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National Institutions, Regional Mechanisms and Civil Society Section

OHCHR

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Switzerland

and electronically to

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**To the attention of the Secretariat to the Global Alliance of National Human Rights Institutions**

Dear Ms. Shahidzadeh,

The Finnish NHRI would like to thank the Secretariat of the Global Alliance of National Human Rights Institutions (GANHRI) and the Subcommittee for Accreditation (SCA) for the Recommendations received on 24th of October 2019. We highly appreciate the work of both bodies in reviewing our application, and welcome the recommendation to re-accredit the Finnish NHRI with A-status.

Although we do not intend to formally challenge the recommendation, we would like to provide some additional factual/legal information on the specific recommendation concerning selection and appointment of the Director of the Human Rights Centre (HRC) already at this stage to enable the SCA to reconsider the specific requirements made.

As this issue was not addressed in the first accreditation process, nor during the review interview of our reaccreditation application, we were not aware of any concerns regarding it.

Therefore, we would kindly ask you to provide the SCA members, as well as GANHRI Bureau members, with the following clarification:

As stated on page 13 of the Statement of Compliance (later SoC), the Legal foundation for the selection of the Director of the Human Rights Centre lays in section 19 c of the Parliamentary Ombudsman Act:

“The Human Rights Centre shall have a Director, who must have good familiarity with fundamental and human rights. Having received the Constitutional Law Committee’s opinion on the matter, the Parliamentary Ombudsman shall appoint the Director for a four-year term.”

On page 14 of the SoC, we have described the selection process of the Director of the Human Rights Centre in practice:

“In practice the vacant post is advertised in major newspapers, centralized job advertisement websites, on the Parliaments and Governments own intranets, as well as on the Ombudsman’s and the Human Rights Centre’s website. All applicants’ merits are assessed and the leading candidates are shortlisted and interviewed. A public memorandum is written on the leading candidates. This document functions as the basis for the nomination. The Ombudsman requests, in accordance with the law, the Constitutional Law Committee’s opinion on his proposal for the appointment. The Committee has also heard the leading candidates before issuing its opinion (the second time a director was appointed at the end of 2015).”

On page 5 of the SoC, we have mentioned the following Act, but did not elaborate on it due to the above mentioned reason of not being aware of any concerns regarding the appointment:

“Act of Parliament’s Civil Servants (1197/2003) is applicable to the Director of the Human Rights Centre.”

The Act of Parliament’s Civil Servants, which is a generic law concerning all the Civil Servants of the Parliament, answers part of the concerns of the SCA. **Pursuant to section 7 of the Act a** **prerequisite for an appointment to an office is a public method of application with a minimum 14 days of application time. Selection must be made from the applicants who fulfil the publicly announced criteria.**

Additionally, the FINHRI follows the applicable rules set in the Act of Civil Servants (1994/750). **Pursuant to section 6a of the Act, the announcement of a vacant office must be made publicly nationwide.**

Furthermore, the FINRHI follows the applicable items of **Recommendations** (27 pages)[[1]](#footnote-1) **and** **Guidelines** (110 pages)[[2]](#footnote-2) **concerning the appointment process for all public offices** issued by the Department for the Development of State Administration under the Ministry of Finance. The Recommendations and Guidelines describe in detail different safeguards to secure that the application and selection processes of public offices are fair, merit based, non-discriminatory and transparent.

We would also like to inform the SCA, that the **Act on the Openness of Government (621/1999) safeguards the transparency** of the selection and appointment process, as all the documents of the FINHRI are in principle public. **The Administrative Procedure Act (424/2003) guarantees that the principles of good administration** are strictly followed in all decisions taken by the FINHRI.

As for the other requirement concerning **the broad consultation and participation in the process**, the Constitutional Law Committee, as provided for in section 19 c of the Parliamentary Ombudsman Act assures the second concern of the SCA through the hearing and issuance of its Opinion of the top candidates.

We would like to draw the SCA’s attention to the Finnish political system, which is based on multiple parties representing various societal groups in the Parliament. The composition of the Constitutional Law Committee reflects the Finnish Society in whole.

Finally, we would like to point out that the **general qualifications for public office and other grounds for appointment are set by the Constitution of Finland**. Pursuant to section 125, paragraph 2, “The general qualifications for public office shall be skill, ability and proven civic merit”.

The Finnish NHRI is of the opinion that the process described above ensures a clear, transparent and participatory selection and appointment process for the Director of Human Rights Centre.

As the above listed laws, recommendations and guidelines are applicable to the Selection and Appointment of the Director of the Human Rights Centre already now, we would respectfully suggest redrafting of the report on the requirements a) – e), which are already now legally fully satisfied. In our view, it would avoid potential confusion and make the other recommendations stronger as we advocate for their implementation.

Sincerely yours,

Petri Jääskeläinen Sirpa Rautio

Parliamentary Ombudsman Human Rights Centre Director

1. VM/2643/00.00.00/2018 available online in Finnish at <https://intranet.eduskunta.fi/palvelut/henkilosto/rekrytointi/Documents/Ohje_virant%C3%A4yt%C3%B6ss%C3%A4_noudatettavista_periaatteista_30.4.2019.pdf> [↑](#footnote-ref-1)
2. Available in Finnish at <https://vm.fi/documents/10623/1115054/Valitse_oikein_Opaskirja_low.pdf/5b65b4e2-b95d-4497-ad22-53acc9d478cb> [↑](#footnote-ref-2)