lasted for the previous electoral period. The activities were intended to support the building of pupils’ multicultural identity and their inclusion in Finnish society and the globalising world. Further, they aimed at promoting tolerance and understanding between cultures. The activities took account of children and adolescents both with and without immigrant background and their parents. The activities started in autumn 2007 and were expanded in autumn 2008 from early childhood education and basic education to general upper secondary education. The project was attended by 45 municipalities, which received separate state subsidies. Each municipality prepared a plan for measures which were established as part of the daily activities of their schools. The school community may cooperate for example with different cultural organizations. The participating municipalities were given further training in order to support their development activities.

49. In 2010, the curricula for vocational upper secondary qualifications were revised for taking into account the promotion of multiculturalism. One objective in the common part of the curricula is to draw up equality plans in vocational educational institutions.

Response to the recommendation contained in paragraph 17 of the concluding observations

50. For a long time, Finland has made efforts to solve the question of Sámi land rights by way of legislation, but without success so far. The aim has been to reach a balanced solution that complies with Finland's international obligations and ensures that not only the Sámi but also the other local inhabitants may influence the way of arranging the use of their living areas. The development of the population, trades and land-use rights in the Sámi Homeland has been studied but the reception of the results has been controversial.

51. In 2004–2006 the Ministry of Justice conducted a law drafting project intended to safeguard the land use rights in the Sámi Homeland. The Ministry prepared a draft government proposal on the subject in 2006, but the Government did not manage to examine it before the parliamentary elections in spring 2007.

52. Prime Minister Matti Vanhanen's second Cabinet aimed at a solution that complies with ILO Convention No. 169 (1989) concerning Indigenous and Tribal Peoples in Independent Countries. The Ministry of Justice continued to seek a legislative solution with the Ministry of Agriculture and Forestry.

53. The Government report to Parliament on the human rights policy of Finland mentions the rights of indigenous peoples as one of the priorities of the human rights policy, but the Government left open the question when the ILO Convention would be ratified. Thus, the task of solving the land rights question was transferred to Jyrki Katainen's Cabinet (2011–).

54. The Sámi Parliament has pointed out that many public and private forms of land use influence the traditional livelihoods of the Sámi. Pursuing the traditional livelihoods belonging to the Sámi culture is based on sustainable use of lands and waters. Therefore, also the ILO Convention requires that Finland arrange any issues concerning lands and natural resources without jeopardizing the right of the Sámi to enjoy their culture. The Sámi Parliament also proposes that Finland should transpose Convention no. 169 into the national legislation as soon as possible.

III. Implementation of articles 1–27 of the Covenant

Article 1
Self-government of the Åland Islands and Sámi as an indigenous people

55. The special status of the Åland Islands as an autonomous region has been described in earlier periodic reports (see for example CCPR/C/FIN/2003/5 and CCPR/C/95/Add.6).

56. Sámi. Section 17(3) of the Constitution of Finland (731/1999) guarantees the Sámi as an indigenous people the right to maintain and develop their own language and culture. The status of the Sámi as an indigenous people is discussed in connection with article 27. The question of land ownership is discussed above in paragraphs 50–54 of the section "Conclusions of the Human Rights Committee".

Article 2
Status of the Covenant in the national legal system

57. As all international human rights treaties, the Covenant has been implemented in Finland by enacting a related blanket act and thus transposing the Covenant into the

national legal system. In addition, Chapter 2 of the Constitution, concerning basic rights and liberties, enshrines the rights guaranteed by the Covenant.

58. Courts may apply the Covenant directly. The highest courts in Finland, i.e. the Supreme Court and the Supreme Administrative Court, refer to human rights treaties in their rulings to some extent. However, national courts usually apply the European Convention for the Protection of Human Rights and Fundamental Freedoms and only very seldom the Covenant. As a rule, victims of human rights violations in Finland complain to the European Court of Human Rights. Complaining to the Human Rights Committee or other supervisory bodies of the United Nations is exceptional.

59. The Parliamentary Ombudsman supervises the implementation of basic rights and liberties and human rights in the activities of authorities. When taking positions on the implementation of human rights on account of complaints and inspections, the Parliamentary Ombudsman refers to the Covenant and other international human rights treaties.

60. Parliament has passed an amendment of the Act on the Parliamentary Ombudsman (535/2011) by which a human rights centre is established in connection with the Office of the Parliamentary Ombudsman. The centre will constitute a national human rights institution referred to in the Paris Principles. The amendment of the Act will take effect on 1 January 2012.

61. In September 2009 the Government issued Parliament with a report on human rights policy in Finland. When considering the report Parliament required that the Government, at the beginning of the next electoral period, adopt a national action plan on the implementation of human and basic rights in Finland.

62. Cross-administrative cooperation is going on for preparing the national action plan on human rights.

Articles 2, paragraph 1, 3 and 26
Prohibition of discrimination

63. According to section 6 of the Constitution of Finland no one shall, without an acceptable reason, be treated differently from other persons on the ground of sex, age, origin, language, religion, conviction, opinion, health, disability or other reason that concerns his or her person. At the level of ordinary parliamentary acts the most important prohibitions of discrimination are laid down in the Non-discrimination Act (21/2004), the Act on Equality between Women and Men (609/1986) and the Employment Contracts Act (55/2001). The most serious forms of discrimination are criminalized in the Criminal Code (39/1889).

64. The Non-discrimination Act prohibits discrimination on the grounds of age, ethnic or national origin, nationality, language, religion, belief, opinion, health, disability, sexual orientation or other personal characteristics. The Employment Contracts Act provides that the employer shall not exercise any unjustified discrimination against employees on the grounds of age, health, disability, national or ethnic origin, nationality, sexual orientation, language, religion, opinion, belief, family ties, trade union activity, political activity or any other comparable circumstance.

65. The Act on Equality between Women and Men prohibits discrimination on the grounds of gender. Discrimination prohibited by the Act also includes treating someone differently for reasons of pregnancy or childbirth, without an acceptable reason. When prohibiting discrimination, both the Non-discrimination Act and the Employment Contracts

Act refer to the Act on Equality between Women and Men in respect of discrimination based on gender.

66. The Ombudsman for Equality, who monitors compliance with the Act on Equality between Women and Men, has interpreted that the prohibition of discrimination laid down in the Act includes discrimination based on gender identity and gender expression until explicit provisions on such discrimination are stipulated by law.

67. The Criminal Code contains two essential elements of an offence criminalizing the most serious forms of discrimination: the offences of discrimination and work discrimination. The grounds for discrimination prohibited by the provisions on these offences correspond to the grounds prohibited by the Non-discrimination Act, the Act on Equality between Women and Men and the Employment Contracts Act.

Reform of non-discrimination legislation

68. The non-discrimination legislation currently in force is disconnected and complicated. Different statutes show great variation as to the personal and material scope of application of the prohibitions of discrimination, the competence of the monitoring authorities and the legal remedies available to the victims of discrimination.

69. Efforts to reform the legislation have gone on for a number of years. At the beginning of 2007 the Ministry of Justice set up a non-discrimination committee to prepare the reform. The committee submitted its report, written in the form of a government proposal, to the Ministry of Justice at the end of 2009. The objective of the reform is to bring the current regulation better in line with the prohibition of discrimination laid down in section 6 of the Constitution and to improve the legal protection of such groups as the young and the elderly, persons with disabilities and persons belonging to sexual minorities against discrimination. The committee proposes that the office of the Ombudsman for Minorities, who currently considers only ethnic discrimination, should be reorganised into the office of an Ombudsman for Non-discrimination, expanding her powers to all types of discrimination. However, monitoring compliance with the Non-discrimination Act in working life would still be the responsibility of occupational safety and health authorities. In addition, the Ombudsman for Equality would be responsible for monitoring gender-based discrimination. The current Equality Board and National Discrimination Tribunal of Finland would be merged into one Non-discrimination Tribunal.

70. The lack of additional resources has prevented the implementation of the reform. The proposed Ombudsman for Non-discrimination and Non-discrimination Tribunal would require at least three additional person years. Currently the Ombudsman for Minorities and the National Discrimination Tribunal of Finland operate under the administration of the Ministry of the Interior. The preparations of the reform in autumn 2010 were based on the assumption that the Ministry of the Interior would provide the additional resources needed for implementing the reform. The possibility of placing the Ombudsman for Equality, operating under the Ministry of Social Affairs and Health, and the Ombudsman for Non-discrimination in one office was not examined.

71. Finland ratified Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS 177), concerning a general prohibition of discrimination, on 17 December 2004. The Protocol entered force on 1 April 2005.

Gender equality and discrimination against women

72. The Government submitted its first Report on gender equality to Parliament in autumn 2010. In the report the Government outlines its future gender equality policy until the year 2020. The thematic areas in the report are decision-making, education and research, working life, reconciliation of work and family life, men and gender equality,

violence against women, domestic violence and trafficking in human beings, and the status of gender equality bodies and gender mainstreaming. The report addresses the position of minority groups and immigrants in a cross-cutting manner. The Government Report to Parliament on the human rights policy of Finland, too, deals with the status of women and highlights violence against women as one of the major national human rights violations.

73. In early 2010 the Ministry of Social Affairs and Health submitted a report on the functioning of the Act on Equality between Women and Men to the Employment and Equality Committee of Parliament. The report stated, among other things, that equality planning has not eliminated discrimination and that the Ombudsman for Equality and the Equality Board do not make full use of all means permitted by the Act for combating discrimination.

74. When considering the reports on gender equality, human rights policy and the functioning of the Act on Equality between Women and Men, Parliament has required that the national policy and legislation on gender equality take considerably more comprehensive account of the Convention on the Elimination of All Forms of Discrimination against Women, the concluding observations of the Committee on the Elimination of Discrimination against Women concerning Finland, its general comments and the Beijing Platform for Action for improving the status of women.

75. According to the Coalition of Finnish Women’s Associations (Nytkis), many women face multiple discrimination, i.e. discrimination based on both their gender and their belonging to a minority. For example Roma women meet discrimination based on both their gender and their ethnic background especially in working life, and their rate of unemployment is higher than that of the majority population. Roma women often face discrimination also within the Roma community, where many traditions weaken the position of women. With regard the Sámi community, Nytkis has reported that men dominate political decision-making in the community. Nytkis requires that Sámi women be ensured a genuine opportunity to participate in decision-making and to receive services. The Sámi community and authorities should take into account that the participation of both women and men in societal activities improves the well-being of all Sámi people.

76. One of the most alarming problems of immigrant women is that only some of them have access to services. Cultural factors, such as traditional gender roles, and for some women also technological exclusion, prevent women from entering the labour market and getting integrated into Finnish society as its full members. Immigrant women do not necessarily have an opportunity to attend the courses of the Finnish language targeted at them. They should also receive services in their own languages and interpreter services. On the other hand, some immigrant women have got secondary and tertiary education but have no opportunity to use their skills. Moreover, the possible special needs of women as asylum-seekers should be taken into account, and the national asylum policy in general should be gender sensitive.

Sexual and gender minorities

77. The rights of sexual and gender minorities are one of the priorities in Finland’s human rights policy. When considering the Government Report to Parliament on the human rights policy of Finland, the Foreign Affairs Committee of Parliament stated that also discrimination against persons belonging to sexual and gender minorities must be taken into account in the Government’s measures and action plans related to non-discrimination.

78. When considering the Report on gender equality, Parliament has required that the Government extend the scope of application of the prohibitions of discrimination laid down in the Act on Equality between Women and Men to gender minorities.

79. In spring 2011 the Ministry for Foreign Affairs set up a cross-administrative working group to monitor and develop the rights of persons belonging to sexual and gender minorities.

80. The action programme on the promotion of sexual and reproductive health 2007–2011 sets as one objective that sexual health counselling be provided to clients on an equal basis according to their needs, irrespective of their gender, age, sexual orientation, cultural background or other individual qualities. One of the proposals made in the programme is that persons belonging to sexual and gender minorities should have an opportunity to get expert counselling as part of the public social welfare and health-care services provided in their own region of residence, and that the knowhow of professionals in the field be improved.

81. The Decree on Welfare Clinic Services, School and Student Health Services and Preventive Oral Health Services for Children and Youth (338/2011) contains an amended provision according to which the health-care and medical care services to be provided to students include services promoting sexual health, such as support to sexual and gender orientation.

Articles 4 and 5
Restrictions upon and derogation from Convention provisions

82. The question was covered in the fifth periodic report of Finland (CCPR/C/FIN/2003/5).

Article 6
Right to life

83. Finland ratified Protocol No. 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the abolition of the death penalty in all circumstances, on 9 November 2004. The Protocol took effect on 1 March 2005.

Firearms security

84. Two school shootings have taken place in Finland, in 2007 and 2008. The boards that investigated the shootings recommended improvements of student welfare services, more comprehensive moderation of communications on the Internet, improved web tipping services by the police and stricter restrictions on the availability of firearms. Moreover, the boards proposed that the preparation of homicide should be criminalized in order to help the police identify any person planning such an offence more efficiently.

85. In autumn 2010, Parliament passed a much discussed amendment of the Firearms Act (1/1998), which took effect in June 2011. The amendment was based not only on national needs but also on new requirements of EU law. The most important objective of the reform was to improve firearms security. One factor influencing firearms security is the number of firearms. In terms of the number of firearms in proportion to the population, Finland, with a total of about 2 million legally registered firearms, ranks among the leading countries in the world after the United States, Yemen and Norway and before Germany and Sweden. In Finland the large number of firearms is partly due to the popularity of hunting as a hobby. The amendment of the Firearms Act raised the age limit for granting licences for small arms to 20 years. Persons who have reached the age of 15 years may only obtain a parallel licence for long arms used in hunting or sport shooting, and the suitability of the applicants for such licences is tested by means of an aptitude test.

Birth rates, childbirth-related deaths of women and unwanted pregnancies

86. The trend in births in Finland turned downwards in the middle of the 1990s but has risen steadily from 2002. The total fertility rate has risen slightly and was 1.87 in 2010. The figure is rather high in comparison with other European countries but remains under the population replacement level.

87. The number of childbirth-related deaths of women has been 1–7 per year.

88. Since 1970, Finland has had Abortion Act (239/1970). According to the act, an abortion may be conducted on medical grounds and on social grounds. In more than 90 per cent of all abortion cases the pregnancy is terminated on social grounds. The numbers of abortion show large variation by region. No incidents of illegal abortion are known in Finland.

89. In 2010, 8.6 abortions were conducted per one thousand women at fertile age (aged 15–49). In 2006–2010 the number of abortions declined mainly because their number among women under 20 years of age went down. The number of abortions declined also among women under 25 years, but most abortions are still conducted in the age group of 20–24. The number of repeated abortions has risen steadily: in 2010 more than one third of all abortion patients had already undergone an abortion.

90. In 2010, one third of all abortion patients under 20 years of age reported that they did not use any contraception at all when their pregnancy began. Most abortion patients under 20 years had used a condom when their pregnancy had begun. About 3 per cent of the abortion patients under 20 had used emergency contraception. The rate among all abortion patients was slightly higher. Since 2008, one third of all health centres have established the practice of distributing cost-free contraceptives to clients under 20 years of age.

91. In the 2000s, the Government has steered family planning more efficiently by national norms and information. In 2007, the Ministry of Social Affairs and Health published the first national action programme for the promotion of sexual and reproductive health (2007–2011). Among other objectives, the action programme aims at increasing the use of contraceptive services and contraceptives and at improving the knowhow of those working in the field. The interim evaluation of the action programme in 2010 showed that all health centres had arranged pre-pregnancy counselling services, but the implementation varied largely. At about 40 per cent of all health centres young clients with questions on sexual health obtained access to consultation within a week from contacting the health centre. The action programme will be updated after the final evaluation in 2011.

92. The Government has issued a decree on welfare clinic services and school and student health services (338/2011; a decree on this subject was issued for the first time in 2009). The decree provides that school and student health services must include counselling on sexual health and contraception to support school pupils’ and students’ sexual maturation and development.

93. The new Health Care Act (1326/2010), which entered force on 1 May 2011, obligates all municipalities to provide residents in their territories with contraception counselling and other services promoting sexual and reproductive health.

94. From 2006, the curricula of comprehensive schools and general upper secondary schools have included health education, which also covers sexual and reproductive health. The national School Health Survey, conducted every second year, has shown that school pupils’ and students’ level of knowledge about sexual health has improved during the last ten years. Girls have better knowledge than boys, and students in general upper secondary schools have better knowledge than those in vocational educational institutions.

Lethal violence in intimate relationships

95. The second most common type of homicide in Finland is a male partner's killing his female partner. Former partners, too, are considered as partners. In 2010 about one fifth of all incidents of homicide represented this type of offence. For instance in 2003–2007 a total of 114 women in Finland were killed by their male partners or former partners. The homicide data base maintained by the National Research Institute of Legal Policy shows that in 2006 in all 21 women and in 2007 in all 26 women died as victims of violence in intimate relationships. The number has been nearly unchanged in recent years.

So-called honour killings

96. The Criminal Code of Finland does not contain explicit criminalizations of so-called honour killings, female genital mutilations or forced marriage, and no other legal sanctions are provided, either. The prevailing understanding is that the legislation in force applies to such acts, too.

97. According to Monika – Multicultural Women's Association in Finland, every fourth woman who dies as a victim of family violence has an immigrant background.

Article 7
Prohibition of torture and other cruel, inhuman or degrading treatment

Criminalization of torture

98. Chapter 11 of the Criminal Code (39/1889), dealing with war crimes and crimes against humanity, has been supplemented with separate penal provisions concerning torture. The amendment took effect on 1 January 2010. According to the Criminal Code, torture refers to the intentional causing of severe mental or physical suffering to another person for the purpose of obtaining a confession or information, or punishing, intimidating, forcing or discriminating. The punishment imposable for torture is at least two years and at most twelve years of imprisonment.

99. Finland is preparing to ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. In connection with the ratification, Finland will establish a national supervisory body with the task of inspecting places where detained persons are kept or may be kept. The working group that prepared the ratification proposed in its report the Parliamentary Ombudsman to be designated as the national preventive mechanisms in Finland.

Violence against women

100. The extended ministerial group for internal security has adopted a national action plan to reduce violence against women for the years 2010–2015. In the preparation of the action plan, account was taken of, for instance, the recommendations of the Committee on the Elimination of Discrimination against Women and the policies of the Council of Europe. However, when the action plan was adopted, no separate resources were allocated for implementing the measures. A total sum of EUR 40,000 has been reserved for programmes to stop violent behaviour in 2011–2012.

101. In May 2011 Finland signed the Council of Europe Convention preventing and combating violence against women and domestic violence. Finland will start to prepare the ratification of the Convention in autumn 2011.

102. As from the beginning of 2010, petty assault has been an offence subject to ex officio prosecution in cases where the perpetrator is a person close to the victim. This

amendment of the Criminal Code is intended to improve the opportunities of authorities to intervene in violence in close relationships, including violence against women in intimate relationships.

103. The provisions of the Criminal Code on sex offences, too, have been amended. Currently also those acts where the perpetrator has sexual intercourse with the victim while the victim is incapable of defending herself or himself are regarded as rape. Defencelessness may be due to e.g. unconsciousness, illness, disability or fear. Moreover, the National Research Institute of Legal Policy is examining the punishment practice for rape. On the basis of the findings, the Ministry of Justice will assess whether the reform of sex offence legislation should continue.

104. The Internal Security Programme, adopted in 2008, includes means to intervene more efficiently in female genital mutilation. Training on this subject is provided especially to health-care and child welfare professionals, social workers and staff of day care homes and schools.

Article 8
Prohibition of slavery and servitude

Trafficking in human beings

105. The provisions of the Criminal Code (39/1889) concerning trafficking in human beings entered force in August 2004. The Code provides that a person who by abusing the dependent status or vulnerable state of another person, by deceiving another person or by abusing a mistake made by that person, by paying remuneration to a person who has control over another person, or by accepting such remuneration takes control over another person, recruits, transfers, transports, receives or harbours another person for purposes of sexual abuse, forced labour or other demeaning circumstances or removal of bodily organs or tissues for financial benefit shall be sentenced for trafficking in human beings. An attempt is punishable. The punishment for trafficking in human beings is at least four months and at most six years of imprisonment. The punishment for aggravated trafficking in human beings is at least two years and at most ten years of imprisonment.

106. The position of victims of trafficking in human beings was improved in 2006 by including in the Aliens Act (301/2004) provisions on issuing a residence permit for a victim of trafficking and on a related reflection period. Moreover, the Act on the Integration of Immigrants and Reception of Asylum Seekers (493/1999) was amended in 2007 by including new provisions on assistance and support to victims of trafficking.

107. Finland adopted a national action plan against trafficking in human beings in spring 2005 and revised it in June 2008. The approach of the action plan is based on human rights and the victim’s situation. The impacts of the measures taken are assessed more efficiently than before from the gender perspective and that of children. Multiprofessional know-how is emphasized. The objectives of the action plan also include to identify victims of trafficking better than before, to raise awareness of trafficking and to prevent trafficking for instance by influencing demand.

108. Since 2009 the Ombudsman for Minorities has acted as the national rapporteur on trafficking in human beings. The Ombudsman issues recommendations and opinions on activities to combat trafficking and on the implementation of victims’ rights. She also provides advice and assistance to victims of trafficking and comparable offences for safeguarding their rights.

109. Parliament considered the Ombudsman’s first report on trafficking in human beings at the turn of the years 2010 and 2011. On the basis of the report Parliament has required,

among other things, that the Government draft a separate act on the assistance system for victims of trafficking. In addition, Finland should establish a national unit specialised in investigating trafficking in human beings and related offences and designate key prosecutors specialised in these types of offences.

110. In respect of employment legislation and the supervision of employment relationships of foreign workers, Parliament has required that work-related trafficking in human beings should be prevented more efficiently and that the Aliens Act should be amended urgently by stipulating that residence permits are no longer issued specifically for employment with a certain employer.

111. Finland signed the Council of Europe Convention on Action against Trafficking in Human Beings in August 2008. Towards the end of 2010 the report of the working group preparing the implementation of the Convention was circulated broadly for comments. The Government will submit its proposal for adopting the Convention and the necessary legislative amendments to Parliament in late 2011.

Criminalization of purchase of sexual services

112. The purchase of sexual services from victims of trafficking in human beings was criminalized in August 2006. Originally, the Government proposed criminalising the purchase of all sexual services. However, Parliament decided to delimit the criminalization into trafficking in human beings because it considered that a full prohibition would further weaken the already weak position of prostitutes and hamper the investigation of serious offences related to prostitution.

113. According to the Council for Equality the police often have difficulties in obtaining evidence of the purchaser’s awareness of pandering or trafficking in human beings behind the purchased sexual services. Because of this difficulty to gather evidence, the partial criminalization of the purchase of sexual services was not successful, and that is why the Council supports a full prohibition of such activity. Moreover, the Council is concerned that incidents of trafficking in human beings are not identified efficiently because the authorities are insufficiently resourced and trained.

114. Moreover, the Council for Equality points out that from the victim’s perspective, pandering and trafficking in human beings differ significantly from each other, for the victim of a trafficking offence is a complainant whereas the victim of a pandering offence is only a witness.

115. After considering the 2010 report on trafficking in human beings, Parliament required that the Government should take measures to eliminate the overlap of the penal provisions concerning trafficking in human beings and pandering and to strengthen the legal status of victims of pandering by giving them a complainant’s status in criminal proceedings.

Article 9
Grounds for deprivation of liberty

Deprivation of liberty on grounds of offence

116. Deprivation of liberty on grounds of offence may be based on the provisions of the Coercive Measures Act (450/1987) on apprehension, arrest and detention. The Criminal Investigations Act (449/1987) contains provisions on the obligation of a person to be present in criminal investigation.

117. A person may also be apprehended by virtue of section 11 of the Police Act (493/1995) for the purpose of protecting the person. The practice of taking intoxicated persons into custody is based on this provision of the Police Act.

118. The Act on the Treatment of Persons in Police Custody (841/2006) applies to the treatment of remand prisoners and apprehended and arrested persons kept in custody by the police.

119. According to the police, the police and the other authorities supervising compliance with law conducted a total of 131,103 apprehensions and arrests of persons in 2010. The number is nearly the same as in 2009. In almost 60 per cent of these cases an intoxicated person was taken into custody.

Involuntary treatment given against the person's will

120. The Mental Health Act (1116/1990) lays down conditions on which a person may be ordered to involuntary treatment in a psychiatric hospital.

121. If a court waives sentence on an accused on account of his or her state of mind, it may order that the person be kept in prison until the National Institute for Health and Welfare has decided whether the person needs treatment in a psychiatric hospital.

122. During 2009 in all about 30,600 patients were treated in psychiatric institutions. Of the new patients registered in 2009, nearly one third had been referred to involuntary psychiatric treatment.

123. The Ministry of Social Affairs and Health is preparing a reform of the Mental Health Act for regulating more precisely the responsibility in decision-making that influences an individual's rights and obligations.

124. The Act on Special Care of Mentally Handicapped Persons (519/1977) lays down conditions for special care given against a person's will. Annually, fewer than 10 mentally handicapped persons have been treated involuntarily.

125. The Child Welfare Act (417/2007) lays down conditions for the urgent placement and taking into care of a child and contains provisions on substitute care. Substitute care may be arranged also in institutions. In 2009 more than 16,000 children and young persons were placed outside their homes. About one third of them were placed in institutions. Of all children taken into care slightly less than one fifth had been taken into involuntary care. Most such children are aged 13–17 years. The youngest children taken into involuntary care are babies under one year of age.

126. According to the Act on Welfare for Substance Abusers (41/1986) a person may be ordered to involuntary treatment on account of his or her health risk or violent behaviour. Only very seldom have persons been ordered to involuntary treatment.

127. The Communicable Diseases Act (583/1986) provides that a person who has a generally hazardous communicable disease or is justifiably suspected of having such a disease may be isolated in a medical care institution for a maximum of two months. At the place of isolation, the person may, even against his or her will, be given the treatment necessary to prevent the spread of the disease. No such isolation has been needed. The Ministry of Social Affairs and Health is preparing a reform of the Communicable Diseases Act.

128. In 2010 the Ministry of Social Affairs and Health set up a working group to consolidate, to the extent possible, into one statute all legislation restricting the right of self-determination of social welfare and health-care clients and patients. The need for a legislative reform concerns especially the involuntary treatment and protective measures used in services for mentally retarded persons and dementia patients, the treatment of

pregnant substance abusers, and restrictions on the right of self-determination in somatic and psychiatric care.

129. Among other issues, the working group assesses what responsibility persons without public sector employment relationships have in relation to patients' or clients' rights in privatised and outsourced social welfare and health-care services.

130. The working group also examines the possible need to reform the Act on the Status and Rights of Patients (785/1992), the Act on the Status and Rights of Social Welfare Clients (812/2000) and any other social welfare and health-care legislation.

Holding asylum-seekers in detention

131. The Aliens Act (301/2004) provides that, instead of taking interim measures, authorities may order an alien to be held in detention on certain conditions.

132. Finland has one detention unit for aliens. The unit is located in connection with the Metsälä reception centre and has capacity for 40 persons. In 2010, the detention unit registered 534 new clients. Slightly less than 90 per cent of them were men. Of all clients in the detention unit, 17 were minors, and 4 of them had arrived without a guardian. The average time of detention of a person was 28.8 days. The longest time of detention was 136 days and the shortest less than one day.

Article 10
Humane treatment of persons deprived of their liberty

Finnish prison service system and provisions of the Covenant on segregation of juveniles from adults

133. Article 10 of the Covenant imposes two obligations to segregate juveniles from other prisoners. According to article 10, paragraph 2(b) of the Covenant, accused juvenile persons shall be separated from adults. In addition, Article 10, paragraph 3 provides that juvenile offenders shall be segregated from adults. Finland, as the other Nordic countries, has entered a reservation concerning both these provisions of the Covenant. Finland states in its reservation that although juvenile offenders are, as a rule, segregated from adults in Finland, it does not deem appropriate to adopt an absolute prohibition not allowing for more flexible arrangements.

134. According to the interpretation (general comment No. 21, 1992) of the United Nations Human Rights Committee, which monitors compliance with the Covenant, the concept of "juvenile" in article 10 is to be determined by each State party in the light of relevant social, cultural and other conditions. Finland has not defined the content of the concept of "juvenile" in an unambiguous manner.

135. Chapter 2 c, section 5 of the Criminal Code (39/1889) provides that a person who has committed an offence when under the age of 21 years is subject to less strict provisions on conditional release than adult offenders. The Prison Act (767/2005) provides that in enforcing the imprisonment of juveniles who have committed their offences when under 21 years of age, special attention must be paid to their needs arising from their age and stage of development. Neither provision mentioned above refers to the age of the juvenile offender at the time when the imprisonment is being enforced.

136. Neither the Prison Act nor the Detention Act (768/2005) contains any specific provisions on the placement and segregation of juvenile prisoners, i.e. those under 21 years of age. However, age is mentioned as one of the factors to be taken into account in decisions on placement in prison.

137. Separating all young prisoners strictly from adults cannot be considered to serve the best interests of young persons or children in all cases. Moreover, in practice the large size of prison departments and other structural reasons in prisons prevent compliance with provisions of the Covenant in some situations.

138. After the entry into force of the Covenant nationally, Finland has ratified the Convention on the Rights of the Child, according to which every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so. The Convention on the Rights of the Child applies only to prisoners and remand prisoners under 18 years of age. Both the Prison Act and the Detention Act contain a separation obligation in line with the Convention.

139. Finland does not intend to formulate more precisely its reservations entered in respect of article 10, paragraphs 2(b) and 3 of the Covenant or to amend them.

Overall reform of enforcement of imprisonment

140. In October 2006, Finland carried out a comprehensive overall reform of the enforcement of imprisonment and remand imprisonment. The reform was dealt with in Finland's fifth periodic report (CCPR/FIN/2003/). The particular purpose of the reform, which modified the objectives and content of the enforcement of imprisonment and the organization of the prison service administration, was to reduce the risk of recidivism by different means.

141. The most important new legislation consists of the Prison Act (767/2005), the Detention Act (768/2005) and Chapter 2 c of the Criminal Code (39/1889), concerning imprisonment and conditional release.

142. In order to reduce the risk of recidivism, all prisoners are provided with an individual sentence plan, covering both the period of imprisonment and conditional liberty. The plan is the most important instrument for ensuring target-oriented enforcement and effectiveness. Prisoners are motivated to comply with the plans in a committed manner by offering them advantages as rewards for compliance, e.g. advanced prison furlough, placement in open prisons and release on parole under supervision.

143. The reform intensified the activation of prisoners, increased their engagement in productive activities and improved inducements in the wage system for prisoners. Differences between closed and open prisons were reduced. In open prisons prisoners are paid current wages for skilled work. The wages are subject to taxes, and the prisoners also pay for their maintenance.

144. A first-time prisoner is conditionally released after serving half of the sentence and a recidivist after serving two thirds of the sentence. Young first-time prisoners convicted of an offence committed at the age of 15–20 years are conditionally released after serving one third of the sentence. Recidivists convicted of offences committed at the age of 15–20 are conditionally released after serving half of the sentence.

145. According to the new provisions a life prisoner may be conditionally released after serving 12 years of imprisonment. If the life prisoner committed the offence underlying the imprisonment when he or she was under 21 years old, the earliest possible date of release is after serving ten years of the imprisonment. The Helsinki Court of Appeal decides on the release. A life prisoner who is refused conditional release may appeal against the refusal to the Court of Appeal when one year has passed since the refusal. Since the reform took effect, the Court of Appeal has released in all 10 life prisoners conditionally. The average duration of imprisonment of the life prisoners released in 2008 was about 12.5 years. This figure does not include pre-trial imprisonment before the life imprisonment. In 2009, an average of 152 prisoners was serving a life imprisonment.

146. Prison furloughs granted to life prisoners are intended to stimulate their contacts with the world outside prison and thus to improve their opportunities to reintegrate into society after serving the sentence. The Prison Act provides that a life prisoner must be granted a supervised prison furlough at least once a year after he or she has been deprived of liberty for eight years.

147. The reform also introduced release on parole under supervision, which is intended to support the controlled reintegration of prisoners into society. A prisoner may not be released on parole under supervision outside the prison earlier than six months before the regular conditional release. During the parole period the prisoner may be supervised by technical devices, mainly by GSM technology. By the end of June 2009, more than 500 prisoners had been released on parole under supervision. Only in about 10 per cent of the cases had it been necessary to cancel the parole because the released prisoner had failed to comply with the required conditions, mainly by abusing intoxicants.

148. An organizational reform of the criminal sanctions administration took effect at the beginning of 2010. In the reorganization the Probation Service, the Prison Service and their central organization, the Criminal Sanctions Agency, were merged into one authority, the new Criminal Sanctions Agency.

149. Cells without toilets, so-called slop out cells, have constituted a problem in the prison service activities. This issue was covered in the combined fifth and sixth period reports of Finland on the implementation of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT/C/FIN5–6, Finland's answer to question No. 15 of the Committee against Torture).

Number of prisoners

150. Keeping the number of prisoners under control is one of the primary targets in Finnish criminal policy. During the first years of the 2000s the number of prisoners was on the increase, but in 2006 it started to decline. The downward trend was mainly due to the reform of the Prison Act and changes in the system of converting unpaid fines into imprisonment.

151. In 2010 the average number of prisoners in Finland was 3,291. Most of them were convicted prisoners. In March 2011, women accounted for about 7 per cent of all prisoners, and foreigners for slightly more than 10 per cent. The number of young and minor prisoners was low: 5 of them were younger than 18 years of age and slightly more than 70 were aged 18–20.

152. The number of prisoners imprisoned for failure to pay fines has been reduced by restricting the possibility of converting unpaid fines into imprisonment. The conversion ratio has been raised, the maximum length of a single imprisonment sentence for failure to pay fines has been reduced and some day-fines have been made inconvertible. At the beginning of 2006, the prisoners serving imprisonment only for failure to pay fines numbered about 180 and at the beginning of 2009 they numbered 108.

Monitoring sentence

153. Parliament has passed an act on a new form of punishment, i.e. monitoring sentence. The Act will take effect in November 2011. The monitoring sentence may be imposed instead of unconditional imprisonment when a sentence of community service is counter-indicated due to previous community service sentences or other weighty reasons. The monitoring sentence may be imposed instead of imprisonment of a minimum of 14 days and a maximum of eight months.

154. The target group of the monitoring sentence consists primarily of persons found guilty of drunken driving or thefts. A person serving a monitoring sentence has an abode obligation, i.e. an obligation to stay at home or in another housing facility whenever he or she is not engaging in an activity determined in the enforcement plan. The person is obliged to engage in such an activity for 10–40 hours per week. The estimated annual number of persons sentenced to monitoring sentences is 600–700, and the estimated daily number of monitored persons is on average 110.

Article 11
Deprivation of liberty based on contractual obligation

155. According to section 7, paragraph 3 of the Constitution (731/1999), no one must be deprived of liberty without a reason prescribed by an Act.

Article 12
Right to liberty of movement and freedom to choose one's residence

156. The new Aliens Act (301/2004) took effect in May 2004. The new Act abolished the restriction on aliens' right to move freely in the country and to choose their residence.

Reforms of Municipality of Residence Act and Social Welfare Act

157. In Finland the Constitution guarantees the right to move freely within the country and to choose one's place of residence, but in practice the need for social welfare and health-care services provided by the public sector has restricted the free movement of elderly persons and persons with disabilities.

158. The reforms of the Municipality of Residence Act (201/1994) and the Social Welfare Act (710/1982), which entered force on 1 January 2011, increased individuals' freedom of choice in respect of institutional care, housing services and family care. The Municipality of Residence Act was supplemented with a provision according to which a person cared for in a long-term care relationship, i.e. lasting more than one year, outside his or her municipality of residence may choose his or her preferred municipality of residence. The precondition is that authorities have decided to place the person in institutional care. The Social Welfare Act was amended so that a person may request also a municipality other than his or her municipality of residence to assess his or her needs for services and to arrange the necessary services. Thus, the person may move from the current municipality of residence to another municipality and be covered by the latter's services. A person in institutional care may for instance move to live near his or her family members and other close persons.

Article 13
Right of aliens to stay in the country and lawfulness of expulsions

159. The new Aliens Act (301/2004), in harmony with EU law, contains provisions on the freedom of movement and right of residence of EU citizens and comparable persons. The Act also includes specific provisions on Nordic citizens' entry into and residence in the country. The Border Guard Act (578/2005) and the provisions issued by virtue of it regulate the crossing of the national border.

160. The provisions on asylum procedures which entered force in 2000, when the old Aliens Act was still in force, remained mainly unchanged in the overall reform of 2004.

Since then, however, the Aliens Act has been amended a number of times, especially as required by EU directives.

161. Firstly, in June 2009 the Aliens Act was supplemented with minimum requirements on defining third-country nationals and stateless persons as refugees or persons in need of other international protection. At the same time, provisions on the content of the granted protection were included. The provisions on a residence permit issued on grounds of the need for other international protection were divided into two provisions, concerning subsidiary protection, in line with the directive, and humanitarian protection.

162. Secondly, the provisions of the Aliens Act on the procedures for granting and withdrawing refugee status were amended in July 2009. Now the Act contains provisions on providing information to applicants for international protection, cancellation and expiry of applications for international protection, asylum interview, acquisition of information on individual cases relating to international protection and expiry of cases relating to international protection before administrative courts.

163. The Aliens Act was tightened and clarified again in August 2010 by introducing an opportunity to establish medically the age of a sponsor or an alien applying for a residence permit and by restricting family reunification in respect of foster children. Issuing a residence permit to a minor on the basis of family ties requires that the child is minor on the date when the residence permit application is decided. Moreover, family reunification of an alien who has obtained international or temporary protection requires that he or she has secure means of support if the family was formed after entry into Finland. The right of asylum-seekers to gainful employment has been restricted, too. An asylum-seeker who has a document entitling him or her to cross the border has the right to gainful employment after staying three months in Finland. In other cases the applicant must have stayed six months in the country.

Article 14
Right to equality before courts and tribunals

Judiciary staff

164. At the end of 2010, women accounted for slightly more than 65 per cent of all employees in both general courts and administrative courts.

Reforms of criminal procedure

165. The Criminal Procedure Act (689/1997) was amended to a substantial extent in 2006. The Act was supplemented with a new Chapter 5 a, which concerns adjudicating a case without holding a main hearing. In this new procedure, the so-called summary penal proceedings, a judge adjudicates the case on the basis of written material. For the procedure to apply, the accused must have pleaded guilty of the suspected offence, and both the accused and the possible victim must have consented to the procedure. The consent may be withdrawn. An additional condition is that the accused had reached the age of 18 when committing the offence.

166. Since summary penal proceedings may be applied to all offences for which the maximum punishment prescribed by law is two years of imprisonment, the proceedings are possible in respect of nearly all ordinary and petty offences. However, the maximum imposable punishment is only nine months of imprisonment. In addition, the accused has an opportunity to issue an oral statement on the matter if he or she is sentenced to imprisonment for more than six months.

167. The possibilities of using technical devices, such as video conference equipment and the telephone have been increased. Hearing for instance a detention issue in a video conference improves security in the hearing and reduces the need for transports between prison and court.

168. Provisions on the language to be used in criminal proceedings were included in the Criminal Procedure Act in 2003. A court may hear a case in either Finnish or Swedish and must issue the judgment in either Finnish or Swedish. In the Sámi Homeland the language of judicial proceedings may also be Sámi, as provided in more detail in the Act on the Use of the Sámi Language before Authorities (516/1991). The Sámi Language Act and the Sámi Homeland are dealt with in more detail in connection with Article 27.

169. In criminal cases pursued by a prosecutor, a defendant and a complainant who do not speak Finnish, Swedish or Sámi have the right to cost-free interpretation. The court, ex officio, provides interpretation at the hearing or invites an interpreter to do it. The judgment must be translated into this language.

170. The right of victims of violent offences to get a state-paid counsel or support person was extended in 2006. Earlier, counsels and support persons could only be ordered for victims of sexual offences, domestic violence or human trafficking. Now also victims of (attempted) homicide, bodily injuries and offences against personal liberty may get such support. In addition, a counsel and a support person are no longer alternatives to each other, but a victim of a violent offence may now get both, if necessary.

Juvenile penalty

171. At the beginning of 2005 Finland included provisions on juvenile penalty in the Criminal Code (39/1889). The juvenile penalty may be imposed on a young person who has committed an offence at the age of 15–17, if a fine is considered to be too lenient and unconditional imprisonment too severe a punishment in the case. In addition, the court must consider that the juvenile penalty is justifiable for promoting the social adaption of the perpetrator. The penalty consists of supervisory meetings, tasks and programmes promoting coping in society, as well as support and guidance. The duration of the juvenile penalty may vary from four months to one year. The juvenile penalty has been used only scarcely. In 2008, a total of 16 juvenile penalties were enforced.

Right of an accused not to incriminate oneself

172. The European Court of Human Rights (ECtHR) has held that Finland has violated the right of an accused not to incriminate himself or herself. In October 2009, after the judgment of the ECtHR the Finnish Supreme Court (KKO:2009:80) annulled its earlier ruling which the ECtHR had considered to violate the right not to incriminate oneself.

173. In its annulment decision the Supreme Court considered that if information about a debtor’s property relates to both a pending criminal case and to enforcement or bankruptcy proceedings where this information is wanted from the debtor with the threat of punishment, the debtor is entitled to refuse to declare the property. The significance of the information from the standpoint of the debtor’s possible guilt is irrelevant.

Compensation for delayed judicial proceedings

174. The European Court of Human Rights has issued a number of judgments finding against Finland for violating the Convention for the Protection of Human Rights and Fundamental Freedoms by unreasonably long judicial proceedings. The Act on Compensation for Excessive Duration of Judicial Proceedings (362/2009) took effect at the beginning of 2010. It provides that a party may obtain monetary compensation from the

State for unreasonably prolonged proceedings. The Court has ruled in its case law that the compensation is an effective remedy within the meaning of the Convention.

175. The Act on Compensation for Excessive Duration of Judicial Proceedings applies to general courts. The amount of the compensation is EUR 1,500 per year for each year during which the proceedings have been prolonged for a reason attributable to the State. The total amount of the compensation is increased by a maximum of EUR 2,000 if the main issue is particularly significant to the party in question. The maximum amount of the compensation, EUR 10,000, may be exceeded for particular reasons. The compensation must be requested from the court considering the main issue before the termination of the proceedings.

176. The Ministry of Justice is drafting a legislative amendment to extend the scope of application of the compensation to legal proceeding before administrative courts, special courts and administrative appellate boards. In addition, the Supreme Court has issued a precedent on the interpretation of the Act on Compensation for Excessive Duration of Judicial Proceedings (KKO:2011:38), stating that compensation may also be paid if the consideration of the issue has ended before actual judicial proceedings, for instance during pre-trial investigation.

177. When the Act on Compensation for Excessive Duration of Judicial Proceedings was enacted, the Code of Judicial Procedure (4/1734) was supplemented with provisions on urgent consideration of cases. According to the new Chapter 19 of the Code, a party to district court proceedings may request the court to order that the case be considered urgently. As a rule, a request for urgent consideration is decided by a judge other than the one considering the main issue.

Article 15
Principle of non-retroactive jurisdiction

178. Finland dealt with the issue in its fourth and fifth periodic reports (CCPR/C/FIN/2003/5 and CCPR/C/95/Add.6).

Article 16
Right to recognition as person before law

179. The new Population Information Act (661/2009) took effect in March 2010. The Finnish Population Information System is a computerised national register that contains basic information about Finnish citizens and foreign citizens residing permanently in Finland. In addition, data on foreigners residing in Finland temporarily, i.e. for less than one year, may be recorded in the Population Information System. The system is maintained by the Population Register Centre and the local register offices.

180. According to the Population Information Act all newborn children who get Finnish citizenship on account of their birth get a personal identity code automatically from the Population Information System when their data are registered in the system for the first time. A personal identity code is given automatically also to a child born in Finland who gets only foreign citizenship at birth but whose mother had a municipality of residence in Finland at the time of the child’s birth. Hospitals record all births automatically in the Population Information System.

Article 17
Protection of privacy, family, home and correspondence, and prohibition of attacks on honour and reputation

Coercive measures interfering with protection of privacy

181. Searches of the premises have had flaws in Finland. The European Court of Human Rights has found several times against Finland for violating the right to respect for home within the meaning of the European Convention of Human Rights, because it is not possible to refer a decision on house search afterwards to an independent authority for assessment and because such decisions are not supervised in advance, either. The Parliamentary Ombudsman, too, occasionally receives complaints concerning search, according to which the police, for instance, have not given the person living in the searched premises an opportunity to be present during the search or no witness has been summoned to the place.

182. In the new Coercive Measures Act passed by Parliament in March 2011, search is divided into general search (home in the proper sense) and special search (premises where certain information covered by an obligation of secrecy or a right to secrecy may be found; e.g. law offices, doctors' consulting rooms and editorial offices). Decisions on general search are made by an official entitled to arrest, i.e. a prosecutor or a higher police official. Decisions on special search are, as a rule, made by a court, which also designates a search agent participating in the search. The new Coercive Measures Act will enter force in 2014.

183. In respect of both types of search, the existence of the necessary preconditions and the lawfulness of the procedure may be referred to a court for assessment afterwards. This has become possible already in searches under the Coercive Measures Act (450/1987) currently in force.

184. The reform does not significantly change the preconditions for using interception, telemonitoring, technical listening or technical viewing. However, the new Coercive Measures Act contains provisions on new secret coercive measures, which can be used in investigating suspected offences other than petty offences. Such measures cannot be used at least to a large degree in premises protected by the right to respect for home. In systematic observation the suspect is monitored in longer term. The monitoring must not be directed at premises used for permanent residence, and technical devices must not be used in the monitoring of premises protected by the sanctity of home. In undercover acquisition of information a policeman uses false, misleading or disguised information in order to obtain information from a person. Undercover acquisition of information is not permitted in dwellings, not even with the cooperation of the possessor of the dwelling. In this activity, information is acquired in a short term.

185. An overall reform of the legislation on the Border Guard took effect in September 2005. The basic legislation on the Border Guard was divided into the Border Guard Act (578/2005), the Border Guard Administration Act (577/2005) and the Act on the Processing of Personal Data by the Border Guard (579/2005). The reform, intended to improve cooperation between the security authorities, i.e. the Police, the Customs and the Border Guard, strengthened the role of the Border Guard in criminal investigation related to its main functions. The provisions on the processing of personal data were harmonised with the Act on the Processing of Personal Data by the Police (761/2003).

186. With the reform border guardsmen were given the same powers in respect of preventing, investigating and referring to prosecution offences to be investigated by the Border Guard as the police has been given for other offences in the Police Act (493/1995), the Criminal Investigations Act (449/1987) and the Coercive Measures Act (450/1987) or elsewhere in legislation. However, border guardsmen were not given the right to undercover activities, pseudo purchases, interception or telemonitoring.

Article 18
Right to freedom of thought, conscience and religion

Evangelic Lutheran Church and Orthodox Church

187. The provisions on the status under public law of the Evangelic Lutheran Church and the Orthodox Church in Finland and their administration are laid down in separate acts: the Church Act (1054/1993) for the former and the Act on the Orthodox Church (985/2006) for the latter. About 80 per cent of the population in Finland are members of the Evangelic Lutheran Church and one per cent are members of the Orthodox Church. Slightly more than one per cent of the population belong to other religious communities.

188. The Evangelic Lutheran Church and the Orthodox Church in Finland have the right to impose taxes on their members. In addition to the church tax revenue, parishes receive part of the corporate income tax revenue.

189. The Evangelic Lutheran Church has approved female ministry but the Orthodox Church has not. Of all about 2,300 ministers employed in the Evangelic Lutheran parishes, slightly less than 40 per cent are women. The first female bishop in Finland was consecrated in September 2010.

190. At the end of 2010 the Supreme Court issued a precedent (KKO:2010:74) on gender-based discrimination in a church service of an Evangelic Lutheran parish. In the case at issue a male minister who was due to give a sermon during the service and the chairman of an association negative towards female ministry did not permit a female minister holding office in the parish to perform the duties which she had been ordered to perform during the service. Both the male minister and the chairman were found guilty of gender-based discrimination criminalized in the Criminal Code (39/1889). Their conduct could not be justified by the freedom of religion and the male minister’s conviction against female ministry. In this precedent the Supreme Court weighed the right to freedom of religion against the prohibition of gender-based discrimination and referred in its reasoning to both article 26 of the Covenant and the prohibition of discrimination laid down in the European Convention of Human Rights.

Registered religious communities

191. A registered religious community is a particular form of community, which arranges a framework for pursuing religion. A registered religious community may be established on conditions laid down in the Freedom of Religion Act (453/2003). The number of such communities in Finland is about 50.

192. The new Freedom of Religion Act entered force in August 2003. This act increased the autonomy of registered religious communities and introduced amended provisions on separating from such communities. Now it is possible to separate from a registered religious community in writing, without a period of consideration.

Teaching of religion in comprehensive schools and general upper secondary schools

193. At the same time with the amendments of the Freedom of Religion Act, the provisions on the teaching of religion and ethics in the Basic Education Act (628/1998) and the General Upper Secondary Schools Act (629/1998) were amended. During basic education and general upper secondary education, pupils are taught the religion of the majority of pupils. However, a pupil has the right to receive teaching of his or her own religion if the school has at least three pupils belonging to the same religious community. In respect of basic education, the persons having the care and custody of the pupil must

request such teaching for the pupil, and in general upper secondary education the pupil himself or herself must request it.

194. A pupil who does not belong to any religious community receives teaching of ethics. On the other hand, if the pupil has been brought up according to a certain religion and has the related cultural background, he or she may be taught the religion at school, too, if the school has already arranged teaching of this religion and the persons having the care and custody of the pupil request such teaching.

195. In 2004 the Supreme Administrative Court took a stand on teaching of religion to pupils who did not belong to any religious community. In this case the parents of the pupils disagreed with each other about the teaching (KHO:2004:99). The mother had required that the children change over to teaching of ethics, whereas the father opposed to the changeover. The Supreme Administrative Court held that the decision of the city school board, which rejected the mother's petition, was unlawful.

Article 19
Right to hold opinions without interference

196. The European Court of Human Rights has found several times against Finland for violating the right to freedom of expression guaranteed by the European Convention of Human Rights. For example in 2010 the Court found against Finland in nine cases. In most cases the Court has assessed the weighing by domestic courts between competing interests: the freedom of expression of media and the protection of privacy of persons portrayed by the media.

197. In 2010 the Ministry of Justice commissioned a study which analysed the reasons for the judgments against Finland for violating the right to freedom of expression and compared the Finnish legislation and case law with those of Sweden, Norway and the Netherlands. The study showed that the Finnish legislation on the right to freedom of expression and the right to respect for private life does not essentially differ from the legislation of other countries, but that the national legislations are interpreted differently. Domestic courts often consult *travaux préparatoires* for support for their interpretation of legislation. However, *travaux préparatoires* referred to in the reasoning for judgments may be partly outdated and may not take account of developments in the protection of human rights. In addition to *travaux préparatoires*, also the case law of the European Court of Human Rights should be taken into account in interpreting national legislation. This requirement, for its part, necessitates training of judiciary staff.

198. In its precedent (KHO:2011:22) issued in March 2011 the Supreme Administrative Court assessed the relation between the right to freedom of expression and the prohibition of ethnic discrimination. The case concerned the question whether the Finnish Broadcasting Company Ltd (Yleisradio Oy) had violated the prohibition of discrimination and harassment laid down in the Non-Discrimination Act (21/2004) when broadcasting a series of entertainment programmes dealing with Roma people. The programme consisted of sketches about prejudice held by the majority population against the Roma and showed caricatures of Roma persons. Some authors of the programme were Roma. The Supreme Administrative Court held that the Finnish Broadcasting Company Ltd had not intended to offend the Roma and that the programme did not create an intimidating, hostile, degrading, humiliating or offensive environment prohibited by the Non-Discrimination Act. Neither did the programme in fact produce serious disturbing consequences referred to in the Act. The Court weighed the protection of the freedom of expression and the prohibition of discrimination against each other and assessed the case in light of the case law of the European Court of Human Rights concerning the right to freedom of expression.

Article 20
Prohibition of propaganda for war and of incitement to hostility

199. Finland has entered a reservation concerning paragraph 1 of article 20 of the Covenant on grounds of its conflicting with the principle of freedom of expression defined in article 19. In its fifth periodic report Finland has commented on the possibility of lifting the reservation.

Hate crime and hate speech

200. The Finnish Criminal Code (39/1889) does not define the concepts of racist crime and hate crime, and such essential elements of offences do not exist. The most important provisions of the Criminal Code that apply to hate crime are those concerning agitation against population subgroup and aggravated agitation, and the provision on meting out the sentence, according to which a motive comparable to that for hate crime is an aggravating ground of the sentence. The legislative amendments underlying these provisions entered force on 1 June 2011. Before the amendments the Criminal Code mentioned expressly only racist motives, and it did not contain provisions on the aggravating grounds of agitation of other subgroups of population.

201. According to the essential elements of the offence of agitation, a person who makes or keeps available to the public or otherwise spreads among the public information, an opinion or another message where a certain group is threatened, defamed or insulted on the basis of race, colour, birth, national or ethnic origin, religion or conviction, sexual preference or disability or a comparable other motive shall be sentenced to a fine or to imprisonment for at most two years.

202. In meting out the sentence, aggravating grounds include the ground that the offence has been committed on the basis of a motive related to the victim’s race, colour, birth, national or ethnic origin, religion or conviction, sexual preference or disability or a comparable other motive.

203. The Police College prepares annually a report on hate crime known to the police. Because the Criminal Code does not describe expressly the essential elements of hate crime, the College does not receive the necessary information directly on the basis of the designation of the offence from the data system of the police but compiles the statistics by using different search terms and a code assigned to racist offences. For the purposes of the report, hate crime is defined as a crime against a person, group, somebody’s property, institution, or a representative of these, motivated by prejudice or hostility towards the victim’s real or perceived ethnic or national origin, religion or belief, sexual orientation, transgender identity or appearance, or disability.

204. From the year 2008 the monitoring of hate crimes has been extended to cover also motives other than racist motives. In 2009 a total of 1,007 reported offences were suspected as hate crimes. The number was 17 per cent higher than in the previous year. Of all hate crimes, 85 per cent were classified as cases of racist crime, whereas 8 per cent were motivated by the religious background of the victim, 3 per cent by the victim’s sexual orientation and 3 per cent by his or her disability. Three hate crimes (0.30 per cent) were motivated by the victim’s transgender identity or appearance.

Article 21
Right of peaceful assembly

205. Finland dealt with the national legislation on the right of peaceful assembly in its fifth periodic report (CCPR/C/FIN/2003/5).

206. A non-governmental LGBT organization in Helsinki (*Helsingin seudun Seksuaalinen tasavertaisuus ry, HeSeta*), arranges annually the Helsinki Pride Parade, which is attended by persons belonging to sexual and gender minorities and their family members and other close persons. In 2010 the Parade was attacked by using tear and pepper gas sprayers and smoke bombs. Three of the attackers were prosecuted, and the Helsinki District Court passed judgment in the case in May 2011. The defendants were found guilty of 88 assaults, 71 violations of political freedom, and possession of an object or substance suitable for injuring another person. HeSeta as the organizer of the Helsinki Pride event was the complainant in respect of the charges concerning violations of political freedom. Because the offence was directed at sexual and gender minorities, the District Court applied the provision of the Criminal Code concerning aggravating grounds when meting out the punishment. The judgment is not yet final.

Article 22
Right to freedom of association

207. Finland has reported on its legislation on the freedom of assembly in the fifth periodic report (CCPR/C/FIN/2003/5).

208. The National Board of Patents and Registration maintains a register of associations. The Parliamentary Ombudsman receives occasionally complaints concerning the registration procedure of associations, but no complaints on this subject were made for instance in 2009 and 2010.

Article 23
Protection of family and equality of spouses

Act on Dissolution of Joint Household of Common Law Spouses

209. Statistics on different types of families are collected annually on the basis of data on persons living in one household. Common law couples are recorded in the statistics on the basis of conclusions drawn from their cohabitation. About every fifth family in Finland is a common law family, and two of five common law families have one child or more.

210. The Act on Dissolution of Joint Household of Common Law Spouses (26/2011) entered force on 1 April 2011. The Act is intended to clarify and protect the position of common law spouses under the law of property in cases where they dissolve their common law marriage. The Act applies to common law spouses who have cohabited in a joint household for at least five years or who have or have had a common child or common custody of a child. District courts are estimated to receive annually approximately 100–150 applications for designating a distributor of an estate and some tens of compensation claims under the new Act.

Family leaves

211. In Finland, family leave is a superordinate concept comprising maternity, paternity and parental leave as well as child care leave.

212. The Employment Contracts Act (55/2001) contains provisions on the right of an employee to different family leaves. The Sickness Insurance Act (1224/2004) provides for earnings-related parental leave, which comprises a period of maternity allowance of about four months, a period of paternity allowance of about one and a half month, and a period of parental allowance of slightly more than six months, which the parents can divide between

each other. Fathers use less than seven per cent of all days for which parental allowance is paid.

213. In addition to parental allowance, parents have the right to take child care leave from work until their child reaches the age of three. The leave is not paid in relation to one's salary but the stay-at-home parent receives a fixed child home care allowance. Provisions on child care leave are laid down in the Act on the Child Home Care Allowance and the Private Care Allowance (1128/1996).

214. In the 2000s the legislation on family leaves and financial support related to parenthood has been developed in order to provide families with more flexible opportunities to reconcile work and family life. The intention has been to encourage especially fathers to participate more in taking care of their children, but so far no legislation has been enacted on longer leaves earmarked for fathers. Attempts have also been made to divide the costs of family leaves incumbent on employers more equally between different employers and to compensate for more costs.

215. The working group on parental leave set up by the Ministry of Social Affairs and Health in 2007 did not reach unanimity about a more comprehensive reform of the parental leave system but presented alternative models for a reform in its report submitted in March 2011. The working group considered it important to give parents an opportunity to care for their child at home by means of an insurance-based allowance at least until the child reaches the age of one year. In addition, the group regarded that the period of parental leave should be prolonged especially for fathers.

Rainbow families

216. A rainbow family refers to a family with children where the parents belong to sexual or gender minorities, for instance a family of a female or male couple.

217. In 2009 the Act on Registered Partnerships (950/2001) was supplemented with provisions on so-called internal adoption. This amendment made it possible for a partner in a registered partnership to adopt his or her partner's child. After the adoption the child is regarded as a common child of the same sex partners.

218. From 2007, parental allowance under the Sickness Insurance Act has been payable also to parents of the same sex living in a registered partnership. When internal adoption was introduced, also the parental allowance benefits were extended. Now, a partner in a registered partnership of two women adopting her partner's child has the right to an adoptive parent's paternity and parental allowance and the daddy month benefits.

Article 24
Rights of the child

Policy programmes concerning children

219. The Government has adopted four significant policy programmes concerning children: the cross-administrative Policy Programme on the Well-being of Children, Youth and Families; the Child and Youth Policy Programme (2007–2011); Education and research (2007–2012); and the National Development Programme for Social Welfare and Health Care (Kaste; 2008–2011). In order to coordinate youth policy measures the Government adopts every fourth year a development programme setting the national objectives of youth policy and promoting relevant programmes in regional state administration and in municipalities. The Ministry of Education and Culture is responsible for guiding and developing youth policy.

220. The Association of Finnish Local and Regional Authorities, too, has adopted a child policy programme (2000–2015) to guide its own activities. The objectives of the programme are based on those set in the UN Convention on the Rights of the Child. In addition, the Association has recommended that municipalities prepare municipal or regional child policy programmes. In 2003 and 2005 the Association sent inquiries to municipalities in order to monitor and assess the progress in municipal child policy. The inquiry in 2005 showed that the major challenges of municipalities in their client work were related to parenthood. Substance abuse and divorces among parents were regarded as the major risks threatening the well-being of small children. The most worrying problem among school pupils was substance abuse. Other concerns included the insufficiency of special social welfare and health-care services and social exclusion among young people.

221. The new Youth Act (72/2006), which applies to all persons younger than 29 years of age, took effect in March 2006. The Act is intended to support the growth and independence of young people, to promote their active citizenship and social empowerment and to improve their growth and living conditions. The objective of the Government is that by the end of 2010, all municipalities make active use of a system for ensuring influence by young persons, especially those aged 5–17, and for hearing them.

Child welfare

222. The new Child Welfare Act (417/2007) took effect at the beginning of 2008. It stipulates a number of new obligations and procedures for municipalities. The purpose of the Act is to improve the consideration shown for the rights and interests of children in child welfare measures and to guarantee children and their families the necessary supportive measures and services at the earliest possible stage, in as systematic and timely a manner as possible. The provisions of the Act on the obligations and practices of authorities were clarified and the legal security of child welfare clients were strengthened by amendments of the Act that took effect in 2010.

223. The National Institute for Health and Welfare maintains the *Sosiaaliportti* web portal to support knowledge exchange between professionals in the social sector. The portal contains an eHandbook for child welfare, which provides information about good practices and methods related to the Child Welfare Act and child welfare work.

Children's position in parents' divorce

224. Municipalities are responsible for child guidance and family counselling. The Marriage Act (234/1929) contains provisions on family mediation. The Act provides that in proceedings relating to divorce or the end of cohabitation, the court must, upon its own initiative, consider how child custody and right of access should be arranged between the spouses, in the best interests of the child. The court must pay special attention to the fact that the purpose of child custody and right of access is to ensure for the child a positive and close relationship to both parents.

225. The Mannerheim League for Child Welfare and the Central Union for Child Welfare are concerned about the insufficiency of the support provided to divorce families. The organizations consider that municipalities should allocate more resources for support services to divorce families.

Discrimination experienced by children and young persons

226. In 2010 the Ministry of the Interior commissioned a survey on children's and young persons' experience of discrimination. The survey examined the position of children and young persons aged 10–17 representing different minorities. The answerers experienced discrimination very often, but from the statistical standpoint their belonging to a minority

did not constitute a significant factor. However, children and young persons with disabilities and long-term illnesses and those belonging to sexual minorities were more vulnerable to discrimination than the average. School and especially the upper levels of comprehensive school were experienced as particularly probable settings for discrimination.

227. In addition, in 2011 a monitoring group for discrimination set up by the Ministry of the Interior commissioned a special survey of discrimination that young persons aged 16–30 belonging to sexual and gender minorities experienced in upper secondary schools. More than one third of those who answered the survey had been bullied at school at some stage because of their belonging to a sexual or gender minority. The bullies were usually other students but sometimes also school staff treated students in a discriminatory manner. Moreover, young often experienced that the staff accepted the bullying silently. The answerers were most critical towards the almost complete lack of attention to sexual and gender minorities in teaching, teaching materials and school practices.

Ombudsman for Children

228. In 2005 the Act on the Ombudsman for Children (1221/2004) took effect and the first Ombudsman started work. The Ombudsman for Children is an independent authority operating within the administrative framework of the Ministry of Social Affairs and Health and promoting the realization of children’s interests and rights in society. The Ombudsman monitors the living conditions of children and young people, the relevant legislation and societal decision-making. At the same time, she assesses the realisation of the rights and well-being of children and young people.

Conventions related to the rights of the child

229. The report of the working group that prepared the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography was circulated for comments in spring 2011. A Government proposal for the ratification of the Optional Protocol will be submitted to Parliament by the end of 2011.

230. Finland ratified the European Convention on the Exercise of Children’s Rights and the Hague Convention of 1996 on the International Protection of Children in November 2010. The Conventions took effect in respect of Finland on 1 March 2011.

Article 25
Right to take part in conduct of public affairs

Reform of electoral system and electoral and party financing

231. During the current electoral period Finland will reform its electoral legislation. The purpose is to improve proportionality. Prime Minister Jyrki Katainen’s Cabinet has committed itself to amending the Constitution so that the maximum number of electoral districts in the continent of Finland will be 6–12. The political working group to be set up for preparing the reform should submit a unanimous proposal for a new Election Act by the end of 2011.

232. The legislation on electoral and party financing was reformed in 2009–2010. The purpose was to increase transparency in the financing and to improve related supervision. The new Act on a Candidate’s Election Funding (273/2009) entered force in May 2009. The amendments of the Act on Political Parties (10/1969) and of the Act on a Candidate’s Election Funding (273/2009) improving the transparency and supervision of party financing

took effect in September 2010. Anyone may monitor the fulfilment of the disclosure obligation imposed in the legislation on electoral and party financing at the website of the National Audit Office.

Advisory Boards as cooperation bodies between different groups and authorities

233. The Government has appointed a number of Advisory Boards in order to strengthen the participation of different groups in political decision-making and to improve their position. The Advisory Boards propose initiatives, issue opinions and engage in regional and international cooperation.

234. Half of the members of the National Council on Disability (VANE) represent persons with disabilities and disability organizations, and half of them represent authorities. In addition, municipalities may set up municipal councils on disability. In future, the accessible participation of persons with disabilities will be strengthened when Finland ratifies the Convention on the Rights of Persons with Disabilities and implements article 29 of the Convention. The ratification is being prepared jointly with disability organizations.

235. Half of the members of the Advisory Board on Romani Affairs are Roma and half are representatives of the Government. In addition, the six Regional State Administrative Agencies in Finland have each set up a regional Advisory Board on Romani Affairs in their territories.

236. One of the two vice-chairmen of the Advisory Board for Ethnic Relations (ETNO) and at least 10 of its members, the maximum number being 33, represent immigrants or ethnic minorities. In addition, Finland has at least seven regional Advisory Boards for Ethnic Relations set up by the Centres for Economic Development, Transport and the Environment.

Article 27
Minority rights

237. The provision in the Constitution of Finland (731/1999) concerning the rights of minorities focuses on linguistic rights. Provisions in ordinary acts, too, safeguard above all linguistics rights of minorities.

238. The Constitution requires that provisions on the right of the Sámi to use the Sámi language before authorities be laid down by an Act. In addition, 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. In respect of the Roma and other groups, the Constitution only provides that they have the right to maintain and develop their own language and culture.

239. The new Language Act (423/2003) took effect in June 2003. It provides that during each electoral period the Government must report to Parliament on the application of language legislation and on the securing of linguistic rights. The report deals at least with Finnish, Swedish, Sámi, Romani and sign language. The Ministry of Justice is responsible for preparing the report, with the assistance of an Advisory Board on Language Affairs set up by the Government. So far, the Government has submitted two reports, in 2006 and 2009.

Swedish-speaking Finns

240. According to the Constitution, Swedish is one of the national languages in Finland. The percentage of persons speaking Swedish as their mother tongue is about 5.5 per cent of the whole population. The Swedish-speakers are not regarded as an actual minority, but

Finland applies partly for instance the European Charter for Regional or Minority Languages to the Swedish language.

241. Ordinary acts safeguard the right of every Swedish-speaking Finn to use Swedish before courts and other authorities and to obtain documents in Swedish. The Constitution requires the public authorities to provide for the cultural and societal needs of the Finnish-speaking and Swedish-speaking populations of the country on an equal basis.

Sámi as indigenous people

242. The new Sámi Language Act (1086/2003) took effect at the beginning of 2004. The purpose of the act is to ensure the constitutional right of the Sámi to maintain and develop their own language and culture.

243. The Sámi Language Act is applied mainly in the Sámi Homeland. In addition, it applies to some regional authorities and the national authorities listed separately in the Act. The concepts of Sámi and the Sámi Homeland are defined in the Act on the Sámi Parliament (974/1995).

244. In Finland there are approximately 9,000 Sámi. More than 60 per cent of them reside outside the Sámi Homeland. The total number of Sámi is estimated to be over 75,000.

245. The Sámi Language Act provides that for each term of Parliament, the Sámi Language Bureau and the Sámi Language Council appointed by the Sámi Parliament must issue a report on the application of the legislation on the Sámi language to the Sámi Parliament. According to the first report, issued in 2006, no real change had taken place in the number of employees with Sámi language competency in the municipalities of the Sámi Homeland. Further, it was particularly worrying that Sámi children living outside the Sámi Homeland were completely excluded from basic education in their own language and teaching thereof.

246. The State budget contains annually a separate appropriation for social welfare and health-care services provided to Sámi-speaking people. The appropriation is paid as state subsidies to the municipalities in the Sámi Homeland (Enontekiö, Inari, Sodankylä and Utsjoki) through the Sámi Parliament. Since 2004, the amount of the appropriation has been EUR 600,000 per year. Early childhood education and care for the elderly have been the priorities in the use of the funds.

247. In 2008, the Ombudsman for Children commissioned a survey on the well-being of Sámi children. The survey was answered by 87 young Sámi aged 13–18 years from schools in the Sámi Homeland. The survey showed that the Sámi youth of today have a strong Sámi identity. The life situation of their parents was good. Most young Sámi were satisfied with their school and considered that schools take appropriate account of their bilingualism and multiculturalism. Their concerns include lack of facilities for young people, lack or scarce supply of radio and television programmes and websites in Sámi, and stereotype portrayals of Sámi people in the media.

248. The Sámi Parliament points out that all Sámi languages are threatened. However, the number of Sámi-speakers and their regional location has not been studied in detail. For better compliance with the Sámi Language Act, authorities should provide more information on its content and monitor compliance with it. They should also ensure a sufficient knowledge of the Sámi language, and the language should be taken into account especially in child day care, basic education and other education.

Users of sign language

249. The deaf and hard-of-hearing persons using sign language in Finland number 4,000–5,000. The approximate number of hearing persons who use sign language is 6,000–9,000.

In Finland, two national sign languages are in use: the Finnish and the Finnish-Swedish sign language. Authorities largely regard users of sign language as a group in need of rehabilitation and disability services, not as a linguistic and cultural group. The current legislation does not obligate authorities to ensure communication targeted at users of sign language.

250. From the year 2008 the Ministry of Education and Culture has increased the number of student places for sign language interpreters and instructors. For the first time ever, the Ministry has granted student places for a higher polytechnic degree of a sign language interpreter. However, the education of sign language interpreters only focuses on the Finnish sign language.

251. The Finnish Association of the Deaf and the Research Institute for the Languages of Finland have prepared a sign language policy programme for Finland (2010–2015), which aims at increasing the awareness of authorities and the members of the sign language community of linguistic rights.

Ethnic minorities

252. Finland reports on the position of Roma people in its reply to paragraph 15 of the concluding observations of the Human Rights Committee (CCPR/CO/82/FIN), in paragraphs 36–43 of this report.

253. Other ethnic minorities, e.g. Jews, Tatars and Russian-speakers, are dealt with in the fifth periodic report of Finland (CCPR/C/FIN/2003/5).

Integration of immigrants

254. In the 2000s, immigration into Finland has changed and increased considerably. Instead of refugeeism and humanitarian reasons, the reasons for foreign citizens for immigrating into Finland are increasingly family ties or work. At the end of 2009, foreign citizens accounted for slightly less than three per cent of the entire population in Finland. The percentage of persons speaking languages other than Finnish, Swedish or Sámi was below four per cent. Most immigrants live in southern Finland and the largest cities.

255. The current Act on the Integration of Immigrants and Reception of Asylum Seekers (493/1999) reflects the earlier situation. The Government has submitted to Parliament two reports on the integration of immigrants, in 2002 and 2008. After considering the latest report, Parliament required an overall reform of the Act. Most provisions of the new Act on Promoting the Integration of Immigrants (1386/2010) will take effect in September 2011.

256. In the overall reform of Act (493/1999), the provisions on integration and those on the reception of applicants for international protection were divided between different acts. The scope of the Act was extended to cover all immigrants staying in Finland for at least one year, irrespective of their reason for entering Finland. The purpose is to provide all immigrants with basic information about Finnish society immediately upon entry into the country and to give more immigrants access to services promoting their integration. The effectiveness of the services is improved by arranging them as soon as possible after the immigrant's entry into Finland, taking into account the needs identified in an initial inventory of the immigrant's individual situation.

257. A number of studies have been conducted in different sectors of administration concerning the status and special needs of immigrants. In the social welfare and health-care sector the Government has taken immigrants into account in the Government's Health Promotion Policy Programme and the National Action Plan to Reduce Health Inequalities. In 2009–2012 the National Institute for Health and Welfare examines the health and well-being of Russians, Somalis and Kurds by means of interviews and health checks. The study

will be conducted in seven cities with a large immigrant population. The Ministry of Social Affairs and Health has stated that the sensitivity of social welfare staff to different cultures must be improved and that linguistic questions must be addressed more appropriately. It is important to recruit staff with immigrant background for the sector. Immigrants need both general and intensified counselling in municipalities.

258. In early childhood education it is important to ensure that children with immigrant background have access to at least part-time early childhood education at the latest when they reach the age of 3 years. Attention must be paid to the children’s learning of Finnish or Swedish and their own mother tongue. Cooperation between the authorities caring for the children, such as child health clinics, day care centres, schools and social welfare offices, must be developed, too.

259. The challenges and good practices of multiculturalism have been studied at municipal level. According to a study conducted by Regional State Administrative Agency (former State Provincial Office) of Southern Finland, the number of two-culture families with children, i.e. one parent being a Finnish native, in municipalities is nearly the double compared to the number of families of two immigrant parents with children. However, because the municipal services focus on families of two immigrant parents with children, two-culture families are often ineligible for such services.

260. In 2009 the Finnish Institute of Occupational Heath, the Rehabilitation Foundation and the National Institute for Health and Welfare published a multisectoral report on the integration of immigrants into Finnish society. The report covers working life, family, children and life conditions, community, society, health and well-being, and service systems. The report highlights important research focuses of the next few years, such as multicultural organizations, the integration of immigrant youth, regional segregation and the mental health of immigrants.

261. The Ministry of the Interior has developed a monitoring system for integration and ethnic relations. The system consists of different indicators, surveys on service supply directed at municipalities and Employment and Economic Development Offices, a barometer and a separate study. The monitoring system permits collecting commensurate information about measures taken by municipalities and using it regularly as a background for decision-making.