

Franet National contribution to the Fundamental Rights Report 2021

{ FINLAND }

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Franet country study: policy and legal highlights 2020

Issues in the fundamental rights institutional landscape	New Ombudsman on older people’s rights planned: On 2 November 2020, the Ministry of Justice opened an online consultation concerning a legislative proposal on the establishment of a new position as Ombudsman on older people’s rights. The proposal suggests that the Ombudsman would function in the same office as the Non-Discrimination Ombudsman.
EU Charter of Fundamental Rights	Supreme Court addresses the Charter in a redundancy case: In a precedent decision of 13 August 2020, the Supreme Court clarified the duties of an employer in a consultation process for redundancies. The decision also gives more specific expression in national law to Article 27 of the Charter on workers’ representation and right to information and consultation.
Equality and non-discrimination	Older people’s rights under the pandemic addressed: The Deputy Ombudsman has highlighted in several decisions fundamental and human rights concerns regarding restrictions relating to the elderly, and has contributed towards intensified supervision of elderly care institutions during the pandemic.
Racism, xenophobia & Roma integration	Supreme Court decides on protection of freedom of expression and association: On 22 September 2020, the Supreme Court issued a decision in which it held that an association, disseminating partly racist material and at least tacitly accepting the use of violence, was acting substantially against law and therefore had to be declared terminated . The Supreme Court also held that the association’s activities did not enjoy the protection of freedom of expression or association, as the association’s activities constitute abuse of those freedoms.
Asylum & migration	Guidelines addressing COVID-19 effects on residence permits: the Finnish Immigration Service issued guidelines for temporary residence permits and extensions of residence permits to address effects of COVID-19 pandemic restrictions.
Data protection and digital society	Legislative initiative for automated decision-making within public administration: On 14 February 2020, the government started drafting general legislation on automated decision-making within public administration . The act aims to ensure the implementation of the legality of the administration, the principles of good administration, legal certainty, openness and official responsibility in automatic decision-making, as well as provide regulatory principles for special legislation.
Rights of the child	New national child strategy under preparation: On 5 March 2020, the government appointed a parliamentary committee with representatives from all political parties to draw up the first comprehensive rights-based child strategy in Finland . The mandate of the committee terminates in the end of the year.
Access to justice,	New action programme combats violence against women: On 22 October 2020, the Ministry of Justice published an action plan for

including victims of crime	combating violence against women for 2020–2023 . Emphasis is placed on prevention of violence, awareness-raising and training of criminal justice actors. Regarding specific forms of violence, the action plan covers honour-related violence and digital violence.
Convention on the Rights of Persons with Disability	New national action plan on CRPD under preparation: The Second national action plan on CRPD is being finalised.

Chapter 1. Equality and non-discrimination

1. Legal and policy developments or measures relevant to fostering equality and combating discrimination against older people and against LGBTI people.

Older people

Improving the rights of the elderly is one of the priorities set forth in the government programme under the objective of 'Fostering an age-friendly society'.¹ The structures for addressing the rights of older people were strengthened through the establishment in January 2020 of four positions dedicated to this issue in the office of the Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*) and in the Human Rights Centre (*Ihmisoikeuskeskus/Människorättscentret*). Moreover, as part of the government programme, the Ministry of Justice (*oikeusministeriö/justitieministeriet*) is preparing the establishment of the office of an Ombudsman on older people's rights. The government proposal is expected in spring 2021.²

On 16 March 2020, the Finnish government announced that the country was in state of emergency because of the coronavirus outbreak. This was followed by several government-led actions implemented across the country. With respect to older people,³ the Ministry of Social Affairs and Health (*sosiaali- ja terveystieteiden ministeriö/social- och hälsovårdsministeriet*) issued on 19 March 2020 'Advice for the over-70s on protecting themselves from the coronavirus'.⁴ Although intended as a recommendation, it partially used peremptory language. The government lifted the age-based recommendations on 23 June 2020,⁵ but the

¹ Finland, Finnish Government (*valtioneuvosto/statsrådet*) (2019), '[Inclusive and competent Finland – a socially, economically and ecologically sustainable society](#)', Government Programme, 6 June 2019, Publications of the Finnish Government 2019:25, Helsinki, pp. 156–158.

² Finland, [Ministry of Justice](#) website.

³ For further information on the impact of COVID-19 on the elderly in Finland, please see pages 13–14 in the [Franet country study](#) released on 2 July 2020.

⁴ Finland, Ministry of Social Affairs and Health (*sosiaali- ja terveystieteiden ministeriö/social- och hälsovårdsministeriet*), '[Advice for the over-70s on protecting themselves from the coronavirus](#)', press release 55/2020, 19 March 2020.

⁵ Finland, Finnish Government (*valtioneuvosto/statsrådet*), '[Government updates policies on border issues, remote working and recommendations for persons over 70 years of age](#)', press release 445/2020, 23 June 2020.

question was raised if the advice had been discriminatory in itself or if its application had led to discriminatory effects. Taking a stand on whether the advice had been discriminatory as such, the Non-Discrimination Ombudsman (*yhdenvertaisuusvaltuutettu/diskrimineringsombudsmannen*) in July held that the Advice did not constitute less favourable treatment of over 70-year-olds in the sense of the Non-discrimination Act⁶ (*yhdenvertaisuuslaki/diskrimineringslagen*, Act No. 1325/2014).⁷ In September, the Deputy Parliamentary Ombudsman overseeing matters concerning the rights of older people (*apulaisoikeusasiamies/biträdande justitieombudsman*) reached the same conclusion.⁸ However, she noted that from the point of view of fundamental and human rights, a better solution would have been to issue general advice to the whole population, while indicating what makes someone belong to a risk group, as well as the precautions recommended for risk groups. Authorities were instructed to take these views into account in legislation and further advice to be issued, and to clarify the communication to municipalities and other actors.

As for the discriminatory effect of the application of the 'Advice for the over-70s on protecting themselves from the coronavirus', the advice, which were communicated, at first, as legally binding,⁹ notably led to restrictions being imposed on visits to both public and private health and social care units, including nursing homes for the elderly. Both the Non-Discrimination Ombudsman¹⁰ and the Deputy Parliamentary Ombudsman¹¹ held that restrictions such as banning visits to private nursing homes and public health care centres¹² on the basis of the advice in many cases constituted unfavourable treatment of persons over 70 years of age and were not proportional to their aim. The Deputy Parliamentary Ombudsman found that the measures mentioned in some complaints had such harmful consequences that they could be considered to violate human dignity. This relates for example to the prevention of relatives' visits to persons in end-of-

⁶ Finnish Acts of Parliament can be retrieved from the [Finlex](#) database using the name or the number of the act.

⁷ Finland, Non-Discrimination Ombudsman (*yhdenvertaisuusvaltuutettu/diskrimineringsombudsmannen*), [Yhdenvertaisuusvaltuutetun lausunto 70-vuoden ikäraajasta koronavirusepidemian osalta](#), statement, 3 July 2020.

⁸ Finland, Parliamentary Ombudsman (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*), decision [EOAK/2889/2020](#), 7 September 2020.

⁹ Finland, Deputy Parliamentary Ombudsman (*eduskunnan apulaisoikeusasiamies/riksdagens biträdande justitieombudsman*), decision [EOAK/3232/2020](#), 18 June 2020.

¹⁰ Finland, Non-Discrimination Ombudsman (*yhdenvertaisuusvaltuutettu/diskrimineringsombudsmannen*), [Yhdenvertaisuusvaltuutetun lausunto 70-vuoden ikäraajasta koronavirusepidemian osalta](#), statement, 3 July 2020.

¹¹ Finland, Deputy Parliamentary Ombudsman (*eduskunnan apulaisoikeusasiamies/riksdagens biträdande justitieombudsman*), decision [EOAK/3787/2020](#), 7 September 2020.

¹² Finland, Deputy Parliamentary Ombudsman (*eduskunnan apulaisoikeusasiamies/riksdagens biträdande justitieombudsman*), decision [EOAK/3739/2020](#), 22 October 2020.

life care without assessing alternative visitation manners. She recommended intensified supervision on a nation-wide basis.¹³ The Office of the Parliamentary Ombudsman has also itself increased the number of inspections of elderly care institutions and continues to follow how the municipalities undertake their supervision of elderly care institutions and how staff of such institutions abide by their legal obligation to report any shortcomings to the Regional State Administrative Agencies (*aluehallintovirasto/ regionförvaltningsverket*).¹⁴

The Administrative Court of Eastern Finland held in October 2020 that a municipality which had restricted visitation rights to elderly care institutions as from 18 June 2020 to one 30-minute outdoor visit a week with a distancing of two meters on the basis of non-binding governmental recommendations had violated the right to private and family life of the applicant, as the restrictions were not based on law and did not fulfil the criteria for restricting fundamental and human rights. The decision is final.¹⁵

LGBTI people

The Council for Choices in Health Care in Finland (*terveydenhuollon palveluvalikoimaneuvosto/ tjänsteutbudsrådet för hälso- och sjukvården*) is subordinate to the Ministry of Social Affairs and Health, and provides recommendations regarding which healthcare methods should be funded by the public sector. It has issued new recommendations concerning treatment of gender dysphoria,¹⁶ which have been criticized by civil society.¹⁷ The recommendations concern the treatments available to three different groups: transgender people, non-binary people and minors with gender dysphoria. Currently, all transition-related health care is provided by two gender identity clinics, and admission for treatment requires referral from a general practitioner. The recommendations hold that treatments and the assessment of care needs should be transferred to local

¹³ Finland, Deputy Parliamentary Ombudsman (*eduskunnan apulaisoikeusasiamies/riksdagens biträdande justitieombudsman*), decision [EOAK/3787/2020](#), 7 September 2020.

¹⁴ Finland, [Deputy Parliamentary Ombudsman](#) (*eduskunnan apulaisoikeusasiamies/riksdagens biträdande justitieombudsman*) website.

¹⁵ Finland, Administrative Court of Eastern Finland, [Case No. 20/1059/1](#), 16 October 2020.

¹⁶ Finland, Council for Choices in Health Care in Finland, '[Transsukupuolisuudesta johtuvan dysforian lääketieteelliset hoitomenetelmät](#)', 11 June 2020; '[Aikuisten muunsukupuolisuuteen liittyvän sukupuolidysforian lääketieteelliset hoitomenetelmät](#)', 11 June 2020; '[Alaikäisten sukupuoli-identiteetin variaatioihin liittyvän dysforian lääketieteelliset hoitomenetelmät](#)', recommendations, 11 June 2020.

¹⁷ E.g., [SETA](#), [Amnesty International Finland](#), [Trasek](#), [Transfeminiinit](#).

health care centres or, in the case of minors, to school health care. This, the NGOs holds, is not in line with the World Professional Association for Transgender Health recommendations that the primary responsibility for the treatment of transgender individuals should lie with mental health professionals. They also find that this transfer would increase regional disparities, since the expertise and attitudes of medical professionals towards gender minorities vary regionally. According to the EU survey 'A long way to go for LGBTI equality', in Finland, 13 % of respondents felt discriminated against by healthcare or social services personnel due to being LGBTI.¹⁸ A further point of criticism by NGOs has been that the new recommendations do not recommend genital surgery for non-binary persons, only for binary transgender persons. Meanwhile, the WHO no longer makes a distinction between binary and non-binary identities.¹⁹

The working group on reform of the Trans Act (*translainsäädännön uudistamisen valmistelutyöryhmä/beredningsgruppen för reform av translagstiftningen*) in the Ministry of Social Affairs and Health published a report on alternative manners of regulating the legal position of gender minorities on 31 January 2020.²⁰ The report finds that the present Trans Act (*laki transseksuaalin sukupuolen vahvistamisesta/lag om fastställande av transsexuella personers könstillhörighet*, Act No. 563/2002) is problematic from a human rights and fundamental rights perspective, as infertility is a condition for reassignment of gender, a fact which subjects gender minorities to discrimination and other rights violations.²¹ In addition, the present Act is intended to apply only to transsexuals, leaving persons of other genders in an unregulated position.²² The report holds that the process of confirmation of legal gender should be separated from any medical process. It also suggests considering the alternative that legal gender could be confirmed at the age of 15, instead of the present age of 18. Furthermore, it presents two alternatives in terms of reflection times before legal confirmation of gender: one with no reflection time and one where the reflection time remains. The report further states that, in order to better protect the sexual integrity of intersex children against non-medical surgery, no legal reform is required but the issue could benefit from guidance issued by the Ministry of Social Affairs and Health,

¹⁸ FRA (European Union Agency for Fundamental Rights) (2020), [A long way to go for LGBTI equality](#), Luxembourg, Publications Office of the European Union (Publications Office).

¹⁹ [WHO](#) website.

²⁰ Finland, Ministry of Social Affairs and Health (*sosiaali- ja terveysministeriö/social- och hälsovårdsministeriet*), '[Vaihtoehtoiset sääntelymallit sukupuolivähemmistöjen oikeudellisen aseman järjestämiseksi](#)', [working-group report](#), 31 January 2020.

²¹ Finland, Ministry of Social Affairs and Health (*sosiaali- ja terveysministeriö/social- och hälsovårdsministeriet*), '[Vaihtoehtoiset sääntelymallit sukupuolivähemmistöjen oikeudellisen aseman järjestämiseksi](#)', [working-group report](#), 31 January 2020.

²² Finland, Ministry of Social Affairs and Health (*sosiaali- ja terveysministeriö/social- och hälsovårdsministeriet*), '[Vaihtoehtoiset sääntelymallit sukupuolivähemmistöjen oikeudellisen aseman järjestämiseksi](#)', [working-group report](#), 31 January 2020.

intensified supervision by authorities and training on intersexuality for relevant professional groups.

One of the aims of the current gender equality action plan is to increase the knowledge of the needs of gender minorities, and how to address these needs.²³ The plan also includes the following measures, which form part of the government programme: enactment of a law on confirmation of gender that respects self-determination; abolishing the requirement of infertility and separates medical treatment and reconstruction of legal gender; enabling adults who can present an explanation of permanently belonging to another gender to have gender reassignment after a period of reflection; abolishing gender-based personal identity code numbers; and strengthening intersex children's right to self-determination and abolishment of cosmetic, non-medical genital surgery of small children.

A working group set up by the Ministry of Finance (*valtiovarainministeriö/finansministeriet*) to study how the system of personal identity codes should be changed issued a report on 6 April 2020 that suggests introduction of gender-neutral identity codes as from the year 2023. Identity codes assigned before that date would be changed only at a later point.²⁴ As the information about a person's gender would still be saved separately in the population information system, civil society stresses the need to ensure that changing the entry on gender is easy and that there are alternatives to the entries man/woman. It also suggests that until identity codes are gender-neutral, they should not be used as a form of identification.²⁵

The government in 2020 established a rainbow cooperation network with the aim of advancing the national policies on sexual and gender minorities through better exchange of information and cooperation. In addition to several key ministries, some of the main civil society organisations are represented in the network, which

²³ Finland, Finnish Government (*valtioneuvosto/statsrådet*), '[Suomi tasa-arvon kärkimaaksi, hallituksen tasa-arvo-ohjelma 2020-2023, valtioneuvoston periaatepäätös](#)', gender equality action plan, 30 April 2020.

²⁴ Finland, Ministry of Finance (*valtiovarainministeriö/finansministeriet*) (2020), [HETU-uudistuksen loppuraportti](#), report, Publications of the Ministry of Finance 2020:20, Helsinki, pp. 23-24.

²⁵ Amnesty International Finland, [Lausunto henkilötunnuksen uudistamista koskevan työryhmän loppuraportista](#), statement, 1 June 2020.

regularly meets to discuss legislative initiatives, promotion of equality and non-discrimination, informational needs and practices as well as policy issues.²⁶

2. Findings and methodology of research, studies or surveys on experiences of discrimination against older people and against LGBTI people.

Save the Children Finland has undertaken a study entitled "Children's voice 2020: Children's views on the coronavirus spring".²⁷ The data for the report was collected using an online form in Finnish and Swedish during the period 6–26 April 2020. 3,129 children responded to the survey. Of the respondents 84 % were girls, 12 % were boys and 4 % of the respondents chose the alternative "other", "I do not wish to define" or "I do not wish to answer". Of the respondents, 17 % reported belonging to a minority due to their sexual orientation. According to the findings, the pandemic impacted especially children in low-income families, who reported declined mental well-being, challenges with studies and increased need of support for the family more often than others. During the pandemic, LGBTI youth have felt more often than other youth that their psychological wellbeing was very bad or rather bad (47 % compared to 27 % for youth on average).²⁸ On this note, the particular medical treatments required by gender dysphoria patients have been classified as non-urgent health care, meaning that their availability has suffered during the pandemic.²⁹ Organisations working for the protection of LGBTI rights have expressed their concern over access to health care services required for treatment of gender dysphoria.³⁰

²⁶ Finland, Finnish Government (*valtioneuvosto/statsrådet*), '[Suomi tasa-arvon kärkimaaksi, hallituksen tasa-arvo-ohjelma 2020-2023, valtioneuvoston periaatepäätös](#)', gender equality action plan, 30 April 2020.

²⁷ Save the Children Finland, 'Children's voice 2020: Children's views on the coronavirus spring', 25 May 2020.

²⁸ Finland, Finnish Government (2020), '[Lasten ja nuorten hyvinvointi koronakriisin jälkihoidossa: lapsistrategian koronatyöryhmän raportti lapsen oikeuksien toteutumisesta](#)', Publications of the Finnish Government 2020:21, Helsinki, referring to yet unpublished parts of Save the Children Finland, Children's voice 2020: Children's views on the coronavirus spring.

²⁹ [Amnesty International Finland](#) website.

³⁰ Finland, Finnish Government (2020), '[Lasten ja nuorten hyvinvointi koronakriisin jälkihoidossa: lapsistrategian koronatyöryhmän raportti lapsen oikeuksien toteutumisesta](#)', Publications of the Finnish Government 2020:21, Helsinki.

On 25 May 2020, the Ministry of Social Affairs and Health appointed a working group to survey the rights of the child and wellbeing of children and families, and to strengthen these in the post-crisis measures related to COVID-19. The interim report of the working group presents some preliminary observations.³¹ The final report is expected to be published by the end of the year 2020. The interim report concludes that the coronavirus crisis has had a considerable impact on the wellbeing of children and young people and on the realisation of their rights. It notes that there is a risk that the coronavirus crisis may lead to growing inequality among children and young people, although the extent and duration of the effects of the crisis on them vary. Among the vulnerable groups requiring particular attention, the report mentions minors who belong to a sexual or gender minority. LGBTI youth have felt discriminated and excluded also under normal conditions in areas such as social and health care, education and working life and these feelings were exacerbated during the crisis. The interim report holds that it is therefore important to continue to monitor the implementation of the obligation to promote equality and non-discrimination. It recognises that, for some minors, isolation in the home in accordance with official recommendations can be associated with anxiety and even danger, as domestic violence increases in times of crisis. Studies have shown that among minors belonging to sexual and gender minorities, violence in the home is the most common form of violence. For those who try to hide their identity, it can be very difficult not to be able to leave their home. The interim report points out that the particular needs of minors who belong to sexual or gender minorities are not yet taken into account sufficiently in schools and in youth services, and the threshold for seeking help from the authorities can be high due to fear of discrimination.

The Ministry of Social Affairs and Health appointed a high-profile expert group for the period 5 May-31 May 2020 to analyse and present suggestions on strengthening welfare and equality in the preparation of the removal of restrictions imposed due to the corona virus epidemic and in reconstructing society. Its report notes that the discontinuance or limitation of access to services has affected the welfare of many individuals who were already in a vulnerable position, and that it is important to pay attention to them.³² The central message of the report is always to depart from human dignity and the interdependence of human beings, identified as the two ethical pillars on which society is built. It also notes that it needs to be evaluated which form of removal of restrictions would most speedily increase welfare without serious health risks, stressing the need to take into account the implications for non-discrimination and equality, as well as the effects on different age groups in such an evaluation.

³¹ Finland, Finnish Government (2020), [*Lasten ja nuorten hyvinvointi koronakriisin jälkihoitossa: lapsistrategian koronatyöryhmän raportti lapsen oikeuksien toteutumisesta*](#), Publications of the Finnish Government 2020:21, Helsinki.

³² Finland, Ministry of Social Affairs and Health (2020), [*Strengthening wellbeing and equality during and after the coronavirus crisis*](#), Publications of the Finnish Government 2020:27, Helsinki.

The Diversity Barometer 2020, which maps the state of diversity in Finnish work organisations and is conducted as part of the European Social Fund project *Manifold more*, found that sexual orientation was the least likely of all the factors surveyed to pose an obstacle to obtain a managerial position. Only 4 % of the 250 human resource professionals interviewed believed this may pose an obstacle in their organisation. Meanwhile, 14 % held that gender identity or gender expression may do so. In the same survey, 16 % believed that age may constitute an obstacle to obtain a managerial position.³³

A study evaluating the success of the 2015 reform of the Non-discrimination Act, which aimed to harmonise the prohibition of discrimination and to provide uniform legal protection from discrimination based on different discrimination grounds, found that the treatment of different discrimination grounds is still not completely harmonised and the Non-discrimination Act still not known well enough. While the legal reform has increased the visibility of discrimination in society and the number of discrimination cases, discrimination remains under-reported and partially unidentified. In addition, there is a scarcity of resources among the authorities in charge of supervising the implementation of the act. Furthermore, discrimination on different grounds is reported and addressed through different legal channels, which results in differences in legal protection and remedies.³⁴

A study on hate crimes by the Police University College (*Poliisiammattikorkeakoulu/ Polisyarkeshögskolan*) found that, in 2019, 72 criminal complaints were suspected of being linked to either sexual orientation (51 cases), or gender identity or expression of gender (21 cases). This is one case less than in 2018.³⁵

According to a study by Plan International Finland, 55 % of the 15-24 year-old girls and young women interviewed who belonged to a sexual or gender minority had experienced online harassment, compared to 42 % for all girls. Of those, 30 % said that the harassment concerned their gender identity and 50 % that it concerned their sexual orientation.³⁶

³³ Finland, Finnish Institute of Occupational Health (*Työterveyslaitos/Arbetshälsoinstitutet*), [Diversity Barometer 2020](#), p. 96.

³⁴ Nieminen, K., Jauhola, L., Lepola, O., Rantala, K., Karinen, R. and Luukkonen, T. (2020), [Aidosti yhdenvertaiset, Yhdenvertaisuuslain arviointi](#), Publication of the Government's analysis, assessment and research activities 2020:50, Helsinki.

³⁵ Rauta, J. (2020), [Poliisin tietoon tullut viharikollisuus Suomessa 2019](#), Reports of the Police University College of Finland 16/2020, Tampere, p. 55.

³⁶ Plan International Finland (2020), [Free to be online? Tyttöjen ja nuorten naisten kokemuksia verkkohäirinnästä Suomessa](#), Publication of Plan International Finland, pp. 6-7.

Chapter 2. Racism, xenophobia and related intolerance

1. Legal and policy developments relating to the application of the Racial Equality Directive

According to the 2019 government programme, the government will take action to tackle discrimination in recruitment.³⁷ Launched on 25 May 2020, the research project titled 'Towards non-discrimination in working life' (*Tavoitteena syrjimätön työelämä/Ett icke-diskriminerande arbetsliv*) will provide current information on discrimination in Finnish workplaces. The project seeks to provide an overview of discrimination in working life and to identify ways of preventing discrimination, particularly in recruitment situations. The project is carried out by the Labour Institute for Economic Research (*Palkansaajien tutkimuslaitos*) and the Finnish Institute for Health and Welfare (*Terveysten ja hyvinvoinnin laitos/Institutet för hälsa och välfärd*). The project is conducted as part of the government's analysis, assessment and research activities.³⁸ A midterm report of the research will be published in March 2021 and the final report in December 2021.³⁹

According to the 2019 government programme, the government will draw up an action plan against racism and discrimination.⁴⁰ On 18 March 2020, the Ministry of Justice (*oikeusministeriö/justitieministeriet*) launched the project titled 'Action programme against racism and for good relations' (*Rasismen vastainen ja hyvien väestösuhteiden toimintaohjelma/Handlingsprogrammet mot rasism och för goda relationer*) with the aim of preparing a set of measures to combat racism and promote good relations between population groups in different sectors of society. The action plan will deal with action against hate speech and hate crime, non-discrimination in working life, and influencing attitudes and relations between different population groups, among other things. A cross-sectoral working group is preparing the action plan in cooperation with various stakeholders, and it is

³⁷ Finland, Finnish Government (*valtioneuvosto/statsrådet*) (2019), [Inclusive and competent Finland – a socially, economically and ecologically sustainable society](#), Government Programme, 6 June 2019, Publications of the Finnish Government 2019:25, Helsinki, p. 79.

³⁸ Finland, Ministry of Economic Affairs and Employment (*työ- ja elinkeinoministeriö/arbets- och näringsministeriet*) (2020), [A research project seeks to achieve equality and non-discrimination in working life](#), press release, 25 May 2020.

³⁹ Finland, information obtained from the Ministry of Economic Affairs and Employment (*työ- ja elinkeinoministeriö/arbets- och näringsministeriet*) by email on 22 September 2020.

⁴⁰ Finland, Finnish Government (*valtioneuvosto/statsrådet*) (2019), [Inclusive and competent Finland – a socially, economically and ecologically sustainable society](#), Government Programme, 6 June 2019, Publications of the Finnish Government 2019:25, Helsinki, p. 79.

scheduled to be completed by the end of 2020. The action plan will be adopted as a government resolution in 2021. The measures specified in the plan will be carried out in 2021–2022. The working group will monitor the progress of the implementation of the action plan and draw up a summary of the measures taken for a mid-term review of the government.⁴¹

2. Legal and policy developments relating to the application of the Framework Decision on Racism and Xenophobia relevant to combating hate speech and hate crime

The aim of the project titled 'Facts against Hate' (*Tiedolla vihaa vastaan/Fakta mot hat*), launched on 1 December 2019 and running until 30 November 2021, is to improve the effectiveness of work against hate crime and hate speech. The project develops data collection, hate crime reporting and local cooperation practices.⁴² In addition, the project features training sessions aimed for potential victims of hate crime, such as persons with disabilities or persons belonging to sexual and gender minorities.⁴³ The Ministry of Justice coordinates the project, and the project partners are the Ministry of the Interior (*sisäministeriö/inrikesministeriet*), the Police University College (*Poliisiammattikorkeakoulu/ Polisyreshögskolan*), Anti-Racist Forum ry, the Centre for Peace Studies (Croatia) and INAR (Ireland).

⁴¹ Finland, Ministry of Justice (*oikeusministeriö/justitieministeriet*) (2020), [Action programme against racism and for good relations](#), project description, 18 March 2020.

⁴² Finland, Ministry of Justice (*oikeusministeriö/justitieministeriet*) (2019), [Facts against Hate](#), press release, 1 December 2019.

⁴³ Finland, Ministry of Justice (*oikeusministeriö/justitieministeriet*) (2020), 'Vastaus komissiolle syrjäntädirektiivien toimeenpanosta 2020' ('Report to the Commission on the implementation of the discrimination directives 2020' [Unofficial translation], 1 July 2020, Helsinki (unpublished).

The project is co-funded by European Union's Rights, Equality and Citizenship Programme.⁴⁴ In 2020, the project features a webinar on protection against harassment for municipal election candidates, plain language material for persons with disabilities (in Finnish and Swedish, published in October 2020) and sign language material (published in December 2020). In cooperation with the organisation Seta – LGBTI Rights in Finland and its member organisations, the project provides training sessions for persons belonging to sexual and gender minorities in the identification of hate crimes and hate speech (one training session held in spring 2020, two in autumn 2020 and the remaining two in 2021). In cooperation with the National Police Board of Finland (*poliisihallitus/polisstyrelsen*), the project featured a social media campaign on hate speech in October 2020. In addition, during autumn 2020, the project offered online training and material on anti-Semitism for police officers.⁴⁵

The objectives of the project 'All in for Equality' (*Yhdessä yhdenvertaisuuden puolesta*), launched on 1 June 2020 and running until 31 May 2022, are to enable bystander interventions against everyday life discrimination and harassment, to make non-discrimination and diversity at work a reality, increase the sense of belonging for young people with immigrant background through active participation, and to enhance transnational exchange to increase effectiveness of the action. The project features a national media campaign on everyday discrimination and bystander interventions, offers training on diversity and non-discrimination for employers and employment counsellors, offers training on social influencing for young people with an immigrant background, and offers training on ethnic profiling for police departments nationwide. The Ministry of Justice coordinates the project, and the project partners are the Non-Discrimination Ombudsman (*yhdenvertaisuusvaltuutettu/diskrimineringsombudsmannen*), Finnish Business and Society ry, the Finnish League for Human Rights (*Ihmisoikeusliitto/Förbundet för mänskliga rättigheter*) and the City of Helsinki. The project is co-funded by European Union's Rights, Equality and Citizenship Programme. Information about the project will be published online by the end of 2020.⁴⁶

On 9 June 2020, the Non-Discrimination Ombudsman published a report on the discrimination experiences of persons of African descent. The purpose of the study

⁴⁴ Finland, Ministry of Justice (*oikeusministeriö/justitieministeriet*) (2019), [Facts against Hate](#), press release, 1 December 2019.

⁴⁵ Finland, information obtained from the Ministry of Justice (*oikeusministeriö/justitieministeriet*) by email on 25 September 2020.

⁴⁶ Finland, information obtained from the Ministry of Justice (*oikeusministeriö/justitieministeriet*) and the Non-Discrimination Ombudsman (*Yhdenvertaisuusvaltuutettu/Diskrimineringsombudsmannen*) by email on 30 September 2020.

was to provide qualitative information on the under-reporting of discrimination experienced by persons who identify as being of African descent and the reasons behind it, primarily to develop the Non-Discrimination Ombudsman's own work. The data for the report, collected in autumn 2019, included responses to an open online survey (n=286) and individual interviews (n=11). The sampling method for the individual interviews is not disclosed in the report. According to the report, discrimination and racism are pervasive in the lives of persons of African descent living in Finland. In particular, the respondents had encountered discrimination and racist harassment in public spaces, educational institutions and working life or regarding access to employment. The majority of the respondents reported experiencing discrimination monthly, weekly or even daily. Approximately one fifth of the respondents had experienced ethnic profiling by police officers or private security guards.⁴⁷

The Police University College published its annual report on hate crimes on 7 October 2020.⁴⁸ According to the report, slightly fewer suspected hate crimes (899 in total) were reported to the police in 2019 than in 2018. The number of reported hate crimes now approaches the longer-term level preceding the surge in such crimes in 2015. As previously, most of the complaints (72.3 %, n=650) involved hate crimes targeting ethnic and national background. In this category, the most common type of crime was assault. The statistics indicate growth in suspected cases of ethnic agitation, as those tripled (n=105 in 2019) from 2018 (n=34). The greatest change in suspected hate crimes involved crimes targeting the victim's religion or belief (14.8 % of the reported hate crimes in 2019, n=133), which declined by 14 % from 2018. In this category, Islam or Muslim individuals were targeted in slightly less than half of the cases. The share of reported hate crimes involving sexual orientation was 5.7 %, the share of reported hate crimes involving disability 4.9 %, and the share of reported hate crimes involving gender identity or gender expression 2.3 %. Similarly to the preceding year, in 2019, the police had identified as hate crimes one fourth (26 %) of the cases which the report identified as such.⁴⁹

⁴⁷ Finland, Non-Discrimination Ombudsman (yhdenvertaisuusvaltuutettu/diskrimineringsombudsmannen) (2020), [‘Selvitys afrikkalaistaustaisten henkilöiden kokemasta syrjinnästä’](#) (‘A study on discrimination experienced by persons of African descent [Unofficial translation]’), 9 June 2020, Helsinki.

⁴⁸ Finland, Police University College (2020), [‘Suspected cases of incitement to hatred triple’](#), press release, 7 October 2020.

⁴⁹ Rauta, J., (2020), [Poliisin tietoon tullut viharikollisuus Suomessa 2019](#) (hate crimes reported to the police in Finland in 2019), Reports of the Police University College of Finland 16/2020, Tampere.

On 14 October 2020, the Finnish Institute of Occupational Health (*Työterveyslaitos/Arbetshälsoinstitutet*) published the Diversity Barometer.⁵⁰ Focusing particularly on organisations' recruitment practices, the Diversity Barometer charts human resource professionals' (n=250) views concerning diversity at Finnish work organisations. The share of respondents who reported discrimination in their own organisation's recruitment was 11%. The most common basis for the observed discrimination was ethnic or national background and gender. Some 31 % of the respondents reported that their organisation was using non-discriminatory recruitment practices, such as anonymous recruitment or recruiter training on recruitment instructions and policies.⁵¹

⁵⁰ Finland, Finnish Institute of Occupational Health (*Työterveyslaitos/Arbetshälsoinstitutet*) (2020), [Diversity Barometer 2020: Anonymous recruitment is a challenge that organizations find interesting](#), press release, 14 October 2020.

⁵¹ Finland, Finnish Institute of Occupational Health (*Työterveyslaitos/Arbetshälsoinstitutet*) (2020), [Monimuotoisuusbarometri 2020: Fokuksessa rekrytointikäytännöt ja monikulttuurisuus](#) ('Diversity Barometer 2020: Recruitment practices and diversity in focus' [Unofficial translation]), 14 October 2020, Helsinki.

Chapter 3. Roma equality and inclusion

1. Measures and developments addressing Roma/Travellers

In accordance with the Ministry of Social Affairs and Health (*sosiaali- ja terveystieteiden ministeriö/social- och hälsovårdsministeriet*) guidelines (MAARO guide⁵²), the Regional Advisory Boards for Romani Affairs have continued facilitating the preparations of the local strategies to implement the National Roma Policy 2018--2022 (ROMPO2).⁵³ The work on regional and local implementation plans has been delayed due to the corona epidemic, however.⁵⁴ Lack of funds allocated for the purpose at the local level is also affecting the process.⁵⁵ In cities where Roma networks have been put in place, the work has been advancing better than in those areas where no functioning networks exist. The National Advisory Board for Romani Affairs (*Romaniasaiain neuvottelukunta/Delegationen för romska ärenden*, RONK) released a survey report mapping the status with the preparation of MAARO programmes in municipalities on 27 November 2020.⁵⁶ A questionnaire was sent to 320 municipalities, out of which 18 % replied. Among the respondents, only 4 % had prepared a MAARO-programme, whereas 79 % had not. 17 % of the responding municipalities informed that they have no Roma inhabitants.

The National Advisory Board for Romani Affairs is preparing a mid-term appraisal of the implementation of ROMPO2, which is expected to be released in early 2021.⁵⁷

⁵² Huttu, H. and Vauhkonen, K. (2019), [Guide for planning the regional and local implementation of the Finnish Roma integration strategy \(MAARO-plan\)](#), Publications of the Ministry of Social Affairs and Health 2019:2, Helsinki.

⁵³ Finland, [National Advisory Board for Romani Affairs webpage on ROMPO2](#) and information obtained from the National Advisory Board for Romani Affairs via email and phone on 14 September 2020. See also, e.g., the action plan for 2020 of the Regional Advisory Board for Romani Affairs in Northern Finland ([Pohjois-Suomen alueellisen romaniasioiden neuvottelukunnan toimintasuunnitelma toimikaudeksi 2020](#)).

⁵⁴ Finland, Regional State Administrative Agency Northern Finland (*Pohjois-Suomen aluehallintovirasto/Regionsförvaltningsverket Norra Finland*), information obtained via phone on 11 September 2020.

⁵⁵ Finland, Regional State Administrative Agency Northern Finland (*Pohjois-Suomen aluehallintovirasto/Regionsförvaltningsverket Norra Finland*), information obtained via phone on 11 September 2020.

⁵⁶ Finland, National Advisory Board for Romani Affairs (RONK) (2020), [Maakunnallisten romaniasioiden toimenpideohjelmien \(MAARO -ohjelmien\) alueellinen toteutumisen vuosina 2019–2020](#), 27 November 2011.

⁵⁷ Finland, information obtained from the National Advisory Board for Romani Affairs via phone on 14 September 2020.

In a case concerning the Roma cultural practice of avoidance obligation and access to housing, the Eastern Finland Court of Appeal (*Itä-Suomen hovioikeus/Östra Finlands hovrätt*) found no discrimination, when municipal authorities had refused to grant the applicants another dwelling in an area that the applicants preferred, instead of the one which was originally allocated for them by the municipality and which the applicants had rejected with reference to an avoidance obligation.⁵⁸ The avoidance obligation and thereto related moving permit are Roma internal control mechanisms which are used to prevent conflicts between Roma families.⁵⁹ The practices have been criticised to be discriminatory and to violate individual rights.⁶⁰ The Eastern Finland Court of Appeal found that the constitutional right of the Roma to develop their own culture (section 17[3][2]) does not encompass this type of practices and that the authorities were not under an obligation under section 22 of the Constitution (obligation to guarantee human and fundamental rights) to protect such practices. The municipal authorities' decision, consequently, did not constitute discrimination in breach of the Non-discrimination Act (*yhdenvertaisuuslaki/diskrimineringslagen*, Act No. 1325/2014). The decision is final.⁶¹

2. Policy and legal measures and developments directly or indirectly addressing Roma/Travellers inclusion

Based on information that the Ministry of Social Affairs and Health (*sosiaali- ja terveystieteiden ministeriö/social- och hälsovårdsministeriet*) has obtained from regional state administrative agencies and national Romani organisations, the effects of the COVID-19 pandemic on the Roma population do not seem to significantly differ

⁵⁸ Eastern Finland Court of Appeal, Decision No. 100, 3 March 2020; For a summary of the case in Finnish, see also: ['Kieltäytyi ottamasta vastaan kunnan tarjoamaa asuntoa vedoten romanikulttuuriin liittyvään väistämismisvelvollisuuteen - toisin kuin käräjäoikeus hovioikeus katsoi, ettei kunta ollut asettanut kantajia muita huonompaan asemaan asukasvalinnassa heidän romanitaustansa vuoksi'](#), Edilex news, 4 March 2020.

⁵⁹ Törmä, S. and Huotari, K. (2018), [Follow-up report on equality of the Roma in housing](#), Reports of the Ministry of the Environment 6/2018, Helsinki.

⁶⁰ See, e.g. Granqvist, K. (2020), [Critical evaluation of Romani inclusion strategies in Finland and Sweden](#), Journal of Contemporary European Studies, DOI:10.1080/14782804.2020.1801394, pp. 1–2.

⁶¹ The Supreme Court rejected the applicants leave for appeal on 18 June 2020 (decision No. 972), Information obtained from the Eastern Finland Court of Appeal via phone on 26 November 2020.

from those of the general population.⁶² Even though cases of discrimination have not been reported, increases in service demands and some increase in anti-Roma sentiments have been observed at the regional level.⁶³

The National Advisory Board for Romani Affairs carried out a phone survey among representatives of Romani organisations and the Regional Boards for Romani Affairs on the effects of the corona pandemic on the Roma in November 2020.⁶⁴ The answers were based on observations from everyday life experiences. The results indicate that the pandemic-related social distancing recommendations have strongly affected the sense of community of the Roma, causing fear, anxiety and uncertainty about the future, which in turn has been reflected in increasing levels of internal conflicts and violence among the Roma, as well as unsocial behaviour on social media. This has highlighted the role of the Romani organisations in supporting the members of the communities in order to prevent social exclusion. The strict cleanliness rules of the Roma, on the other hand, have proven to be a strength in the fight against the virus.

The majority of the Roma originating from Eastern European countries (Romania and Bulgaria) returned to their home countries due to corona travel restrictions during the first stages of the pandemic, which was clearly visible in the decrease of the number of clients at the drop-in service centre maintained by the Deaconess Institute in the city of Helsinki.⁶⁵ Some of the Eastern European Roma returned to Finland, however, when the restrictions were eased.⁶⁶

Official information on the pandemic has been published in Romani and is available at the website maintained by the Finnish Institute for Health and Welfare

⁶² Finland, Ministry of Social Affairs and Health (*sosiaali- ja terveysministeriö/social- och hälsovårdsministeriet*), Statement to the Foreign Ministry, VN/13606/2020, 8 June 2020.

⁶³ Finland, Regional State Administrative Agency Northern Finland (*Pohjois-Suomen aluehallintovirasto/ Regionsförvaltningsverket Norra Finland*), information obtained via phone on 11 September 2020.

⁶⁴ Finland, National Advisory Board for Romani Affairs, '[Teimme marraskuussa 2020 koronakyselyn puhelimitse romanitoimijoille](#)', press release, 26 November 2020.

⁶⁵ Finland, Finnish Broadcasting Company (*Yleisradio/Rundradion*), '[Coronavirus crisis drives panhandlers from Helsinki streets](#)', news, 31 March 2020.

⁶⁶ Finland, Kirkko ja kaupunki, '[Päiväkeskus Hirundossa on selvitty koronakriisistä ilman tartuntoja – edessä muutto uusiin tiloihin](#)', media source, 27 July 2020.

(*Terveyden ja hyvinvoinnin laitos/Institutet för hälsa och välfärd*) and the website of the National Advisory Board for Romani Affairs.⁶⁷

⁶⁷ Finland, Coronavirus information in different languages available at the website of the Finnish Institute for Health and Welfare, [‘Koronako virus: siiliba ta sijjibi dukadeske’](#) and a guideline for home care in Romani is also available on the website of the National Advisory Board for Romani Affairs, [‘Nevo koronako virus – COVID-19, Siila tuut ta tukko neerulne komuja smit-tibosta’](#).

Chapter 4. Asylum, visas, migration, borders and integration

Extension of residence permits and other authorisations to stay that expired during COVID-19 pandemic measures.

EUMS/ Finland	Category of TCN	Brief description of the measure	Legal source (legislation or case law as relevant) with hyperlink	Comments
	Complete this row if measures concern all/most of the TCN listed below whose (national or EU law based) permission to stay expired during COVID-19 related travel restrictions. In this case indicate in the next rows the categories to which the measure applies	<p>A temporary residence permit may be issued for particular reasons.</p> <p>A temporary residence permit or an extended permit on the basis of restrictions due to the coronavirus pandemic may be issued, if:</p> <ul style="list-style-type: none"> – the police cannot extend the validity of the visa; – a visa-free residence period has ended; – a previous temporary residence permit is about 	<p>Aliens Act (<i>ulkomaalaislaki/utlänningslagen</i>, Act No. 301/2004), section 45(1)(3)</p> <p>Aliens Act (<i>ulkomaalaislaki/utlänningslagen</i>, Act No. 301/2004), section 39(1)</p> <p>https://www.finlex.fi/fi/laki/kaannokset/2004/en20040301.pdf</p>	

		<p>to expire and there are no grounds for permit extension; or</p> <ul style="list-style-type: none"> - if the person is not planning to remain in Finland on other grounds, such as work, studies or family ties. <p>Issuing a residence permit usually requires that the applicant has sufficient financial resources; derogations in individual cases are, however, possible for exceptionally serious grounds or if the derogation is in the best interest of the child. Special circumstances effectuated due to the pandemic may constitute such a ground in individual cases.</p>	<p>Finnish Immigration Service guidelines:</p> <p>MIGDno-2020-803 issued on 25 June 2020 and MIGDno-2020-658 issued on 18 May 2020.</p> <p>The application of these guidelines has been extended until 31 March 2021 by an order of the Director of the Finnish Immigration Service of 13 October 2020 (MIGDno-2020-1356).</p>	
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	<p>Holders of visas issued based on the Visa Code No. 810/2009 (as last amended by Regulation (EU) No. 2019/1155) (Schengen visas)</p>	<p>Extension of short stay visas may be applied from the police; if a visa extension is not possible, a temporary residence permit may be issued under certain circumstances, if the applicant is unable to return to his/her home country due to compelling reasons, effectuated by the pandemic, such as e.g. missing transport connections.</p>	<p>Aliens Act, section 45(1)(3) and Finnish Immigration Service guideline MIGDno-2020-658 issued on 18 May 2020; extended until 31 March 2021.</p> <p>https://www.finlex.fi/fi/laki/kaannokset/2004/en20040301.pdf</p>	
	<p>Visa-free TCN who reached the maximum of 90 days in any 180-day period under Article 4 of the Visa List Regulation</p>	<p>Please see above.</p>		

	(Regulation (EU) 2018/1806)			
	Holders of long-term visas issued by the EUMS (under Regulation (EU) No. 265/2010 and beyond, under national law)	Please see above.		
	Holders of residence permits issued under Regulation (EC) No. 1030/2002 (as last amended by Regulation (EU) 2017/1954)	As above		
	Holders of local border traffic permit under Regulation (EC) No. 1931/2006	The government adopted a resolution according to which the restrictions on entry into Finland and internal border controls will be reviewed on a weekly basis based on the incidence of the corona virus.	Government resolution on the implementation of the hybrid strategy for border traffic and travel (<i>Valtioneuvoston periaatepäätös hybridistrategian toteuttamisesta rajat ylittävässä liikenteessä ja matkustamisessa</i>)	

			<p><i>/Regeringens principbeslut om genomförande av hybridstrategin i gränstrafiken och vid resor), VNK/2020/114 of 11 September 2020.</i></p> <p>Instructions of the Finnish Border Guard to passengers regarding entry to Finland, last updated on 20 November 2020.</p>	
	Any other category of TCN not listed above.	<p>The legislation on an asylum seekers' right to work in seasonal work was temporarily amended as of 29 June 2020. The amendment applies to seasonal work in agriculture and was in force until 31 October 2020. The amendment was, however, effectuated due to urgent need of seasonal work force in the fields, not in order to enable asylum</p>	<p>A new, temporary section (80[a]) was added to the Aliens Act; <i>Laki ulkomaalaislain väliaikaisesta muuttamisesta/Lag om temporär ändring av utlänningslagen</i>, Act No. 487/2020.</p>	

		seekers' further stay in the country because of coronavirus related reasons.	https://finlex.fi/fi/laki/alkup/2020/20200487	
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Notes:

TCN = third-country nationals

EUMS = EU Member State

Chapter 5. Information society, privacy and data protection

1. Legal and political initiatives that have been implemented to support access to, and use of, personal data.

In 2020, COVID-19 did not have a major impact on legal and political initiatives under this thematic area. The most relevant legislative development related to COVID-19 was the temporary amendment of the Communicable Diseases Act by Act No. 582/2020⁶⁸ that enabled the Finnish Institute for Health and Welfare (*Terveyden ja hyvinvoinnin laitos/Institutet för hälsa och välfärd*) to develop an information system and a mobile application to trace and limit chains of infection. During the legislative process, efforts were taken to ensure that the implemented measures would cause only minimal interference in the right to privacy and processed in accordance with the GDPR.⁶⁹ The Finnish DPA also introduced guidelines concerning data protection, impact assessment and COVID-19.⁷⁰

⁶⁸ Finland, Act on temporary amendment of the Communicable Diseases Act (*laki tartuntatautilain väliaikaisesta muuttamisesta/lag om temporär ändring av lagen om smittsamma sjukdomar*, Act No. 582/2020).

⁶⁹ Finland, [Government Bill No. 101/2020](#) vp (*Hallituksen esitys eduskunnalle laiksi tartuntatautilain väliaikaisesta muuttamisesta/Regeringens proposition till riksdagen med förslag till lag om temporär ändring av lagen om smittsamma sjukdomar*).

⁷⁰ Finland, Office of the Data Protection Ombudsman (*tietosuojavaltuutetun toimisto/dataombudsmannens byrå*), '[Data protection and limiting the spread of coronavirus](#)', press release, 12 March 2020 (17 March 2020 in English); Finland, Office of the Data Protection Ombudsman (2020), '[Frequently asked questions on data protection and the coronavirus](#)'.

The Finnish government continues the preparation of the genome act and the genome centre⁷¹ and plans to present the bill in December 2020.⁷² The purpose of the proposed act is to facilitate responsible, equal and secure use of genomic data. It would set the legal framework for the establishment of a national genome centre, which would function as an expert authority for the use of genomic data and analyses in the context of health related matters. The genome centre would also uphold a national genomic data register holding genomic data produced by biobanks and the national healthcare system. Subject to restrictions set in the law the genomic data could be used for treatment of patients and scientific research.

The government is additionally set to introduce a legislative bill for the comprehensive reform of the national Biobank Act (*biopankkilaki/biobankslag*, Act No. 688/2012).⁷³ The purpose of the reform is to make necessary amendments to the legislative framework on biobanking due to interpretation issues arising from the GDPR and application of the Biobank Act. The proposed reform is closely linked to the Act on the secondary use of social and health data (*laki sosiaali- ja terveystietojen toissijaisesta käytöstä/ lag om sekundär användning av personuppgifter inom social- och hälsovården*, Act No. 552/2019) – adopted in 2019, and the proposed draft law concerning the establishment of a genome centre and for the use of genomic data. The aim of the act is to secure cooperation between Findata - a national licensing authority for the secondary use of health and social data - the genome centre and biobanks.

Implementation of Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) and Directive (EU) 2018/1808 establishing the European Electronic Communications Code have advanced as the government

⁷¹ Finland, Ministry of Social Affairs and Health (*sosiaali- ja terveystieteiden ministeriö/social- och hälsovårdsministeriet*), [Working Group for Genome Centre \(Genomikeskus-työryhmä/ Arbetsgruppen för Genomcentret\)](#), STM086:00/2016.

⁷² Finland, Finnish Government (*valtioneuvosto/statsrådet*) (2020), [Government legislative programme \(27.8.2020\)](#) (*Hallituksen lainsäädäntösuunnitelma/Regeringens lagstiftningsprogram*) p. 25.

⁷³ Finland, Finnish Government (*valtioneuvosto/statsrådet*), [Government legislative programme \(27.8.2020\)](#) p. 25.

presented on 12 June 2020 its legislative proposal to Parliament.⁷⁴ In the bill it is recognised that there is need to prepare national legislation to fulfil the obligations of Article 40(2) of Directive 2018/1972 requiring a national competent authority to inform competent authorities of other Member States and ENISA in case of security incidents. Additionally, further legislation is needed for distribution of costs for audits under Article 41(2).

The government has been reforming its legal framework on electronic processing of client data in healthcare and social welfare, based on previous Government Bill No. 300/2018 vp, which expired due to the end of parliamentary term.⁷⁵ Since 2010, the use of nationwide electronic information system services has been gradually introduced in healthcare. The bill establishes the conditions to merge the information systems of the social care into these nationwide information system services. The bill contains the necessary information management provisions for social and health care. The bill also proposes to expand the content of nationwide information system services so that the customers themselves could store their own well-being data or data produced by various well-being applications in their own data repository. Importantly, the amendments would oblige all service providers that use client or patient information systems to join the Kanta⁷⁶ service platform. This requires that the information systems of the service providers must be compatible with Kanta services and that an appointed data security assessment body assesses and certifies their security. In addition to the certification procedure, the information systems are subjected to the scrutiny of public healthcare authorities. During initial consultations, in their opinion the DPA considered that the draft proposal contained important provisions affecting both processing of personal data and special categories of personal data. The DPA considered that the proposal was generally well drafted, but that it still required some improvements regarding

⁷⁴ Finland, [Government Bill No. 98/2020 vp to Parliament amending the Act on Electronic Communication Services and other related acts](#) (Hallituksen esitys eduskunnalle laiksi sähköisen viestinnän palveluista annetun lain muuttamisesta ja eräiksi siihen liittyviksi laeiksi/Regeringens proposition till riksdagen med förslag till lagar om ändring av lagen om tjänster inom elektronisk kommunikation och av vissa lagar som har samband med den), 12 June 2020.

⁷⁵ Finland, [Government Bill No. 212/2020 vp for Act on the Electronic Processing of Client Data in Healthcare and Social Welfare](#) (Hallituksen esitys eduskunnalle laiksi sosiaali- ja terveydenhuollon asiakastietojen sähköisestä käsittelystä sekä eräiksi siihen liittyviksi laeiksi/Regeringens proposition till riksdagen med förslag till lag om elektronisk behandling av kunduppgifter inom social- och hälsovården och till vissa lagar som har samband med den) (in Finnish).

⁷⁶ Finland, Kanta, '[What are the Kanta Services?](#)'

clarity and accuracy.⁷⁷ The government introduced the bill in Parliament on 5 November 2020, and it is expected to enter into force on 1 April 2021.

The government's copyright infrastructure project, whose aim is to facilitate development and multistakeholder discussions on topical matters such as "practices on identifiers in the creative field, metadata, technology and infrastructure development, and legal issues linked to data and IP",⁷⁸ also addressed data protection and data retention matters in its working groups. The working groups acknowledged that there can be legal conflicts between the pre-existing practices on copyright on digital environment and legal frameworks on data protection that need to be further studied and balanced.⁷⁹

The Finnish DPA has been active during the year 2020. The DPA has increased transparency of its decision-making by increasing the number of press releases published and releasing full versions of corresponding decisions on the national database on case law and legislation. The Sanctions Board, an internal body of the office responsible for determining administrative fines for the violations of the GDPR, started working in autumn 2019 and has since been imposing many sanctions during the year 2020. Sanctions have been ordered in matters such as neglecting impact assessment on camera surveillance system in taxis,⁸⁰ failure to inform data subjects of their rights in connection with making change-of-address notification, failure to conduct an impact assessment on the processing of employee location data, and unnecessary collection of job applicant's personal data.⁸¹

⁷⁷ Finland, Data Protection Ombudsman (2020), '[Tietosuojavaltuutetun lausunto sosiaali- ja terveysministeriölle](#)', Lausuntopyyntö 15.1 1.2019 VN/1 2603/201 I (in Finnish).

⁷⁸ Finland, Ministry of Education and Culture (*opetus- ja kulttuuriministeriö/undervisnings- och kulturministeriet*), '[Copyright infra development \(Tekijänoikeusinfran kehitys/ Upphovsrättens infrautveckling\)](#)'(2020), OKM020:00/2020.

⁷⁹ Finland, Ministry of Education and Culture (*opetus- ja kulttuuriministeriö/undervisnings- och kulturministeriet*), '[Tekijänoikeuden infrastruktuurin kehittäminen JURISTI – ryhmän 3/3 kokous](#)', 11.9. klo 13-15.30', meeting memos, 21 September 2020.

⁸⁰ Finland, Data Protection Ombudsman (2020), '[Office of the Data Protection Ombudsman's sanctions board imposes administrative fine for several deficiencies in personal data processing](#)', press release, 29 May 2020.

⁸¹ Finland, Data Protection Ombudsman (2020), '[Office of the Data Protection Ombudsman's sanctions board imposed three administrative fines for data protection violations](#)', press release, 22 May 2020.

In October 2020, Finland's largest private psychotherapy centre Vastaamo announced that its database holding all of its clients' data, including meeting memos, had been breached.⁸² The stolen customer data was used by hackers to blackmail first the company and next its clients.⁸³ Eventually, possibly all the patient data was published on the dark web.⁸⁴ The company confirmed that its system had been probably breached already in November 2018 and for a second time in 2019.⁸⁵ The incident affected tens of thousands of people and raised a strong public concern about the data security and supervision of private companies. As a result, the Finnish Government introduced numerous policy and legislative initiatives.⁸⁶ The DPA ordered the psychotherapy centre to inform its data subjects about the breach personally and without delay⁸⁷ and among many other governmental agencies published their instructions for the victims of the data breach.⁸⁸ The DPA also initiated an investigation concerning the appropriateness of the data protection measures of the psychotherapy centre in cooperation with other authorities.⁸⁹

⁸² Finland, Finnish Broadcasting Company (*Yleisradio/Rundradion*) (2020), '[Psychotherapy centre's database hacked, patient info held ransom](#)', News, 21 October 2020.

⁸³ Finland, Finnish Broadcasting Company (*Yleisradio/Rundradion*) (2020), '[Psychotherapy centre data breach victims receive extortion emails psychotherapy](#)', News, 24 October 2020.

⁸⁴ Finland, Finnish Broadcasting Company (*Yleisradio/Rundradion*) (2020), '[Vastaamo-kiristäjä teki pahan virheen perjantaina, sanoo F-Securen Hyppönen: "Hän päästi käsistään kaikkein tärkeimmän tietonsa"](#)', News, 27 October 2020.

⁸⁵ Finland, Finnish Broadcasting Company (*Yleisradio/Rundradion*) (2020), '[Psychotherapy centre reveals two separate data breaches of sensitive patient information](#)', News, 25 October 2020.

⁸⁶ Finland, Finnish Government (*valtioneuvosto/statsrådet*) (2020), '[Government decides on measures to help victims of identity theft](#)', Press release, Government Communications Department, 12 November 2020.

⁸⁷ Finland, Office of the Data Protection Ombudsman, '[Apulaistietosuojaavaltuutettu määräsi Psykoterapiakeskus Vastaamon ilmoittamaan tietomurron kohteeksi joutuneille asiakkailleen henkilökohtaisesti](#)', press release, 23 October 2020.

⁸⁸ Finland, Office of the Data Protection Ombudsman, '[Advice for the victims of the data leak](#)', 26 October 2020.

⁸⁹ Finland, Office of the Data Protection Ombudsman, '[The Office of the Data Protection Ombudsman is investigating the legality of the psychotherapy centre Vastaamo's operations](#)', press release, 27 October 2020.

The government established a working group to improve data security and data protection in critical sectors.⁹⁰ The initiative was a reaction to the Vastaamo data breach incident, which exposed the vulnerability of information systems on critical sectors. The critical sectors that the working group studies are health care, financial markets, transportation and information infrastructures, and energy and water supplies. The working group charts possible needs for legislative amendments and other measures, such as resourcing. The project aims to develop concrete policy guidelines for possible legislative amendments.

2. Artificial intelligence and big data

Please fill in the table below with any initiatives you may identify in your country:

MS	Actor*	Type* *	Description	Are Ethical concerns mentioned?	Are Human Rights issues mentioned? (yes/no)	Reference
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⁹⁰ Finland, Ministry of Transport and Communications (*liikenne- ja viestintäministeriö/kommunikationsministeriet*), [Improving data security and data protection in the critical areas of society](#) (*Tietoturvan ja tietosuojan parantaminen yhteiskunnan kriittisillä toimialoilla/Förbättring av datasäkerheten och dataskyddet i samhällets kritiska områden*), LVM073:00/2020.

				(yes/no)		
FI	Government/ Parliamentary	National legislative act	Act No. 582/2020 on temporary amendment of the Communicable Diseases Act. The act enables the Finnish Institute for Health and Welfare to establish an information system based on mobile technology to reach individuals potentially exposed to COVID-19 in order to break chains of infection. The act sets the legal framework for implementation of the system, provisions on procession of data, and division of duties.	Yes	Yes (right to privacy, data protection, child rights)	Finland, Act No. 582/2020 on temporary amendment of the Communicable Diseases Act (<i>Laki tartuntatautilain väliaikaisesta muuttamisesta/Lag om temporär ändring av lagen om smittsamma sjukdomar</i>).
FI	Government/ Parliamentary	National legislative act	Act on the processing of personal data by migration authorities 615/2020. The act modernises and updates legal frameworks on processing of personal data by migration authorities. It complements EU's GDPR and the national Data Protection Act. The act	Yes	Yes (right to privacy, good governance, effective remedy, discrimination)	Finland, Act on the processing of personal data by migration authorities 615/2020 (<i>Laki henkilötietojen käsittelystä maahanmuuttohallinnossa/ Lag om behandling av personuppgifter i migrationsförvaltningen</i>).

			was a result of Government Bill No. 18/2019 vp, which initially contained a section on automated decision-making in individual migration cases. This section was however removed from the final act due to fundamental rights challenges and in favor of developing a general legislation concerning automated decision-making.		tion, child rights)	
FI	Government/ Parliamentary	Other project	Digital measures in the aftermath of the coronavirus crisis. The Ministry of Transport and Communications set up a working group to assess new approaches to digitalisation that have emerged during the COVID-19 crisis and to introduce a plan to consolidate good practices into the aftercare and post-crisis periods. The working group released its interim report in June for opinions and received response from 130 parties. The	Yes	Yes (discrimination, right to privacy)	Finland, Digital measures in the aftermath of the coronavirus crisis (<i>Digitaaliset keinot koronaviruskriisin jälkihoidossa/Digitala metoder för återuppbyggnad efter krisen</i>), LVM027:00/2020, Helsinki, Ministry of Transport and Communications (<i>liikenne- ja viestintäministeriö/kommunikationsministeriet</i>).

			<p>working group published its final report on 1 October 2020.⁹¹ According to the report, the COVID-19 crisis has in general increased demand for digital services and networks, which has highlighted the importance of their accessibility, stability, as well as the digital readiness of the users. It has forced both public and private sectors to adapt their structures of governance and methods of operation for decentred distant models. Fast internet connections have been crucial for location independent business activities and working as well as studying distantly. Businesses across all sectors had to digitalise their services and consumers equally to adapt their habits to use them.</p>			
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⁹¹ Finland, Ministry of Transport and Communications (2020), [Digiloikasta vauhtia uuteen kasvuun ja hyvinvointiin: Digitaaliset keinot koronaviruskriisin jälkihoidossa –työryhmän loppuraportti](#), Helsinki, Publications of the Ministry of Transport and Communications 2020:15.

			<p>At the same time, the crisis has underlined the urgency of safeguarding the operational reliability, decision-making capability, participation and equality in the process of digitalisation. The working group proposed six measures as prerequisites to fully utilise the digitalisation across society:</p> <p>1. Real-time economy; 2. Increasing the usability of digital data with the help of AI; 3. Basic structures of digital data; 4. Increasing the reliability of and trust in the digital society; 5. Harmonising VAT rates 6. Strengthening the coordination of data economy policy and information policy.</p>			
FI	Government/	National Act	Preparation of general legislation on automated	Yes	Yes (right to	Finland, Preparation of general legislation on automated

	Parliamentary	Drafting	decision-making within public administration. The purpose of the initiative is to prepare the necessary provisions for general administrative legislation to ensure the implementation of the principles of administrative legality, good administration, legal certainty, transparency and formal accountability in automatic decision-making. In addition, a description of the regulatory principles for special legislation will be prepared.		privacy, data protection, child rights, right to an effective remedy, good governance)	decision-making within public administration (<i>Automaattista päätöksentekoa koskevan hallinnon yleislainsäädännön valmistelu/Beredning av allmän förvaltningslagstiftning som gäller automatiserat beslutsfattande</i>), OM021:00/2020, Helsinki, Ministry of Justice (<i>oikeusministeriö/justitieministeriet</i>).
FI	Government/ Parliamentary	Other project	Memorandum on the EU Commission communication on the Digital Future of Europe, the Data Strategy and the White Paper on AI. The Finnish Government adopted its position on the communication of the EU Commission on the Digital Future of Europe, the Data Strategy and the White Paper on AI on 3 April 2020.	Yes (social impact assessment, human-centred approach, compliance with	Yes (human dignity, right to privacy, discrimination, good governance, economic and social	Finland, Memorandum on the Commission communication on the Digital Future of Europe, the Data Strategy and the White Paper on AI (<i>Perusmuistio: Komission tiedonanto Euroopan digitaalisesta tulevaisuudesta, komission tiedonanto Euroopan datastrategiasta ja komission valkoinen kirja</i>

			<p>Finland supports the digital strategy and goals of the EU Commission and considers its Government Programme to already be aligned with it. Finland aims to actively partake in the development of the European data economy. In its position, the government strongly supports the human-centred and transparent approach to digitalisation, data utilisation and artificial intelligence. Further, the government highlights the importance of assessing large scale social impacts on education and employment, and the need to ensure compliance with the protection of fundamental rights. In its effort to facilitate its objectives, the Finnish Government also established a Data economy implementation and monitoring</p>	<p>regulations protecting fundamental rights and personal data)</p>	<p>rights, environmental protection)</p>	<p><i>tekoälystä/Promemoria om meddelande från kommissionen om Europas digitala framtid, meddelande från kommissionen om Europas datastrategi och kommissionens vitbok om artificiell intelligens), LVM2020-00037, Helsinki, Ministry of Transport and Communication.</i></p>
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			group ⁹² which supports cooperation and exchange of information between all the ministries in their work to facilitate data economy at both national and EU level.			
FI	Academia	Study	Assessment memorandum on the need to regulate automated decision-making within public administration in general legislation. The memorandum is connected to the initiative of the Finnish Government to prepare general legislation on automated decision-making within public administration. It considers how automated decision-making within public administration is in accordance with the Constitution of Finland and the EU data protection legislation. According to the memorandum, automated	Yes (the role of human control and judgment, discretion, principles of good governance, transparency, balance	Yes (right to privacy, good governance, discrimination, child rights, effective remedy)	Finland, Vainio, N., Tarkka, V. and Jaatinen, T. (2020), Assessment memorandum on the need to regulate automated decision-making within public administration in general legislation (<i>Arviomuistio hallinnon automaattiseen päätöksentekoon liittyvistä yleislainsäädännön sääntelytarpeista/ Bedömningspromemoria om behovet av att reglera den allmänna lagstiftningen i anslutning till automatiserat beslutsfattande inom förvaltningen</i>), Publications of

⁹² Finland, Ministry of Transport and Communication (*liikenne- ja viestintäministeriö/trafik- och kommunikationsministeriet*), [Data economy implementation and monitoring group](#) (*Datatalouden toimeenpano- ja seurantaryhmä/ Arbetsgruppen för genomförande och uppföljning av dataekonomin*), LVM013:00/2020, 1 March 2020.

			decision-making in general legislation should be limited to situations, in which decisions can be mechanically deduced from legislation and unambiguous known facts with no element of discretion involved.	between efficiency and accuracy)		the Ministry of Justice, Reports and guidelines 2020:14, Helsinki, Ministry of Justice.
FI	Government/ Parliamentary	Report	Implementation plan for digital security in the public sector (Haukka). "Haukka" implementation plan sets 19 selected tasks, which aim to develop key services of digital security in the public sector. Two of these tasks concern secure development of autonomous and self-learning systems and services in the public sector.	Yes		Finland, Kuusisto T. (2020), Implementation plan for digital security in the public sector (<i>Julkisen hallinnon digitaalisen turvallisuuden toimeenpanosuunnitelma 2020–2023 (Haukka)</i>)/ <i>Genomförandeplanen för digital säkerhet inom den offentliga förvaltningen 2020–2023 (Haukka)</i>), Publications of the Ministry of Finance 2020:33, Helsinki, Ministry of Finance (<i>valtiovarainministeriö/finansministeriet</i>).

FI	Government	National Draft Act	Government action and legislative plan for automatisisation of traffic. The Ministry of Transport and Communication has continued developing its action and legislative plan concerning automatisisation of all forms of transportation. In January 2020 an internal working group published an assessment memo ⁹³ for stakeholder hearings and further development in working groups. This memo introduces cross-cutting principles concerning all forms of transportation as well as goals for the development of automation in this context. The principles proposed by the working group are as follows:	Yes	Yes (data protection , right to privacy)	Finland, Government action and legislation plan for automatisisation of traffic (<i>Liikenteen automaation toimenpide- ja lainsäädäntösuunnitelma/Åtgärds- och lagstiftningsplan för trafikens automatisering</i>) LVM059:00/2019 Helsinki, Ministry of Transport and Communication.
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⁹³ Finland, Ministry of Transport and Communication (*liikenne- ja viestintäministeriö/kommunikationsministeriet*), '[Assessment memo: preparation of legislation and implementation plan for automatisisation of traffic](#)'[Unofficial translation], 16 January 2020.

			<p>1) Anthropocentrism as the starting point.</p> <p>2) Automatic and networked means of transportation are safer, more efficient and more environmentally friendly compared to manually operated.</p> <p>3) Proliferation of automation requires trust, which in turn requires transparency.</p> <p>4) Automation-hybrid: automation does not need to function always and everywhere, but regardless the transport must enable transferral from the source to the destination.</p> <p>5) Safe, efficient and sustainable automation of traffic requires vehicles to be connected to communication networks.</p> <p>6) Digital knowledge and its dissemination between different parties is essential for</p>			
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			<p>the development of the automation of traffic.</p> <p>7) Technology neutrality and the use of general-purpose technologies must be fundamental principles.</p> <p>8) Automation of transportation requires reformation of the premises of regulatory frameworks.</p> <p>9) Automation of transportation must enable business and economic productivity to promote the welfare of the societies.</p> <p>10) Preparations must be made immediately for the arrival of automation.</p>			

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*For the actors, please pick from the following suggestions:

Government/ Parliamentary

DPA

NGO/Other Non Profit

Academia

Domestic Courts

Business

Independent State Institution

Other

** for the type, please pick from the following suggestions:

National Draft Acts / Adopted Acts

report/study

other projects

Chapter 6. Rights of the child

1. Measures taken during the COVID 19 to ensure the well-being of children living in poverty and the protection of children from violence.

Measures to address the specific vulnerabilities of children living in poverty	<p><i>e.g. income support to single-headed families or dependant on number of children in the household; meals for children provided for free; free access to health services; suspension of evictions in households with children; support for distance learning (e.g. provision of computers/tablets, or access to internet)</i></p> <p>On 13 May 2020, the Ministry of Education and Culture (<i>opetus- ja kulttuuriministeriö/undervisnings- och kulturministeriet</i>) appointed a working-group for the period 1 June 2020 - 31 December 2022, with the task to promote educational equality and positive discrimination in early childhood education and care, pre-primary, primary and lower secondary education. The mandate of the working-group includes monitoring and analysing the effects of COVID-19 on inequality and proposing measures to strengthen equality.⁹⁴</p> <p>On 5 June 2020, the Ministry of Education and Culture launched a funding scheme of € 84 million for the purpose of addressing the negative effects of the COVID-19 spring.⁹⁵ With respect to early childhood education, the funding can be used for children in need of extra support, to improve the digital environment by enhancing the skills of teachers, to intensify cooperation with parents as well as multiprofessional work and services in order to equalize the effects of the emergency. As to pre-primary, primary and lower secondary education, the support can be used to arrange support teaching for children who have not achieved the set learning outcomes, to intensify student</p>
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⁹⁴ Finland, Ministry of Education and Culture (*opetus- ja kulttuuriministeriö/undervisnings- och kulturministeriet*), [Working group to promote educational equality and positive discrimination in early childhood education and care, pre-primary, primary and lower secondary](#), OKM029:00/2020 Statute drafting, 13 May 2020.

⁹⁵ Finland, Ministry of Education and Culture (*opetus- ja kulttuuriministeriö/undervisnings- och kulturministeriet*), ['84 miljoonaa euroa haettavissa varhaiskasvatukseen ja esi- ja perusopetukseen poikkeusolojen vaikutusten tasoittamiseksi'](#), press release, 5 June 2020.

	<p>counselling and multiprofessional cooperation, as well as to strengthen student welfare services. The Ministry of Education and Culture underlines that the scheme safeguards the ability of municipalities and schools to support children in weaker positions, immigrant children, children with special needs and children who dropped out of school during the period of distance learning.⁹⁶</p> <p>The Basic Education Act (<i>perusopetuslaki/lagen om grundläggande utbildning</i>, Act No. 628/1998) was amended on 26 June 2020 allowing schools to introduce distance learning when the COVID-19 situation so requires.⁹⁷ The new section 20a explicitly stipulates that, during periods of distance learning, schools are obliged to continue to provide free school meals to all children. The Act is in force during the period 1 August to 31 December 2020. During the spring semester, when such a provision did not exist, the municipalities organised school meals in various ways.</p> <p>According to a survey conducted by the Ministry of Education and Culture in the end of March 2020, 56 % of the municipalities offered school meals only to pupils who took part in contact teaching, whereas 44 % offered meals also to pupils in distance teaching. In 11 % of the municipalities, this was done based on a notification procedure, and in 33 % based on a needs assessment.⁹⁸ With the legislative amendment to the Basic Education Act, the municipalities continue to have broad discretionary powers to decide how the meals are arranged bearing in mind the requirements of the pandemic. However, it is</p>
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⁹⁶ Finland, Ministry of Education and Culture (*opetus- ja kulttuuriministeriö/undervisnings- och kulturministeriet*), [‘Varhaiskasvatuksen, esi- ja perusopetuksen poikkeusolojen vaikutusten tasoittamiseen noin 84 miljoonaa euroa’](#), press release, 6 July 2020.

⁹⁷ Finland, [Act No. 521/2020](#) (*laki perusopetuslain väliaikaisesta muuttamisesta/lag om temporär ändring av lagen om grundläggande utbildning*), 26 June 2020.

⁹⁸ Finland, Ministry of Education and Culture (*opetus- ja kulttuuriministeriö/undervisnings- och kulturministeriet*), [Ehdotus valtioneuvoston asetukseksi varhaiskasvatuksen sekä opetuksen että koulutuksen järjestelmävelvollisuutta koskevista väliaikaisista rajoituksista](#), Muistio, 6 April 2020.

	<p>explicitly stated in the legislative proposal that needs assessments cannot be applied.⁹⁹</p> <p>On 12 November 2020, the government tabled in Parliament a bill extending the validity of the temporary section 20a on distance learning until 31 July 2021. Parliament adopted the Act on the temporary amendment of the Basic Education Act on 15 December 2020.¹⁰⁰ Paragraph 3 of section 20a stipulates that schools are obliged to provide equipment, connections and material for free to the school children, to the extent possible in the given circumstances. This provision includes computers and network connections and has been in force also during the autumn semester of 2020.¹⁰¹ In connection with the legislative work a survey conducted among the school children (n=58,000) on their experiences of distance education shows that 10 % of the children did not have access to computers in spring.</p> <p>On 17 June 2020, the government tabled in Parliament a legislative proposal concerning a temporary epidemic benefit (<i>väliaikainen epidemikorvaus/temporär epidemiersättning</i>), which was approved and entered into force on 9 October 2020.¹⁰² The epidemic benefit is explicitly targeting persons and families who are in the worst financial situation due to costs stemming from COVID-19 related restrictions (section 1). The benefit is automatically paid to those who received between 1 March and 31 July 2020 basic social assistance under section 7 of the Social Assistance Act (<i>laki toimeentulotuesta/lag om utkomststöd</i>, Act No. 1412/1997) and continued to do so during the month prior to the disbursement of the epidemic</p>
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⁹⁹ Finland, [Government Bill No. 86/2020 vp](#) (*Hallituksen esitys eduskunnalle laeiksi perusopetuslain ja Helsingin eurooppalaisesta koulusta annetun lain väliaikaisesta muuttamisesta/Regeringens proposition till riksdagen med förslag till lagar om temporär ändring av lagen om grundläggande utbildning och lagen om Europeiska skolan i Helsingfors*), p. 19.

¹⁰⁰ Finland, [Act No. 1191/2020](#) (*laki perusopetuslain väliaikaisesta muuttamisesta/lag om temporär ändring av lagen om grundläggande utbildning*), 30 December 2020.

¹⁰¹ Finland, [Government Bill No. 218/2020 vp](#) (*Hallituksen esitys eduskunnalle laeiksi perusopetuslain ja Helsingin eurooppalaisesta koulusta annetun lain väliaikaisesta muuttamisesta/Regeringens proposition till riksdagen med förslag till lagar om temporär ändring av lagen om grundläggande utbildning och lagen om Europeiska skolan i Helsingfors*), p. 23.

¹⁰² Finland, [Act No. 687/2020](#) (*laki väliaikaisesta epidemikorvauksesta/lag om temporär epidemiersättning*), 9 October 2020.

	<p>benefit.¹⁰³ The benefit is € 75 per person and month, and it is paid during max. four months between September and December 2020. The number of persons per household entitled to the benefit corresponds to the numbers provided in the decision on social assistance covering the month prior to the payment of the benefit. It includes both adults and children. The benefit is paid to the same person who received the social assistance. It is estimated that the benefit will be paid to approximately 150,000 households.</p>
<p>Measures to protect children from violence</p>	<p><i>e.g. set up of new helplines or strengthening of existing ones through training or increased number of staff; campaigning on issues related to violence and COVID 19; revision of standard operating procedures for health and social workers to ensure identification and referral of victims of violence during Covid 19; social services identify alternative methods if home visits become impossible; internet safety support to families.</i></p> <p>As to the prevalence of violence against children during the COVID-19 crisis, a 21 % increase between January and June 2020 in crime reports involving violent acts committed by parents against their children has been reported.¹⁰⁴</p> <p>On 25 May 2020, the Ministry of Social Affairs and Health (<i>sosiaali- ja terveystieteiden ministeriö/social och hälsovårdsministeriet</i>) appointed a working group linked to the National Child Strategy¹⁰⁵ to study the wellbeing of children and young people in the aftermath of the COVID-19 crisis. The working group published its report on 26 June 2020.¹⁰⁶ The report lists among other things</p>

¹⁰³ Finland, [Government Bill No. 105/2020 vp](#) (*Hallituksen esitys eduskunnalle laeiksi väliaikaisesta epidemiakorvauksesta ja toimeentulotuesta annetun lain 11 §:n väliaikaisesta muuttamisesta/Regeringens proposition till riksdagen med förslag till lag om temporär epidemiersättning och lag om temporär ändring av 11 §i lagen om utkomstskydd*)

¹⁰⁴ Haapakangas, K. (2020), [Parisuhdeväkivallasta tehdyt ilmoitukset lisääntyivät kevään aikana](#), Asiantuntija-artikkelit ja ajankohtaisblogit, Statistics Finland, 14 July 2020.

¹⁰⁵ Finland, Ministry of Social Affairs and Health (*sosiaali- ja terveystieteiden ministeriö/social- och hälsovårdsministeriet*), 'National Child Strategy to strengthen inclusion of children and young people', press release, 2 September 2020.

¹⁰⁶ Finland, Finnish Government (2020), [Lasten ja nuorten hyvinvointi koronaviruksen jälkihoidossa – Lapsistrategian koronatyöryhmän raportti lapsen oikeuksien toteutumisesta](#), Publication of the Finnish Government 2020:21, Helsinki.

	<p>measures aimed at protecting children from violence,¹⁰⁷ including the need to provide sufficient resources for the implementation of the action plan for the Istanbul Convention 2018-2021¹⁰⁸ and the action plan for a childhood without violence 2020-2025.¹⁰⁹ Further, it is stated that a national action plan for the implementation of the Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) will be drawn up (p. 59).</p> <p>Civil society organisations report an increase in contacts to low-threshold support services during the spring, in particular, chat services.¹¹⁰ As a consequence, these services have been expanded and new ones opened.¹¹¹</p> <p>In collaboration with the University of Turku and the University of Tampere, the Finnish Institute for Health and Welfare (<i>Terveyden ja hyvinvoinninlaitos/Institutet för hälsa och välfärd</i>) have on 14 September 2020 launched a two-year research project on the experiences of violence in close relationships and the use of services during the COVID-19 pandemic.¹¹² The research will be based on material gathered through shelter homes and helplines.</p>
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¹⁰⁷ For more information on the impact of COVID-19 on children, please see page 6 of the [Franet country study](#) released on 29 July 2020.

¹⁰⁸ Finland, Ministry of Social Affairs and Health (*sosiaali- ja terveysministeriö/social- och hälsovårdsministeriet*) (2017), [Istanbulin sopimuksen toimeenpanosuunnitelma 2018–2021](#), Publications of the Ministry of Social Affairs and Health 2017:16, Helsinki.

¹⁰⁹ Finland, Ministry of Social Affairs and Health (2019), [Väkivallaton lapsuus : toimenpidesuunnitelma lapsiin kohdistuvan väkivallan ehkäisystä 2020–2025](#), Publications of the Ministry of Social Affairs and Health 2019:27, Helsinki.

¹¹⁰ Finland, Mieli Mental Health Finland (*Mieli Suomen mielenterveys ry/Mieli Psykisk hälsa Finland rf*), [‘Sekasin-chatissa ennätysmäärä keskusteluja – poikkeusolojen vaikutus nuorten elämään kuuluu vahvasti yhteydenotoissa’](#), press release, 1 September 2020.

¹¹¹ Finland, The Federation of mother and child homes and shelters (*Ensi- ja turvakotien liitto/Förbundet för mödra- och skyddshem*), [‘Ensi- ja turvakotien liitto lisää apua lapsille ja nuorille’](#), press release, 26 August 2020, and Pesäpuu, [‘Nuorten Turvasatama-chat on auennut’](#), press release, 16 March 2020.

¹¹² Finland, Finnish Institute for Health and Welfare, [‘THL alkaa tutkia koronavirusepidemian vaikutuksia lähisuhteiden väkivallan kokemuksiin ja palveluiden käyttöön’](#), press release, 14 September 2020.

2. Legal and policy measures or initiatives developed about criminal proceedings

<p>Legislative changes</p>	<p><i>e.g. reform of the criminal code</i></p> <p>The legislative reforms were made in 2019, no new legislation concerning children in the criminal proceedings has been adopted in 2020.</p>
<p>Policy developments</p>	<p><i>e.g. guidance or training for law enforcement officers on the treatment of child suspects; amendment of police academy curriculum; training of judges; developing indicators to monitor the situation of child suspects and improve data collection</i></p> <p>The Police Board (<i>poliisihallitus/polisstyrelsen</i>) issued on 23 December 2019 new guidelines on the treatment of children in police activities and in criminal investigations.¹¹³ They cover the period 1 January 2020 – 31 December 2024 and address children as victims, witnesses and suspects of crimes.¹¹⁴ Explicit reference is made to EU Directive 2016/800 on procedural safeguards for children. Among topics considered in the guidelines are the commencement of the criminal investigation without delay, representation of children in criminal investigations, pre-sentence report to be used when considering charges, sentencing and enforcement of the sentence, and interrogation practices.</p>
<p>Other measures or initiatives</p>	<p><i>E.g. relevant activities to promote alternatives to detention; community involvement or general initiatives related to the dissemination and information in relation to the entering into force of the Directive.</i></p> <p>The Act on the Enforcement of Community Sanctions (<i>laki yhdyskuntaseuraamusten täytäntöönpanosta/lag om</i></p>

¹¹³ Finland, Police Board, Lapsi poliisitoiminnassa ja esitutkinnassa, Ohje POL-2019-34669, 23 December 2019.

¹¹⁴ Finland, information obtained via email from the Police Board on 9 September 2020.

	<p><i>verkställighet av samhällspåföljder</i>, Act No. 400/2015) regulates the application of juvenile punishments in Finland (Chapter 11). A juvenile punishment is a special sanction imposed for an offence committed before the age of 18 years. It can be used in situations where a fine is considered insufficient and an unconditional sentence of imprisonment not necessary. A juvenile punishment can last 4-12 months, and it includes supervision, activities and programmes, which are specifically targeted at young persons to improve their social integration. In addition, a juvenile punishment may include a supervised orientation to employment and work. Section 60 of the Act on the Enforcement of Community Sanctions further stipulates that young offenders under the age of 21 may be subject to supervision for 15 months in order to reinforce a regular conditional imprisonment.¹¹⁵ The Criminal Sanctions Agency (<i>rikosseuraamuslaitos/brottspåföljdsmyndigheten</i>) is in charge of implementing these sanctions (section 6).</p> <p>In Finland's Strategy on Preventive Police Work, young crime suspects and crime victims are defined as key target groups in the preventive police work during the period 2019-2023.¹¹⁶ In this context, emphasis is put on further strengthening the multiprofessional Anchor work, as well as on intensifying the collaboration with migrant communities (pp. 25-26).</p> <p>Further, the Ministry of Justice has developed a new operating model targeting young people, who are acting out by means of criminal activities and, as a consequence thereof, in risk of social exclusion. Also persons below the age of criminal responsibility (15 years) can benefit from the model. In 2020, funding has been awarded to four municipalities for piloting the model between 2020 and 2022.¹¹⁷ To facilitate coordination between different actors</p>
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¹¹⁵ Linderborg, H., Tolvanen, M.J., Andersson, P. (2020), [Probation in Europe. Finland](#), Utrecht: Confederation of European Probation, p. 11.

¹¹⁶ Finland, Ministry of the Interior (*sisäministeriö/inrikesministeriet*) (2019), [Finland's Strategy on Preventive Police Work 2019-2023](#), Publications of the Ministry of the Interior 2019:11, Helsinki.

¹¹⁷ Finland, Ministry of Justice (*oikeusministeriö/justitieministeriet*), '[Erityisavustukset rikoksilla oireilevien nuorten toimintamallin pilotointiin](#)', webpage accessed on 13 January 2021.

	providing support and services to the young person, the model presupposes that the overall responsibility should be vested in one unit.
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Chapter 7. Access to justice including crime victims

1. Victims' Rights Directive

The current government programme¹¹⁸ pays specific attention to measures to help victims in a particularly vulnerable position, such as victims of intimate partner violence (IPV) and child victims. The government programme also includes measures to improve the status of victims of human trafficking and the effectiveness of actions against human trafficking. In recent years, several reports published in Finland have addressed problems regarding the position of trafficking victims. The National Rapporteur on Trafficking in Human Beings (*ihmiskaupparaportoija/människohandelsrapportören*),¹¹⁹ reports of the European Institute for Crime Prevention and Control (*Euroopan kriminaalipolitiikan instituutti/Europeiska institutet för kriminalpolitik, HEUNI*)¹²⁰ as well as the Parliamentary Ombudsman's (*eduskunnan oikeusasiamies/riksdagens justitieombudsman*) decision,¹²¹ have drawn attention to shortcomings that have undermined the status and the rights of trafficking victims. For example, several reports have found that victims of trafficking do not always receive the help and services they need and are entitled to. Furthermore, in 2019, the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA) urged Finland, among other things, to adopt an action plan against THB and to take various measures to identify and help victims of trafficking.¹²²

¹¹⁸ Finland, Finnish Government (*valtioneuvosto/statsrådet*) (2019), [Inclusive and competent Finland – a socially, economically and ecologically sustainable society](#), Government Programme, 10 December 2019, Publications of the Finnish Government 2019:33, Helsinki, pp. 96-97.

¹¹⁹ Finland, Non-Discrimination Ombudsman (*yhdenvertaisuusvaltuutettu/diskrimineringsombuds-mannen*), [publications](#).

¹²⁰ Finland, European Institute for Crime Prevention and Control, [publications](#).

¹²¹ Finland, Deputy Parliamentary Ombudsman (*apulaisoikeusasiamies/biträdande justitieombudsman*), Decision, [EOAK/3489/2017](#), 28 June 2019.

¹²² Council of Europe, Group of Experts on Action against Trafficking in Human Beings (GRETA) (2019), [Report concerning the implementation of the Council of](#)

On 2 April 2020, the Ministry of Justice (*oikeusministeriö/justitieministeriet*) appointed a working group to prepare an action programme for combating human trafficking.¹²³ The task of the working group is to draw up the action programme, to monitor and support the implementation of the programme and to report on the implementation to the steering group responsible for monitoring and guiding the implementation of the action programme against human trafficking and other projects within its administration.¹²⁴

On 5 May 2020, the Ministry of Justice appointed a steering group to monitor the implementation of the government programme concerning the measures against human trafficking.¹²⁵ The task of the steering group is to monitor and guide the implementation of the action programme against human trafficking and other projects within its administration.

On 1 June 2020, the Ministry of Social Affairs and Health (*sosiaali- ja terveysministeriö/social- och hälsovårdsministeriet*) appointed a working group to draw up a new act on assisting victims of human trafficking.¹²⁶ The reform aims to improve the status, rights and equality of victims of human trafficking, and to promote the implementation of their human rights. The work of the group will begin by assessing the current state of assistance available to victims of human trafficking and of legislation affecting the status of the victims in different administrative branches. Based on its findings, the group will make a proposal on the organisation of the assistance system for victims of human trafficking (*Ihmiskaupan uhrien auttamisjärjestelmä/ Hjälpsystemet för offer för människohandel*). After this, the working group will draw up a proposal for a new act to assist victims of human trafficking. The bill will include proposals for provisions on safe and supported housing services for victims. The group has wide-ranging expertise and representation from several ministries, agencies and

[Europe Convention on Action against Trafficking in Human Beings by Finland, Second evaluation round](#), 5 May 2019.

¹²³ Finland, Ministry of Justice (*oikeusministeriö/justitieministeriet*), [Ihmiskaupan vastainen työ](#).

¹²⁴ Finland, Ministry of Justice (*oikeusministeriö/justitieministeriet*), [Ihmiskaupan vastainen työ](#).

¹²⁵ Finland, Ministry of Justice (*oikeusministeriö/justitieministeriet*), [Ihmiskaupan vastainen työ](#).

¹²⁶ Finland, Ministry of Social Affairs and Health (*sosiaali- ja terveysministeriö/social- och hälsovårdsministeriet*), '[Working group to draw up a proposal for a new act to assist victims of human trafficking](#)', press release 145/2020, 8 June 2020.

institutions in different administrative branches, municipalities and organisations. The working group's mandate runs until the end of 2022.

The Ministry of Justice appointed a working group on 2 October 2019 to prepare material that provides victims of terrorism and their family members information on victims' rights and the assistance, support and compensation schemes available for victims. The working group's work was linked to the Terrorism Directive (2017/541), and thereby to the Victims' Rights Directive. Due to the urgency related to Finland's presidency of the Council of the EU, the start of the working group was postponed, and its term of office extended until 31 December 2020.¹²⁷

On 14 December 2020, the Ministry of Justice published a working group report on the use of recordings of oral evidence in higher courts.¹²⁸ In its report, the working group proposes that oral evidence in courts of appeal and the Supreme Court would increasingly be based on audio and video recordings made in the district courts. The proposal aims to improve the appeal procedure and the correctness of the evidence assessment, as well as reduce the costs and other inconvenience caused by the appeal to the parties and witnesses. Moreover, the aim is to strengthen the role of courts of appeal as a court controlling the accuracy of the district courts' decisions. Receiving oral evidence from recordings would be in the interest of victims, as not having to face the perpetrator in the court of appeal protects the victim from the stress caused by a trial. Therefore, it can be expected that the proposed practise will improve victims' position, which is in line with the objectives of the current government programme and the Victims' Rights Directive. The Ministry of Justice has requested opinions on the report by 19 February 2021.

¹²⁷ Finland, Ministry of Justice (*oikeusministeriö/justitieministeriet*), [Terrorismin uhrien tiedontarpeisiin varautuminen](#)

¹²⁸ Finland, Ministry of Justice (*oikeusministeriö/justitieministeriet*) (2020), [Suullisen todistelun vastaanottaminen tallenteelta: Videotallennustyöryhmän mietintö](#). Publications of the Ministry of Justice 2020:20, Helsinki.

2. Violence against women

On 5 June 2020, the National Police Board (*poliisihallitus/polisstyrelsen*) introduced an updated guidance on encountering victims of intimate partner violence (IPV).¹²⁹ The reform of the guidance originated from the Deputy Chancellor of Justice's (*apulaisoikeuskansleri/biträdande justitiekanslern*) assessment of the guidelines on the restraining order, guidance of victims and mediation of criminal cases introduced at the beginning of 2019.¹³⁰ Based on his evaluation, the Deputy Chancellor of Justice called on the National Police Board to update the guidelines to better consider the specific characteristics of IPV and to meet the Istanbul Convention's requirements in encountering domestic violence victims. The updated guidance highlights the importance of considering the vulnerable position of IPV victims and their particular needs for protection. The guidance is valid during the period from 1 July 2020 to 30 June 2025.

On 22 October 2020, the Ministry of Justice (*oikeusministeriö/justitieministeriet*) published an action plan for combating violence against women for 2020–2023.¹³¹ The programme was prepared in close cooperation with the Committee for combating violence against women and domestic violence (*Naisiin kohdistuvan väkivallan ja perheväkivallan torjunnan toimikunta/ Kommission för bekämpning av våld mot kvinnor och av våld i hemmet, NAPE*), which is the coordinating body required under Article 10 of the Istanbul Convention.¹³² The action plan seeks to respond to

¹²⁹ Finland, National Police Board (*poliisihallitus/polisstyrelsen*), Poliisin toiminta perhe- ja lähisuhdeväkivallan sekä naisiin kohdistuvan väkivallan tapauksissa, ohje POL-2020-28566, 5 June 2020.

¹³⁰ Finland, Deputy Chancellor of Justice (*apulaisoikeuskansleri/biträdande justitiekanslern*), Decision [OKV/11/50/2019](#), 28 November 2019.

¹³¹ Ruuskanen, E. (2020), [Action Plan for Combating Violence against Women for 2020–2023](#). Publications of the Ministry of Justice, Memorandums and statements 2020:15, 22 October 2020.

¹³² Finland, Ministry of Social Affairs and Health (*sosiaali- ja terveystieteiden ministeriö/social- och hälsovårdsministeriet*) (2016), '[Committee for combating violence against women and domestic violence](#)', press release, 17 November 2016.

GREVIO's (Group of Experts on Action against Violence against Women and Domestic Violence) recommendations issued to Finland.¹³³ Violence against women is understood in the same way as in the Istanbul Convention, i.e. it refers to all acts of gender-based violence which cause or may cause physical, sexual, mental or financial harm or suffering to women. The measures of the action plan aim to reach a wide range of women from all population groups. Emphasis is placed on the prevention of violence, awareness-raising and, in particular, the training of the law enforcement officers and legal practitioners. The action plan includes also measures concerning guidelines for the handling of different forms of violence, improvement of structures for cooperation and coordination in the prevention of violence as well as rehabilitation programmes for perpetrators. Of specific forms of violence, the action plan covers honour-related violence and digital violence. An annual appropriation of € 400,000 has been earmarked for the implementation of the action plan. The programme includes several measures to be financed by distributing government grants to organisations working against violence against women, among others.

The 2019 government programme states that the legislation concerning the restraining order will be reformed to better safeguard victims' rights.¹³⁴ On 4 March 2020, the Ministry of Justice appointed a working group to assess means to improve the effectiveness of the restraining order, to reduce its violations and to increase, in particular, the safety of victims of intimate partner violence.¹³⁵ The working group shall assess the need for electronic monitoring of the restraining order, the conditions for its implementation and the impact on the fundamental rights of monitored persons. In addition, the working group shall assess the costs of electronic surveillance and safety devices made available to victims with the benefits. The conditions for

¹³³ Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) (2019), [GREVIO's \(Baseline\) Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence \(Istanbul Convention\) Finland](#), Strasbourg, Council of Europe, 2 September 2019.

¹³⁴ Finland, Finnish Government (*valtioneuvosto/statsrådet*) (2019), [Inclusive and competent Finland – a socially, economically and ecologically sustainable society](#), Government Programme, 10 December 2019, Publications of the Finnish Government 2019:33, Helsinki, p. 96.

¹³⁵ Finland, Ministry of Justice (*oikeusministeriö/justitieministeriet*), ['Lähestymiskiellon tehostamista arvioidaan työryhmässä'](#), press release, 4 March 2020.

imposing a restraining order will also be examined. The working group shall draw up the legislative proposals in the form of a government bill. The mandate of the working group expires on 30 June 2021.

On 7 July 2020, the Ministry of Justice (*oikeusministeriö/justitieministeriet*) published a working group proposal on a comprehensive reform of the provisions on sexual offences in Chapter 20 of the Criminal Code (*rikoslaki/strafflagen*, Act No. 39/1889).¹³⁶ The proposal aims to strengthen the protection of sexual sovereignty and personal integrity, as well as to harmonise and clarify the legislation on sexual offences. A key legislative amendment would be to base the definition of rape on the absence of freely given consent. The proposal received 54 statements during a consultation round which took place between 10 June and 30 September 2020.¹³⁷ Preparations for the Act will continue on the basis of the statements. The government proposal is due to be submitted to Parliament in 2021.

On 23 September 2020, the Committee for combating violence against women and domestic violence (*Naisiin kohdistuvan väkivallan ja perheväkivallan torjunnan toimikunta/Kommission för bekämpning av våld mot kvinnor och av våld i hemmet*, NAPE) set up a working group to strengthen the cooperation between the central government and NGOs involved in work against domestic violence.¹³⁸ The task of the working group is to ensure the exchange of information between the central government and NGOs as well as to support NGOs' participation in the design and implementation of policies within the scope of the Istanbul Convention. The term of the working group will last from 23 September 2020 to 31 December 2024.

¹³⁶ Kiriakos, S, Kimpimäki, M., Korkman, J., Lehtinen, M., Melander, S., Paakkanen, K., Piha, O., Rask, R., Reenilä, Y., Tarvainen, L. (2020) [Rikoslain seksuaalirikossäännösten kokonaisuudistus](#), Publications of the Ministry of Justice 2020:9, Helsinki.

¹³⁷ Finland, Ministry of Justice (*oikeusministeriö/justitieministeriet*), Online consultation service ([lausuntopalvelu.fi/utlåtandetjänst.fi](#)), [Request for opinions on working group proposal: Comprehensive reform of legislation on sexual offences](#) (*Lausuntopyyntö työryhmämietinnöstä: Seksuaalirikoslainsäädännön kokonaisuudistus*, VN/1984/2019), 10 June 2020.

¹³⁸ Finland, Ministry of Social Affairs and Health (*sosiaali- ja terveystieteiden ministeriö/social- och hälsovårdsministeriet*), [Naisiin kohdistuvan väkivallan ja perheväkivallan torjunnan toimikunnan alainen järjestötyöryhmä](#), 23 September 2020.

In an ongoing legislative project,¹³⁹ the Ministry of Justice is preparing a government proposal concerning the dissolution of forced marriages.¹⁴⁰ The draft bill proposes an amendment of the Marriage Act (*avioliittolaki/äktenskapslag*, Act No. 234/1929) allowing for the annulment of forced marriages. Under the proposed act, the legal effects of the annulled marriage would correspond to the legal effects of a divorce. However, the spouse's civil status would be restored to the same as before entering into the marriage. Marriages which involve minors and which have been concluded abroad, could be recognised in Finland, when at least one of the spouses is habitually resident in Finland but for special reasons only. Such reasons could be that the minor who entered into the marriage has turned 18 and wants to continue the marriage, or that the couple has a child and the recognition of the marriage would be in the interest of the child. The ministry organised a consultation of the draft bill during 5 November - 4 December 2020.¹⁴¹ It is proposed that the amendments would enter into force in autumn 2021.

According to a report published by the Finnish Institute for Health and Welfare (*Terveyden ja hyvinvoinnin laitos/Institutet för hälsa och välfärd*),¹⁴² the number of victims of IPV seeking help from helplines and shelters decreased during the COVID-19 epidemic restrictions in spring 2020. The

¹³⁹ Finland, Ministry of Justice (*oikeusministeriö/justitieministeriet*), [Annulment of forced marriage](#) (*Pakkoavioliiton mitätöinti/Ogiltigförklaring av tvångsäktenskap*), OM004:00/2020.

¹⁴⁰ Finland, Ministry of Justice (*oikeusministeriö/justitieministeriet*), [Draft Government proposal for an act amending the Marriage Act and certain related laws](#) (*Luonnos hallituksen esityksestä laiksi avioliittolain muuttamisesta ja eräksi siihen liittyviksi laeiksi*), 5 December 2020.

¹⁴¹ Finland, Ministry of Justice (*oikeusministeriö/justitieministeriet*), Online consultation service (*lausuntopalvelu.fi/utlåtandetjänst.fi*), [Request for opinions on the draft Government proposal concerning annulment of forced marriages](#) (*Lausuntopyyntö luonnoksesta hallituksen esitykseksi liittyen pakottamalla solmitun avioliiton kumoamiseen/Begäran om utlåtande om utkastet till regeringens proposition om upphävning av äktenskap som ingåtts genom tvång*) VN/12734/2019, 5 December 2020.

¹⁴² Rissanen, P., Parhiala, K., Kestilä, L., Härmä, V., Honkatukia, J., Jormanainen, V. (2020), [COVID-19-epidemian vaikutukset väestön palvelutarpeisiin ja palvelujärjestelmään – nopea vaikutusarvio](#) [Effects of COVID-19 epidemic on the population's service needs, the service system and the economy - rapid impact assessment], Helsinki, Finnish Institute for Health and Welfare.

decreased number of calls to helpline may have resulted from the increased time spent at home, as it might be difficult for a victim to call a helpline in the presence of the perpetrator. One reason for the decline in the number of people seeking shelter might be the desire to avoid other people due to the fear of being infected with the coronavirus. Furthermore, the decrease in the use of social and health care services may have resulted in a decrease in the guidance to shelters by social welfare and health care professionals. The increased opportunity of perpetrators to control victims of IPV may also have reduced victims' chances of seeking help. During the COVID-19 pandemic, the use of chat services increased significantly among victims of IPV. In the early stages of the coronavirus pandemic, the support service providers adapted their activities to the new situation by moving their services online or replacing them with telephone services. Moreover, the shelters were prepared for the special needs of their clients exposed to, or infected with, coronavirus, and of those at increased risk of severe coronavirus disease.

In cooperation with the University of Tampere and the University of Turku, the Finnish Institute for Health and Welfare (*Terveyden ja hyvinvoinnin laitos/Institutet för hälsa och välfärd*) will carry out a research project on the experiences of domestic violence and the use of victim support services during the COVID-19 epidemic.¹⁴³ The study aims to examine the impacts of the COVID-19 epidemic and related restrictions on the occurrence of domestic violence, insecurity, guidance to services and the availability of victim support services. The study focuses on situations where people exposed to domestic violence have sought help from Nollalinja helpline, a shelter or community care services for victims of violence. The study is based on the data collected from the activities of the Nollalinja helpline and the shelters as well as interviews with customers of shelters and community care services for victims of violence. The research project includes cooperation with the National Crime Victim survey (*kansallinen rikosuhritutkimus/ nationell brottsofferundersökning*), which comprises a module about the impacts of the coronavirus pandemic on intimate partner violence. The research project will be carried out in 2020-2021, and it is funded by an additional appropriation granted by the Finnish Parliament to investigate the social impact of the COVID-19 pandemic. The results of the

¹⁴³ Finland, Finnish Institute for Health and Welfare (*Terveyden ja hyvinvoinnin laitos/Institutet för hälsa och välfärd*) (THL), '[Impacts of the coronavirus epidemic on experiences of domestic violence and the use of services \(KOVÄ\)](#)', press release, 14 September 2020.

study will be published during 2021. The preliminary results of the study are expected to be available by the end of 2020.¹⁴⁴

¹⁴⁴ Finland, Finnish Institute for Health and Welfare (*Terveysten ja hyvinvoinnin laitos/Institutet för hälsa och välfärd*) information obtained via phone on 25 September 2020.

Chapter 8. Developments in the implementation of the Convention on the Rights of Persons with Disabilities

1. CRPD policy & legal developments

A legislative reform consolidating the current Act on Disability Services and Assistance (*laki vammaisuuden perusteella järjestettävistä palveluista ja tukitoimista/lag om service och stöd på grund av handikapp*, Act No. 380/1987) and the Act on Special Care for the Mentally Handicapped (*laki kehitysvammaisten erityishuollosta/lag angående specialomsorger om utvecklingsstörda*, Act No. 519/1977) into one act on special services for persons with disabilities that would apply to all persons with disabilities equally, continues to be on hold pending the large social and health care reform (SOTE), which the government plans to submit to Parliament in December 2020.¹⁴⁵

The Advisory Board for the Rights of Persons with Disabilities (*Vammaisten henkilöiden oikeuksien neuvottelukunta/Delegationen för rättigheter för personer med funktionsnedsättning*, VANE), working under the Ministry of Social Affairs and Health (*sosiaali- ja terveystieteiden ministeriö/social och hälsovårdsministeriet*) is preparing the second national action plan for the UN Convention on the Rights of Persons with Disabilities (CRPD).¹⁴⁶ The plan is expected to be published before the end of 2020.¹⁴⁷

On 8 October 2020, the government passed a decree establishing a permanent committee on sign language affairs in accordance with its Policy Programme.¹⁴⁸ The decree entered into force on 1 November 2020. The

¹⁴⁵ Finland, information obtained from the Office of the Parliamentary Ombudsman (*oikeusasiamies/justitieombudsmannen*) via phone on 21 September 2020.

¹⁴⁶ Finland, Ministry of Social Affairs and Health (*sosiaali- ja terveystieteiden ministeriö/social- och hälsovårdsministeriet*), '[Preparing a national action plan for the UN Convention on the Rights of Persons with Disabilities amid COVID-19 crisis](#)', press release, 20 May 2020.

¹⁴⁷ Finland, Ministry of Social Affairs and Health (*sosiaali- ja terveystieteiden ministeriö/social- och hälsovårdsministeriet*), '[Preparing a national action plan for the UN Convention on the Rights of Persons with Disabilities amid COVID-19 crisis](#)', press release, 20 May 2020.

¹⁴⁸ Finland, Government decree on committee on sign language affairs ([Valtioneuvoston asetus viittomakieliasioiden neuvottelukunnasta/Statsrådets förordning om delegationen för teckenspråksärenden](#), Decree No. 690/2020); see also, Ministry of Justice (*oikeusministeriö/justitieministeriet*), '[Viittomakieliasioiden neuvottelukunnasta annettiin asetus](#)', press release, 9 October 2020.

committee's mandate is to monitor the implementation of the Sign Language Act (*viittomakielilaki/teckenspråkslagen*, Act No. 359/2015), to promote sign language users' fundamental rights and equality and to promote dialogue between authorities and sign language users. In a statement related to the first assessment of the Sign Language Act, which entered into force on 1 May 2015, the Non-Discrimination Ombudsman (*yhdenvertaisuusvaltuutettu/diskrimineringsombudsmannen*) suggests legislative action to tighten and specify the Act¹⁴⁹ in order to ensure that sign language users' rights are realised also in practice.¹⁵⁰ According to the Ombudsman, measures would be needed, in particular, to safeguard interpreter services in social and health care services and children's access to sign language education.¹⁵¹

On 18 June 2020, the Ministry of Economic Affairs and Employment (*työ- ja elinkeinoministeriö/arbets- och näringsministeriet*) released a report on structural barriers to employment of persons with disabilities with the aim to provide for a comprehensive and broad-based assessment of employment of persons with disabilities.¹⁵²

The effects of COVID-19 pandemic on the rights of persons with disabilities have been covered in the COVID-19 specific country reports of May, June and July 2020.¹⁵³ The main concerns raised, e.g., by the Finnish Disability Forum, an umbrella organisation of 30 NGOs, have related to access to health care services, personal assistants and their protection, continuation of already granted services, such as home care services, as well as restrictions regarding visits to 24-hour care units.¹⁵⁴ Similar issues concerning persons with disabilities were highlighted also in a rapid assessment report on the effects of COVID-19 pandemic on service needs, the service system and the economy in Finland published by the Finnish Institute for Health and Welfare (*Terveyden ja hyvinvoinnin laitos/Institutet*

¹⁴⁹ Finland, [Sign Language Act](#) (359/2015).

¹⁵⁰ Finland, Non-Discrimination Ombudsman (2020), Statement to the first assessment of the Law on Sign language, ([Yhdenvertaisuusvaltuutetun lausunto viittomakielilain ensimmäisestä arvioinnista](#)), 3 September 2020.

¹⁵¹ Finland, Non-Discrimination Ombudsman (2020), Statement to the first assessment of the Law on Sign language, ([Yhdenvertaisuusvaltuutetun lausunto viittomakielilain ensimmäisestä arvioinnista](#)), 3 September 2020.

¹⁵² Kyröläinen, A. (2020), Structural barriers to employment of persons with disabilities ([Vammaisten henkilöiden työllistymisen rakenteelliset esteet](#)), Publications of the Ministry of Economic Affairs and Employment 2020:36, Helsinki.

¹⁵³ The reports are available at the [FRANET webpage of the Institute for Human Rights at Åbo Akademi University](#) and at the [FRA webpage Fundamental rights implications of COVID-19](#).

¹⁵⁴ Finnish Disability Forum, [Statement on the realisation of disabled people's rights during corona pandemic](#), 31 March 2020.

för hälsa och välfärd) in spring 2020¹⁵⁵ and in an updated report released in November 2020.¹⁵⁶

The online Handbook on Disability Services maintained by the Finnish Institute for Health and Welfare (*Terveyden ja hyvinvoinnin laitos/Institutet för hälsa och välfärd*) has been updated with corona-related information, instructions and guidelines issued by key authorities¹⁵⁷

The Ministry of Social Affairs and Health (*sosiaali- ja terveystieteiden ministeriö/social- och hälsovårdsministeriet*) has appointed a working group to study the effects of the coronavirus epidemic on the wellbeing of children and families. In its interim report, published on 24 June 2020, the working group finds that the coronavirus crisis has had considerable and often negative impacts on the wellbeing of families of children with disabilities. The working group recommends a comprehensive plan including both fast first step actions and long-term measures to ensure the wellbeing of children and young people and to promote their ability to cope. The impacts on children and young people should also be assessed in decision-making. The working group further stresses the importance of ensuring that children and young people are being heard and that they have access to information and support in a way that is appropriate for them.¹⁵⁸

On 26 November 2020, a collective complaint against Finland was registered with the European Committee of Social Rights alleging violations of the rights of persons with disabilities under the revised European Social Charter Articles 11 (the right to protection of health), 14 (right to benefit from social welfare services) and 15 (right of persons with disabilities to autonomy), in

¹⁵⁵ Rissanen, P., Parhiala, K., Kestilä, L., Härmä, V., Honkatukia, J., Jormanainen, V. (2020), [COVID-19-epidemian vaikutukset väestön palvelutarpeisiin ja palvelujärjestelmään – nopea vaikutusarvio](#) [Effects of COVID-19 epidemic on the population's service needs, the service system and the economy - rapid impact assessment], Report 8/2020, Helsinki, Finnish Institute for Health and Welfare.

¹⁵⁶ Kestilä, L., Härmä, V. and Rissanen, P. (eds.) (2020), [Covid-19-epidemian vaikutukset hyvinvointiin, palvelujärjestelmään ja kansantalouteen, Asiantuntija-arvio, syksy 2020](#), Report 14/2020, Finnish Institute for Health and Welfare (*terveyden ja hyvinvoinninlaitos/institutet för hälsa och välfärd*), pp. 125–129.

¹⁵⁷ Finland, Finnish Institute for Health and Welfare, Online handbook on disability services (*Vammaispalvelujen käsikirja/Handbok om funktionshinderservice*) on [corona virus and disability services](#).

¹⁵⁸ Finland, Working group appointed by the Ministry of Social Affairs and Health (2020), [Wellbeing of children and young people in post-crisis measures related to COVID-19 – Report on the realisation of the rights of the child, coronavirus working group linked to the National Child Strategy](#), Helsinki, Publications of the Finnish Government 2020:21.

conjunction with Article E.¹⁵⁹ The complainants argue that the government failed to adopt appropriate measures to protect the life and health of persons with disabilities during the pandemic, and adopted restrictive measures leading to complete isolation of persons with disabilities in institutions.

2. CRPD monitoring at national level

New members were appointed to the Disability Rights Committee (*Vammaisten ihmisoikeuskomitea/Människorättskommittén för personer med funktionsnedsättning, VIOK*), which is a subcommittee of the Human Rights Delegation (*Ihmisoikeusvaltuuskunta/Människorättsdelegationen*) of the Human Rights Centre (*Ihmisoikeuskeskus/Människorättscentret*). The discussions on the focuses to be chosen for the committee's work for the new four-year term are ongoing.¹⁶⁰

Due to the COVID-19 epidemic restrictions, the Office of the Parliamentary Ombudsman (*oikeusasiamies/justitieombudsmannen*) has not been able to carry out site inspections of the care institutions as usual, but has had to adjust the inspection methods to the new circumstances. Instead of meeting care home clients face-to-face at the care units, the inspectors are now conducting extensive phone interviews with residents and their family members. Several inspection reports of 24-hour care units for disabled persons are expected to be published before the end of the year.¹⁶¹

The majority of the COVID-19 epidemic related complaints submitted to the Parliamentary Ombudsman by persons with disabilities have concerned

¹⁵⁹ Council of Europe, European Social Charter, Pending Complaints, [Validity v. Finland](#), No. 197/2020.

¹⁶⁰ Finland, information obtained from the Office of the Parliamentary Ombudsman (*oikeusasiamies/justitieombudsmannen*) via phone on 21 September 2020.

¹⁶¹ Finland, information obtained from the Office of the Parliamentary Ombudsman (*oikeusasiamies/justitieombudsmannen*) via phone on 21 September 2020.

restrictions limiting access to the care units.¹⁶² In a decision issued on 22 June 2020, as a response to several complaints concerning the restrictions imposed on older people, in particular, as regards their right to meet their close ones, the Deputy Parliamentary Ombudsman (*apulaisoikeusasiames/biträdande justitieombudsman*) overseeing health and social affairs took a stand on the legality of the restrictions, especially, the instructions/recommendations issued by the Ministry of Social Affairs and Health.¹⁶³ While acknowledging, on the one hand, the necessity to restrict access to care homes and units in order to protect people's right to life and health, the Deputy Ombudsman notes, on the other hand, that the Communicable Diseases Act (*tartuntatautilaki/lag om smittsamma sjukdomar*, Act No. 1227/2016), on the basis of which the instructions were issued, lacks explicit and precise enough basis for issuing this type of restrictions. The Ombudsman also criticises the way the instructions were communicated, at first, as legally binding ones, even if they were not. This resulted in unnecessary restrictions being issued at the local level, as well as an unequal balance between the prohibitions and alternative measures to accommodate respect for, e.g., the individual's right to self-determination, the rights to private and family life, and non-discrimination. The Deputy Ombudsman continues to investigate the matter as an own initiative and has requested further clarifications from the national authorities.¹⁶⁴ Following the Deputy Ombudsman's recommendation to start preparations for necessary legislative amendments without delay, the Ministry of Social Affairs and Health prepared a proposal for amendments to the Communicable Diseases Act and circulated it for comments in September 2020. The proposal is planned to be submitted to Parliament in October 2020.¹⁶⁵

The fundamental rights barometer 2019, a joint project of the Human Rights Centre (*Ihmisoikeuskeskus/Människorättscentret*) and the Ministry of Justice, had the realisation of the rights of persons with disabilities as one of its main focuses. The survey results and analysis are expected to be published later in the fall.¹⁶⁶

¹⁶² Finland, information obtained from the Office of the Parliamentary Ombudsman (*oikeusasiames/justitieombudsmannen*) via phone on 21 September 2020.

¹⁶³ Finland, Deputy Parliamentary Ombudsman (*apulaisoikeusasiames/biträdande justitieombudsman*) (2020), Decision, [EOAK 3232/2020](#), 18 June 2020.

¹⁶⁴ Finland, information obtained from the Office of the Parliamentary Ombudsman (*oikeusasiames /justitieombudsmannen*) via phone on 1 July 2020.

¹⁶⁵ Finland, Ministry of Social Affairs and Health, '[Tartuntatautilain muutos lausunnolle – vahvempia keinoja koronavirustilanteen hillintään](#)', press release, 11 September 2020.

¹⁶⁶ Finland, Ministry of Justice (*oikeusministeriö/justitieministeriet*), [Fundamental Rights Survey project webpage](#).

Annex 1 – Promising Practices

Thematic area	EQUALITY AND NON-DISCRIMINATION Please provide one example of a promising practice to tackle discrimination against older people or LGBTI people such as awareness raising campaigns or ethical codes for healthcare staff held in your country in 2020. Where no such examples are available, please provide an example of an awareness raising campaign held in your country in 2020 relevant to equality and non-discrimination of older people or LGBTI people, preferably one conducted by a national equality body.
Title (original language)	Ikääntyneiden itsemääräämisoikeuden toteutuminen ympärivuorokautisissa palveluissa
Title (EN)	Implementation of the right to self-determination of older people in housing service units providing 24-hour care (free translation)
Organisation (original language)	Ihmisoikeuskeskus yhteistyössä Valviran ja Etelä-Suomen aluehallintoviraston kanssa /Människorättscentret i samarbete med Valvira och regionförvaltningsverket i Södra Finland
Organisation (EN)	Human Rights Centre in cooperation with the National Supervisory Authority for Welfare and Health and the Regional State Administrative Agency for Southern Finland
Government / Civil society	Government (national human rights institution)
Funding body	Human Rights Centre
Reference (incl. url, where available)	Human Rights Centre (www.ihmisoikeuskeskus.fi/vanhusten-oikeudet/?x7912750=9681540)
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	Autumn 2020 (ongoing)

Type of initiative	Training on rights of older people (pilot project)
Main target group	Staff, management and responsible doctors in intensified care homes for the elderly
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	In a pilot project, the Human Rights Centre in cooperation with the National Supervisory Authority for Welfare and Health and the Regional State Administrative Agency for Southern Finland are organising trainings on the fundamental and human rights of older people living in housing service units providing 24-hour care in different parts of Finland. The pilot trainings are aimed at staff, management and responsible doctors in selected private and public care homes. The main aim of the trainings is to strengthen older people's right to self-determination and the implementation of their fundamental and human rights more generally. The training material developed will be used also in other care homes. In autumn 2020, a survey among the target groups will map the participants' views and prior knowledge of older people's right to self-determination and restrictions of this right as well as any good practices. The survey results will feed into the training material and will in addition result in a report. The trainings of target groups will start in spring 2021.
Highlight any element of the actions that is transferable (max. 500 chars)	Topics and target groups of training Reusable training materials
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	Reusable training materials
Give reasons why you consider the practice as having concrete measurable impact	The knowledge of the participants will be assessed at the start of the training, enabling impact measurement after the end of the training.
Give reasons why you consider the practice as transferable to	Similar initiatives could be useful in other countries, with training material adapted to national circumstances and legislation

other settings and/or Member States?	
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	The project is assessed by the Human Rights Delegation's Committee on older peoples' rights, which includes representatives of several NGOs dedicated to the promotion of the situation of older people.
Explain, if applicable, how the practice provides for review and assessment.	The review manner is not yet determined. The project's implementation is assessed by the Human Rights Delegation's Committee on older peoples' rights.

Thematic area	RACISM, XENOPHOBIA AND RELATED INTOLERANCE Please provide one example of a promising practice to address racism and xenophobia in the context of the COVID-19 pandemic. Where no such practice exists, please provide one example of a promising practice related to combating racism, xenophobia and related intolerances.
Title (original language)	Tiedolla vihaa vastaan / Fakta mot hat
Title (EN)	Facts Against Hate
Organisation (original language)	Oikeusministeriö yhteistyössä sisäministeriön, Poliisiammattikorkeakoulun ja seuraavien järjestöjen kanssa: Anti-Racist Forum ry, the Centre for Peace Studies (Kroatia), and INAR (Irlanti) / Justitieministeriet i samarbete med inrikesministeriet, Polisyrkeshögskolan och följande organisationer: Anti-Racist Forum ry, Centre for Peace Studies (Kroatien) och INAR (Irland).

Organisation (EN)	Ministry of Justice in cooperation with the Ministry of the Interior, the Police University College and the following organisations: Anti-Racist Forum ry, the Centre for Peace Studies (Croatia) and INAR (Ireland)
Government / Civil society	Government in cooperation with civil society
Funding body	Government and the European Union's Rights, Equality and Citizenship Programme
Reference (incl. url, where available)	yhdenvertaisuus.fi/en/facts-against-hate
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	1 December 2019 – 30 November 2021
Type of initiative	Development and capacity building project
Main target group	The different project activities have different target groups. The main target group of the Ministry of the Interior's project section is the police. A key target group for the Ministry of Justice and its partners is persons belonging to minorities and the organisations that work with them as well as parties and local politicians.
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The objective of the project is to improve the effectiveness of work against hate crime and hate speech. The project aims to develop data collection, hate crime reporting and local cooperation practices, among other things. The project includes four (4) activities. 1) Development of hate crime reporting: The aim of the activity is to test the tool developed by the Organization for Security and Co-operation in Europe (OSCE) for hate crime reporting in Finland, Croatia and Ireland. In addition, the aim is to develop the referral of victims of hate crime to support services and the police. 2) Development of cooperation at the local level: The aim of the activity is to strengthen various actors' capacity in combating hate crimes and hate speech at the local level. The work of the local police is developed by testing practices that build trust both between different

	<p>population groups and between the police and minority groups. In addition, the aim is to increase the awareness of local politicians, persons belonging to sexual and gender minorities, as well as persons with disabilities, about hate crimes and reporting channels.</p> <p>3) Development of hate crime monitoring: The aim of the activity is to pilot hate crime monitoring in the National Prosecution Authority and in the courts. In addition, the project will develop indicators to monitor hate crimes. The goal is also to test new tools for targeted monitoring of online hate speech.</p> <p>4) International cooperation: The aim of the activity is to exchange experiences at EU level and share best practices in combating hate speech and hate crime.</p>
<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>Some of the project activities can be transferred to other countries. The OSCE platform could be a highly transferable tool for reporting hate speech. It is now being piloted in Finland, Croatia and Ireland. Materials (such as brochures and materials produced for the police) can also be modified for use elsewhere.</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The OSCE reporting platform is intended to be piloted in the project, and to remain in use for a long time. The materials produced within the project are also intended for sustained use.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>Hate crime reporting, for instance, is concretely measurable, as it can be analysed statistically. The project will also improve the measurability of hate crimes, as it seeks to develop indicators to monitor them.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>The project involves international cooperation with the aim to exchange experiences at EU level and share best practices in combating hate speech and hate crime. Tools, such as the OSCE reporting platform, have wider applicability in other settings and/or Member States.</p>
<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and</p>	<p>Three of the project partners are organisations and three are public authorities. The partners are involved in the planning, implementation and evaluation of the project. In particular, the organisations have been involved in the piloting of the OSCE reporting platform. In addition, key disability organisations have been involved in the ideation and commenting on material for persons with disabilities. Training sessions for persons belonging to sexual and gender minorities have been planned together with the</p>

implementation of the practice.	organisation Seta – LGBTI Rights in Finland (<i>Seta</i>), and the training sessions will be carried out in cooperation with Seta and its member organisations nationwide.
Explain, if applicable, how the practice provides for review and assessment.	The project is evaluated internally on the basis of indicators (both qualitative and quantitative) agreed upon jointly by the project partners. In addition, an external evaluation of the project will be commissioned, starting at the end of 2020. The progress of the project will be reported to the Commission by the end of November 2020, and a final report will be submitted to the Commission in late 2021 after the end of the project.

Thematic area	ROMA EQUALITY AND INCLUSION Please provide one example of promising practice in relation to the legal and policy developments in regard to Roma/Travellers (or any group covered by this term as per the Council of Europe definition) in 2020 that relate to the (1) application of the EU Framework on national Roma integration strategies and (2) the preparations for the new post-2020 initiative on Roma equality, inclusion and participation or in relation to any measures in your country in 2020 to address Roma inclusion and prevent discrimination, hate crime and hate speech with a particular focus on COVID-19.
Title (original language)	Elämää varten -hanke
Title (EN)	For life -project
Organisation (original language)	Kainuun Opisto
Organisation (EN)	Kainuu College (adult education)
Government / Civil society	Civil society
Funding body	ESF
Reference (incl. url, where available)	https://www.kainuunopisto.fi/hankkeet/ ; www.facebook.com/elamaavarten/

Indicate the start date of the promising practice and the finishing date if it has ceased to exist	2018–2020
Type of initiative	Project (to enhance employment and education opportunities; participation, open dialogue, networking and capacity building)
Main target group	Young and working-age Roma, regional authorities and employers.
Indicate level of implementation: Local/Regional/National	Regional.
Brief description (max. 1000 chars)	<p>Elämää varten - For Life -project aims to strengthen the educational and professional paths of young and working-age Roma in the Kainuu region and to increase their involvement and participation. It also strives to strengthen an open dialogue and networking between the Roma, the regional and local authorities and employers. For the Roma participants the project offers training and support for job seeking and for applying for education. Employers are encouraged to open communication on matters concerning hiring a Roma employee. The project also provides expert advice and facilitates the contacts between the employer and the employee during the employment relationship. Prejudices are addressed in an open dialog and by creating a positive image on Roma in the labour market. The project also provides information and facilitates dialogue between the Roma population and regional authorities to build trust, prevent discrimination and enhance cooperation. In addition, the stakeholders, in particular the authorities, are provided with information on the ROMPO2, the aims and actions of which the project supports.</p>
Highlight any element of the actions that is transferable (max. 500 chars)	The open, flexible and participatory approach, targeted facilitation and capacity building should be transferable to any contexts involving Roma minorities.

Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The project strengthens contacts between the beneficiaries and the key stakeholders, and includes capacity building elements. Strengthened contacts and networking and direct participation of the beneficiaries contribute to increased sustainability. The project also builds on results of an earlier project and supports the aims and activities of the ROMPO2.
Give reasons why you consider the practice as having concrete measurable impact	E.g. the number of employed Roma after the project is a directly measurable output; so are the contacts between, the beneficiaries, the employers and relevant authorities.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	Employment opportunities, discrimination and participation of Roma are challenging issues in many Member States.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	Beneficiaries were heard in the planning process, and there will be an electronic feedback survey in the end of the project. Beneficiary needs were also accommodated to the project during its implementation, e.g. by strengthening the focus on young Roma.
Explain, if applicable, how the practice provides for review and assessment.	Feedback from Roma participants is planned to be collected in the end of the project through an electronic survey.

Thematic area	INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION
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	Please, provide one example of a promising practice related to any of the topics addressed in the chapter – i.e. in relation to data protection, and/or artificial intelligence systems - in 2020.
Title (original language)	Koronavilkku/Coronablinkern app
Title (EN)	Koronavilkku
Organisation (original language)	Terveysten ja hyvinvoinnin laitos/Institutet för hälsa och välfärd
Organisation (EN)	Finnish Institute for Health and Welfare
Government / Civil society	Government
Funding body	State
Reference (incl. url, where available)	https://koronavilkku.fi/en/
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	31 August 2020
Type of initiative	Mobile application and a back-end system to trace and prevent infection chains
Main target group	Population at large
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	Koronavilkku is a free mobile application to detect and alert its users about potential exposure to COVID-19. It was produced and developed by Finnish public authorities and implemented by a private technology company Solita. The application uses Bluetooth technology to detect other nearby users of the application and swaps codes with them. Users can report their infection to the app, which then sends the information to a server. Alert and further instruction are then automatically sent to those users whose application swapped codes with the user reporting COVID-19 infection. Koronavilkku is designed to

	not collect personal data that would allow identifying or locating its users and its use is voluntary.
Highlight any element of the actions that is transferable (max. 500 chars)	Koronavilkku and its models on privacy, data security and transparency could be transferred to tracing other infectious diseases. The source code for Koronavilkku application has been published under the European Union Public License, which allows its free adaptation as long as they are distributed under the same or other compatible license.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The transferability of the model and its adaptability has potential to make it sustainable in the future as well.
Give reasons why you consider the practice as having concrete measurable impact	Koronavilkku can help preventing infection chains informing its users. This information is measured by collecting statistical information.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	The source code for the application is distributed as free software. This allows wide transfer to other Member States and settings, including further adaptations.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	Not applicable.
Explain, if applicable, how the practice provides for review and assessment.	The National Supervisory Authority for Welfare and Health (Valvira) supervises information security of the information systems of Koronavilkku. The Finnish Institute for Health and Welfare (THL) functions as data controller for procession of data in the information system and is responsible for its functioning.

Thematic area	RIGHTS OF THE CHILD Please provide one example of a promising practice relating to the topics addressed in this chapter.
Title (original language)	Valtakunnallinen lasten kuuleminen osana lainvalmistelua
Title (EN)	National hearing of children in legislative process
Organisation (original language)	Opetus- ja kulttuuriministeriö/undervisnings- och kulturministeriet
Organisation (EN)	Ministry of Education and Culture
Government / Civil society	Government
Funding body	Government
Reference (incl. url, where available)	https://www.strategysignals.com/respondent/main.php?page=closing&action=finish_session&sid=5235819&skey=dub6gbivpgvsahdg
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	The online questionnaire was open between 2 October and 23 October 2020.
Type of initiative	Consultation of children
Main target group	School children (grades 1-9)
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	With reference to the UN Convention on the Rights of the Child and specifically children's right to express their views in all matters affecting them (Art. 12), the Ministry of Education and Culture conducted a broad online hearing on distance education among all children in basic education. This was implemented more specifically in connection with the legislative amendment of the Basic Education Act (<i>perusopetuslaki/lag om grundläggande utbildning</i> , Act. No. 628/1998) to allow distance education when

	necessary also during the spring semester of 2021. Separate questionnaires were employed for grades 1-3 and grades 4-9. The questionnaire was distributed through the Finnish National Agency for Education (<i>opetushallitus/utbildningsstyrelsen</i>) to all school rectors, who distributed them to the teachers. ¹ In total 58,000 responses were received. A summary of the responses has been included in Government Bill No. 218/2020, which was tabled in Parliament on 12 November 2020. ²
Highlight any element of the actions that is transferable (max. 500 chars)	The action as a whole is transferrable. Both the technical solution chosen and the questions addressed in the survey can easily be adjusted to specific needs and circumstances.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	On 16 June 2020, the Education and Culture Committee of Parliament (<i>sivistysvaliokunta/kulturutskottet</i>) considered the legislative proposal which introduced section 20a in the Basic Education Act. ³ In that context the Committee expressed critique that no hearing had been conducted with school children. The Committee held that time constraints are not a valid reason to ignore the views of children. This statement was supported by an explicit reference to Art. 12 of the UN Convention on the Rights of Child and General Comment No. 23 on the need to consult children in all educational policy issues. As a response to these considerations expressed at the highest decision-making level in the country, the Ministry of Education and Culture decided to include a hearing in connection with the legislative proposal extending the validity of section 20a until 31 July 2021.

¹ Information obtained on 11 November 2020 by phone from the Ministry of Education and Culture.

² Finland, [Government Bill No. 218/2020](#) (*hallituksen esitys eduskunnalle laeiksi perusopetuslain ja Helsingin eurooppalaisesta koulusta annetun lain väliaikaisesta muuttamisesta/regeringens proposition till riksdagen med förslag till lagar om temporär ändring av lagen om grundläggande utbildning och lagen om Europeiska skolan i Helsingfors*), 12 November 2020.

³ Finland, Parliament, Education and Culture Committee (*sivistysvaliokunta/kulturutskottet*), report [SiVM 8/2020 vp](#), 16 June 2020.

Give reasons why you consider the practice as having concrete measurable impact	The results of the survey has been referenced in Government Bill No. 218/2020 which provides for the extension of the possibility to switch between contact teaching and distance education until 31 July 2021. ⁴ The results show that two-thirds were satisfied with the teaching arrangement in the spring when all schools applied distance education.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	The online survey of the type used here can easily be carried out in any Member States.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	n/a
Explain, if applicable, how the practice provides for review and assessment.	n/a

Thematic area	ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS Please provide one example of a promising practice relating to the topics addressed in this chapter.
	No promising practice has been identified for this thematic area.

⁴ Finland, [Government Bill No. 218/2020](#), (*hallituksen esitys eduskunnalle laeiksi perusopetuslain ja Helsingin eurooppalaisesta koulusta annetun lain väliaikaisesta muuttamisesta/regeringens proposition till riksdagen med förslag till lagar om temporär ändring av lagen om grundläggande utbildning och lagen om Europeiska skolan i Helsingfors*), 12 November 2020.

Thematic area	DEVELOPMENTS IN THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD) Please provide one promising practice example of projects or programmes implementing the CRPD or furthering the rights of persons with disabilities.
	No promising practice has been identified for this thematic area.

Annex 2 – Case Law

Thematic area	EQUALITY AND NON-DISCRIMINATION Please provide one high court decision addressing discrimination against older people or against LGBTI people. Where relevant, always highlight any relevance or reference to multiple or intersectional discrimination in the case you report.
Decision date	18 September 2020
Reference details	Decision of the Supreme Administrative Court (<i>Korkein hallinto-oikeus/Högsta förvaltningsdomstolen</i>) KHO:2020:97
Key facts of the case (max. 500 chars)	<p>This Supreme Administrative Court case concerns discrimination aspects only in an indirect manner.</p> <p>In 2017, the Marriage Act (<i>avioliittolaki/äktenskapslagen</i>, Act 234/1929) was reformed to allow for same-sex marriages. In the Finnish Evangelical Lutheran Church, the marriage ceremony is governed by the Church Order (<i>kirkkojärjestys/kyrkoordning</i>, Act 1055/1993), which does not specify the sex of the persons to be married but refers to the Agenda (<i>kirkkokäsikirja/kyrkohandboken</i>) for details. The Agenda still regards marriage as a union between a woman and a man, as the church remains divided on the issue of same-sex marriages.</p> <p>After officiating a same-sex marriage, a pastor in the Evangelic Lutheran church received a warning by the Chapter for acting contrary to the Agenda. The warning was based on the Church Act (<i>kirkkolaki/kyrkolagen</i>, Act 1054/1993). The marriage in question took place after the Marriage Act had been revised to allow same-sex marriages. The Administrative Court had found that the legal situation was unclear and that the church had not issued clear instructions to the pastors, and for this reason the pastor should not have been issued a warning but at most a reprimand. The Supreme Administrative Court reversed this decision.</p>

<p>Main reasoning/argumentation (max. 500 chars)</p>	<p>The Supreme Administrative Court found that the reform of the Marriage Act did not affect the autonomous right of religious communities to decide whether they officiate same-sex marriages or not. As the Evangelical Lutheran Church had not revised its conception of marriage and its regulations regarding marriage after the entry into force of the reform of the Marriage Act, the church had not acted against the law in issuing a warning to a pastor that did not comply with the Agenda by officiating a marriage of a same-sex couple. Taking into account the internal autonomy of the church guaranteed by the Constitution in this matter of a pastor's exercise of his position, the court found no reason to evaluate the case differently in light of the principle of proportionality.</p>
<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The autonomy of religious communities to decide whether to officiate same-sex marriages remains unaltered after the entry into force of the revised Marriage Act, and those officiating marriages within religious communities cannot rely on the Marriage Act to avoid internal sanctions for not adhering to their religious community's marriage conception and conditions for marriage.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The outcome of the judgment of the Administrative Court was reversed.</p> <p>The case does not deal with discrimination as such, but in practice it becomes more difficult for lesbian and gay couples to find a priest willing to marry them when this leads to sanctions. However, in some Chapters, marrying couples of the same sex may not lead to warnings.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>Saadun selvityksen perusteella korkein hallinto-oikeus toteaa oikeudellisena arvionaan, että Suomen evankelis-luterilaisen kirkon avioliittokäsitystä ja vihkimistä koskevaa säännöstöä, joiden perusteella avioliitto on miehen ja naisen välinen, ei ole 1.3.2017 voimaan tulleen avioliittolain muutoksen vuoksi muutettu.</p> <p>Based on the clarifications received, the Supreme Administrative Court makes the legal assessment that the conception of marriage and marriage regulations of the Evangelical Lutheran Church, which define marriage as taking place between a man and a woman, have not changed due to the amendment of the Marriage Act, which entered into force on 1 March 2017.</p>

Thematic area	RACISM, XENOPHOBIA AND RELATED INTOLERANCE. Please provide the most relevant high court decision concerning the application of <u>either</u> the Racial Equality Directive <u>or</u> the Framework Decision on racism and xenophobia, addressing racism, xenophobia and other forms of intolerance more generally.
Decision date	22 September 2020
Reference details	Decision of the Supreme Court (<i>Korkein oikeus/Högsta domstolen</i>) KKO:2020:68
Key facts of the case (max. 500 chars)	<p>In the district court, the National Police Board of Finland demanded that an unregistered association called the Nordic Resistance Movement be declared terminated because the association acts substantially against law or at least good practice, because the association seeks a National Socialist state whose ideology is against the Constitution of Finland (<i>Suomen perustuslaki/Finlands grundlag</i>, Act No 731/1999) and because the objectives of the association are, for instance, racist, anti-immigrant, antisemitic and restrictive with regard to the rights of sexual minorities. The association has also questioned the Holocaust and accepted violence in the association's operations.</p> <p>The members of the Nordic Resistance Movement's board of directors have disputed the action and considered the association to operate within the limits of freedom of speech and association.</p> <p>The district court has upheld the action in its judgment and declared the Nordic Resistance Movement terminated. Following the appeal of A, B, C and D, the court of appeal has not altered the outcome of the district court judgment.</p>
Main reasoning/argumentation (max. 500 chars)	The Supreme Court rules that the aims of the Nordic Resistance Movement are contrary to the foundations of a democratic society enshrined in the Constitution of Finland and the Criminal Code (<i>rikoslaki/strafflag</i> , Act No 39/1889) as well as the background values expressed in those provisions. The Supreme Court states that the writings of the Nordic Resistance Movement have targeted certain groups in a way which has been criminalised in the provision on ethnic agitation provided for by Chapter 11, section 10 of the Criminal Code

	<p>and that the use of violence relating to the Nordic Resistance Movement's activities is against the law. In view of the above, the Supreme Court rules that the Nordic Resistance Movement's activities must be considered illegal within the meaning of section 43(1)(1) of the Associations Act (<i>yhdistyslaki/föreningsslag</i>, Act No 503/1989).</p> <p>The Nordic Resistance Movement has invoked freedom of association and freedom of expression. The Supreme Court finds that invoking freedom of association or expression to undermine parliamentary democracy, to advocate the National Socialist ideology or to justify insulting or slandering a group of people constitute abuse of the aforementioned freedoms, as the Nordic Resistance Movement's objective is to overthrow democratic structures or to substantially undermine other fundamental and human rights. The Supreme Court rules that the Nordic Resistance Movement's abovementioned objectives and activities do not therefore enjoy the protection of freedom of association or expression.</p>
<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The Supreme Court considers that the writings issued by the Nordic Resistance Movement contain statements that insult, slander, or seek to subjugate various groups of people. The nature of the writings is likely to arouse intolerance, contempt and even hatred towards the various parties to whom the writings are directed. The Nordic Resistance Movement has disseminated partly racist material. The writings reinforce prejudices against certain groups as a whole and make some false claims. The writings must not be regarded as appropriate criticism within the limits of freedom of expression, for example in connection with immigration policy, acceptable even while harsh, or as permissible exaggeration or provocation. The Supreme Court considers that the writings have been directed at different sections of the population in a manner corresponding to the statutory definition of ethnic agitation provided for by Chapter 11, section 10 of the Criminal Code.</p> <p>The Supreme Court considers that the use of violence is at least a tacitly accepted practice in the Nordic Resistance Movement. The use of violence and the commission of other offenses may be considered part of the association's activities. Such activity is illegal.</p> <p>The practices which the Supreme Court finds illegal are a significant part of the Nordic Resistance Movement's activities. The association has only a limited amount of other activities, and the other activities also serve the Nordic Resistance Movement's illegal goals.</p>

	The Supreme Court states that the practices considered illegal are such a central part of the Nordic Resistance Movement's activities that the substantiality requirement provided for by section 43(1)(1) of the Associations Act is also met in this respect.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The outcome of the judgment of the court of appeal will not be changed.
Key quotation in original language and translated into English with reference details (max. 500 chars)	<p>Poliisihallitus vaati rekisteröimättömän yhdistyksen julistamista lakkautetuksi sillä perusteella, että yhdistys toimii olennaisesti vastoin lakia ja hyviä tapoja. Korkein oikeus katsoi, että yhdistys toimi olennaisesti vastoin lakia, minkä vuoksi se oli lakkautettava. Korkein oikeus katsoi lisäksi, että yhdistyksen toiminta ei nauttinut sananvapauden eikä yhdistymisvapauden suojaa, sillä yhdistyksen toiminta on luonteeltaan näiden vapauksien väärinkäyttöä.</p> <p>The National Police Board of Finland demanded that the unregistered association be declared terminated on the grounds that the association was acting substantially against law and good practice. The Supreme Court held that the association was acting substantially against law and therefore had to be declared terminated. The Supreme Court also held that the association's activities did not enjoy the protection of freedom of expression or association, as the association's activities constitute abuse of those freedoms.</p>

Thematic area	ROMA EQUALITY AND INCLUSION
	Please provide the most relevant high court decision addressing violations of fundamental rights of Roma and Travellers.
	No case law has been identified for this thematic area.

Thematic area	INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION
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	Please provide the most relevant high court decision related to the topics addressed in the chapter, i.e. in relation to data protection, and/or artificial intelligence systems.
	No case law has been identified for this thematic area.

Thematic area	RIGHTS OF THE CHILD Please provide the most relevant high court decision relating to the topics addressed in this chapter.
	No case law has been identified for this thematic area.

Thematic area	ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS Please provide the most relevant high court decision relating to the topics addressed in this chapter.
Decision date	2 March 2020
Reference details	Decision of the Supreme Court (<i>Korkein oikeus/Högsta domstolen</i>) KKO:2020:20
Key facts of the case (max. 500 chars)	The district court and the court of appeal had found the defendant guilty of an aggravated assault against his former partner. He was also found guilty of 13 other offences including unlawful threat and aggravated invasion of domestic premises against the same victim. The court of appeal increased the sentence imposed on the defendant to 6 years and 4 months of imprisonment. In his appeal to the Supreme Court, the defendant requested that the punishment should be reduced and that the order to serve the entire sentence in prison should be annulled. The Supreme Court upheld the decision of the court of appeal.
Main reasoning/argumentation (max. 500 chars)	The key question in the case was not the definition of the offence as such but how the sentence for the offence should be determined. The Supreme Court emphasised that the defendant's conduct could be regarded as particularly serious and dangerous intimate partner violence. In discussing the sentencing, the Supreme Court referred to Article 46 of the Istanbul Convention. With reference to the preparatory material of the act incorporating the

	<p>Convention in national law (Act. No. 375/2015), the Court notes that it was not considered necessary at the time to include a new provision in the Finnish Criminal Code (Act No. 39/1889). Instead, the objectives of Article 46 of the Istanbul Convention can be achieved by applying the general grounds for sentencing provided under Chapter 6, sections 3 and 4 of the Criminal Code. According to the Supreme Court, the Istanbul Convention further strengthened the preparedness of the legal system to respond to intimate partner violence.</p>
<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>Before the Supreme Court, the key issue was about measuring the punishment and the meaning of the Istanbul Convention in determining the sentence in a case involving IPV.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The Supreme Court considered that besides the aggravated assault, taking into account the other offences against the victim, the offence involves elements of IPV that increase the harmfulness and danger of the conduct. Moreover, the Supreme Court held that with regard to all charges, the grounds for increasing the sentence should be applied in the case as the defendant's criminal history and the relation between the convicted offences indicated an apparent disregard for the prohibitions and commands of the law.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>15. Edellä todettu tavoin siis arvioitaessa teon moitittavuutta rikoslain 6 luvun 4 §:n mukaisesti myös teon luonne lähisuhdeväkivaltana on huomioon otettava seikka. Kansallisessa oikeuskäytännössä tätä on jo ennen Istanbulin sopimuksen voimaantuloa pidetty tapauskohtaisesti osoituksena teon suuremmasta vahingollisuudesta ja vaarallisuudesta sekä tekijän suuremmasta syyllisyydestä. Istanbulin sopimuksen voimaansaattaminen osaltaan osoittaa, että oikeusjärjestyksessä on entistä paremmin vastattu lähisuhdeväkivallan aiheuttamiin ongelmiin.</p> <p>15. As explained above, the nature of the offence as intimate partner violence must also be taken into account when determining a sentence which is in just proportion to the offence, in accordance with Chapter 6, section 4 of the Criminal Code. In national case law, [intimate partner violence] has been deemed as increasing the harmfulness and dangerousness of the offence and the culpability of the offender in individual cases already before the entry into force of the Istanbul Convention. Implementation of the convention in national law shows that the national judicial system is increasingly responding to problems caused by intimate partner violence.</p>

Thematic area	Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD) Please provide the most relevant high court decision making reference to the CRPD or employing the CRPD in their reasoning.
Decision date	9 April 2020
Reference details	Supreme Administrative Court (<i>korkein hallinto-oikeus/högsta förvaltningsdomostolen</i>) KHO:2020:40 https://www.kho.fi/fi/index/paatokset/vuosikirjapaatokset/1586240594787.html
Key facts of the case (max. 500 chars)	The applicants are parents of an 8-year-old child who has Down’s syndrome. Their child needs guidance and supervision in everyday-life activities. According to the parents, the child is active and benefits of diverse moving. As regards hobbies, however, the child is more responsive to guidance from other persons than the parents. The parents thus consider that the child would benefit of a personal assistant for hobbies and free time. Their application was rejected by the authorities, and their appeal by the administrative court.
Main reasoning/argumentation (max. 500 chars)	<p>The matter concerned a (then) 7-year-old child’s right to be provided a personal assistant for hobbies and free time activities on the basis of the Act on Disability Services and Assistance (<i>Laki vammaisuuden perusteella järjestettävistä palveluista ja tukitoimista/Lag om service och stöd på grund av handikapp</i>, Act No. 380/1987).</p> <p>The Court noted that there is no age limit for provision of personal assistance according to the above Act. In assessing the child’s needs for assistance, consideration may be given to parents’ and other custodians’ obligation to safeguard the child’s wellbeing and upbringing as well as the supervision and care that is necessary taking into consideration the child’s age and level of development, as laid down in the Child Custody and Right of Access Act (<i>Laki lapsen huollosta ja tapaamisoikeudesta/ Lag angående vårdnad om barn och umgängesrätt</i>, Act No. 361/1983). The younger the child, the greater the obligation on the side of parents and custodians, observed the Court.</p>

	<p>According to the Court, further, the right to personal assistance also presupposes that the person is capable of deciding what kind of assistance she/he needs and has an ability to express this. Since the decision-making as regards the activities that the application concerns, belongs to the parents due to the child's age and development level, the child cannot be considered to possess the capacity to define the contents of the needed assistance and the means to realise it, in accordance with the Act on Disability Services and Assistance, section 8(c)(2). A child's right to personal assistance can further be restricted by the fact that personal assistance is not intended for situations where the need for assistance is primarily based on care, guardianship and supervision.</p> <p>In the matter in question, assistance was mainly sought for supervision of the child's hobbies and free time activities and thereto related guidance. The assistant would thus not facilitate the assisted person in realisation of the person's own choices. The application could thus be rejected.</p>
<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>In addition to national legislation, the Court considered the relevance of Article 30(5)(d) of CRPD, which obliges states to ensure that children with disabilities have equal access with other children to participation in play, recreation and leisure and sporting activities, which the applicants had referred to in support of their appeal. With reference to the government proposal for ratification of CRPD (No. 284/2014), the Court noted that the above cited national legislation was considered to support the realisation of Article 30, and no legislative amendments were found to be needed to implement it.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>There were no grounds to alter the administrative court's decision.</p>
<p>Key quotation in original language and translated into English with</p>	<p>Asiassa saadun selvityksen perusteella lapselle harrastuksiin ja vapaa-aikaan haetussa avussa oli pääosin kysymys tarpeesta valvoa lapsen harrastus- ja vapaa-ajantoimintaa ja</p>

<p>reference details (max. 500 chars)</p>	<p>olla sitä ohjaamassa. Tällöin kysymys ei ollut siitä, että avustaja auttaisi avustettavaa toteuttamaan omia valintojaan. Henkilökohtaista apua koskeva hakemus oli voitu hylätä.</p> <p>On the basis of the statements in the matter, the Court found that assistance was mainly sought for supervision of the child's hobbies and free time activities and thereto related guidance. The assistant would thus not facilitate the assisted person in realisation of the person's own choices. The application could thus be rejected.</p>
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