**STATEMENT OF COMPLIANCE WITH THE PARIS PRINCIPLES**

**OF THE**

**FINNISH NATIONAL HUMAN RIGHTS INSTITUTION**

**The Parliamentary Ombudsman,**

**the Finnish Human Rights Centre, and its**

**Human Rights Delegation**

**form together the Finnish NHRI (FINHRI)**

**- May 27, 2019 -**

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| **CHARACTER OF THE NHRI** |

1. **ESTABLISHMENT**

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| ***The Paris Principles state that an institution’s mandate shall be clearly set forth in a constitutional or legislative text (…).****The GANHRI has adopted the following General Observation on the Establishment of NHRIs: “An NHRI must be established in a constitutional or legal text. Creation by an instrument of the Executive is not adequate to ensure permanency and independence”* |

**When and by what enabling law the NHRI was established;**

**The legal status of the NHRI, i.e. whether it has been established by legislation or if it is entrenched in the Constitution;**

The Parliamentary Ombudsman, the Human Rights Centre, and its Human Rights Delegation form together the Finnish NHRI according to the Government’s Bill for the amendment to the Parliamentary Ombudsman Act.

In the preparatory works, the Paris Principles are explicitly referred to: “The tasks assigned to the Human Rights Centre together with the tasks of the Parliamentary Ombudsman would cover the tasks belonging to the national human rights institution according the Paris Principles enforced by the United Nations”. It is recalled here that the Government Bills are considered as sources of law in Finland.

The establishment of the Human Rights Centre and its Delegation was provided for in legislation, namely the Parliamentary Ombudsman Act, amendment 20.5.2011/535, which entered into force on 1.1.2012.

The post of the Parliamentary Ombudsman was created by the Form of Government Act, one of the several documents that formed the Constitution of Finland, when it entered into force on 17.7.1919. It was modelled on the Swedish ombudsman institution, which had existed since 1809. The Finnish Ombudsman institution is the second oldest in the world. Nowadays the basic provisions of Ombudsman’s tasks and powers are in the Constitution of 2000 and the more detailed provisions in the Parliamentary Ombudsman Act of 2002.

**If there is any other mechanism that gives the NHRI its legitimacy;**

The legitimacy of the FINHRI is underlined by the commitments of the Parliament and the Government to ensuring fundamental and human rights to all. This commitment can be seen from the Constitution and large number of ratifications of international human rights treaties (listed in annex I).

The renewed Finnish Constitution entered into force on 1 March 2000 (annexed). According to the Constitution, sovereign power rests with the people and the public authorities shall guarantee the observance of basic rights and liberties and human rights. The Constitution guarantees all human rights covered in the core human rights conventions of the UN and the Council of Europe.

The Constitutional Committee requested in connection to the constitutional rights reform of 1995 that the Ombudsman’s Annual Report to the Parliament contain a separate chapter about the fulfilment of basic and human rights.

The Constitutional Committee has emphasized on several occasion the Ombudsman’s tasks related to the basic and human rights. For instance, the Committee supported Ombudsman’s proposals aiming to amicable settlement between public authority and complainant, as well as proposals to afford redress for violations of basic and human rights to individuals.

Furthermore, the commitment of the Finnish State to fundamental and human rights can be seen in the practise of the legislative process, in which all proposals must be assessed for and certified as complying with fundamental and human rights obligations of the State. Legislation that guarantees human rights together with the long practise of rule of law and a strong public support for human rights explains the good ranking of Finland in various human rights and human development indexes.

**The geographic jurisdiction of the NHRI.**

The jurisdiction of the FINHRI covers whole of Finland.

1. **INDEPENDENCE**

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| ***Independence is a fundamental pillar of the Paris Principles. All the provisions in the section “Composition and guarantees of independence and pluralism” aim to ensure independence through composition, representation, infrastructure, stable mandate of the NHRI.****The GANHRI has adopted the following General Observation on the* ***administrative regulation*** *of NHRIs: “The classification of an NHRI as a public body has important implications for the regulation of its accountability, funding, and reporting arrangements. In cases where the administration and expenditure of public funds by an NHRI is regulated by the Government, such regulation must not compromise the NHRI’s ability to perform its role independently and effectively. For this reason, it is important that the relationship between the Government and the NHRI be clearly defined”.* *To preserve the independence of members, the GANHRI has strongly recommended that “provisions be included in national law to protect legal liability for actions undertaken in the official capacity of the NHRI”.* |

**The nature of the Institution’s accountability (i.e. whether the NHRI is accountable to parliament, a ministry, government department, head of state, etc.); Whether or not the NHRI receives instruction from the government;**

*Relationship to executive power:*

The FINHRI is completely independent from the President of the Republic and the Government (and its ministries) to whom the executive powers are vested in the Constitution. The executive powers cannot give any instruction to the Ombudsman, or the Human Rights Centre. Furthermore, it is the Ombudsman, who oversees the ministries and the President of the Republic.

In practise, there have been no attempts to influence the work of the FINHRI.

The Government Bill (205/2010, p. 29) deliberately excluded representatives of ministries from the membership of the Human Rights Delegation. In the public discussions and in the work of the preparatory working committee, preceding the establishment of the Human Rights Centre, the issue of independence from the Government was a central theme. Furthermore, the Government bill reiterates the requirements of Paris Principle for the independence of the institution.

As an example of the importance of guaranteeing the independence of the Ombudsman institution to the executive powers, the Ombudsman voiced his concern of preserving independence in hearing at the constitutional committee when it dealt with the legislation in connection with the implementation of GDPR. The Constitutional Law Committee emphasized that an external authority should not oversee the Ombudsman. The Committee considered it crucial that the restrictions in the scope of application with regard to the supreme guardian of the law should not jeopardise the objectives of access to justice and effective controls laid down in the preamble to the GDPR and the ultimate objectives of the data protection authorities as provided in the case-law of the Court of Justice of the European Union.

*Relationship to legislative power:*

The FINHRI is independent from the Parliament in the exercise of its functions. It is accountable to the Finnish Parliament only concerning exercising its powers and performing its duties in accordance with the law and in adhering to routine administrative requirements prescribed in relevant legislation.

The staff of the FINHRI, except the Ombudsman and the two Deputy-Ombudsmen, is administratively staff of the Parliament. The IT and other technical services are provided for by the Parliament, including accounting and payment of the salaries. The offices of the NHRI are located in the Parliament Annex building.

The Parliamentary Ombudsman reports to the Parliament (plenary) annually. The Human Rights Centre reports to the relevant parliamentary committees. A joint chapter of the FINHRI’s activities is included in the Parliamentary Ombudsman report to the Parliament.

The appointment and reporting processes as well as budget are discussed in detail later in this statement. The budget of the Office of the Parliamentary Ombudsman, including the Human Rights Centre’s budget line, is adopted by the Parliament.

The FINHRI selects, appoints and directly employs and manages its own staff. The Act of Parliament’s Civil Servants (1197/2003) is applicable to all staff members of the NHRI, including the Director of the Human Rights Centre.

The Ombudsman and the deputy Ombudsmen are appointed by the Parliament through a secret ballot. They are not civil servants.

*Relationship to judicial power:*

The Ombudsman’s oversight of legality, including the observance of basic and human rights, covers the entire judicial administration as well as all individual judges and courts of law (general, administrative and special courts), including the highest courts.

An important aspect of this function is the supervision of the fulfilment of fair trial. The Ombudsman’s oversight focuses on procedural aspects of trial (e.g. the conduct of a judge, length of proceedings, issues of publicity, various procedural errors etc.). The independence of the courts of law is respected in the Ombudsman’s work. The Ombudsman’s remit is limited in questions of the courts’ evaluation of evidence and interpretation of law. However, in cases of manifest errors the Ombudsman can have recourse to extraordinary appeal, i.e. submit an application to the highest courts to quash a final judgement.

The Ombudsman (in addition to the Chancellor of Justice) has exclusive power to press criminal charges against judges (Section 110 of the Constitution).

*Relationship between the Ombudsman and the Human Rights Centre:*

The Human Centre is operationally autonomous and independent, but administratively connected to the Office of the Parliamentary Ombudsman. This means that:

* the budget of the Centre is included as a separate sub category into the overall budget of the Ombudsman and is prepared, submitted, considered and managed independently
* the Ombudsman nominates the Centre’s Director – with the involvement of the Constitutional Committee of the Parliament - and exercises administrative management control to him/her as a principal chief of the whole office, but does not interfere with the activities of the Centre
* the Ombudsman nominates the staff of the Human Rights Centre based on the proposition of the Director
* the administrative rules and procedures of the Office of the Ombudsman apply to the Centre as and when appropriate

Rules for cooperation are laid down in the Rules of Procedure of the Office (annexed). Furthermore, common goals have been identified and developed in the process of drafting a joint strategy (annexed) for the whole NHRI adopted in 2014.

**By what means conflicts of interest are avoided;**

Pursuant to section 17 of the Ombudsman Act:

(1) During their term of service, the Ombudsman and the Deputy-Ombudsmen shall not hold other public offices. In addition, they shall not have public or private duties that may compromise the credibility of their impartiality as overseers of legality or otherwise hamper the appropriate performance of their duties as Ombudsman or Deputy-Ombudsman.

(2) If the person elected as Ombudsman, Deputy-Ombudsman or Director of the Human Rights Centre holds a State office, he or she shall be granted leave of absence from it for the duration of their term of service as as Ombudsman, Deputy-Ombudsman or Director of the Human Rights Centre.

In order to enforce this statute, the Ombudsman, Deputy Ombudsmen and their Substitute as well as the Director of the Human Rights Centre submit to the Parliament declaration of interests and commitments before taking the office.

In addition, to ensure that conflicts of interest do not compromise the work of the NHRI, generally applicable rules of impartiality, as laid down in the Administrative Procedure Act (434/2003), are applied rigorously.

**Whether or not members incur legal liability for actions taken in their official capacity.**

There are no judicial immunities in Finland, with the exception of the President of the Republic under certain conditions (Section 113 of the Constitution) and Members of the Parliament under certain conditions (Section 30, Para 2 of the Constitution).

Pursuant to Section 101, subsection 1 of the Constitution, it would be the High Court of Impeachment that would deal with charges brought against e.g. the Parliamentary Ombudsman for unlawful conduct in office. In practice, the Ombudsman or Deputy Ombudsmen have never been charged before the High Court of Impeachment.

Sections, 114, 115 and 117 of the Constitution provide for inquiry into the lawfulness of the official acts of the Ombudsman, the bringing of charges against him/her for unlawful conduct in office, and the procedure for the hearing of such charges. The process may be initiated only by the Parliamentary Committees or by a consensus of at least 10 Members of the Parliament. There exist no other possibility for challenging the Ombudsman’s immunity, and it is our understanding that these provisions fully protect the Ombudsman, and the Deputy-Ombudsmen alike, from legal liability for acts undertaken in good faith in their official capacity.

Pursuant to Section 118, subsection 1 of the Constitution, a civil servant is responsible for the lawfulness of his or her official actions. This applies to the civil servants of the Parliament i.e. to the staff members of the NHRI as well, including the Director of the Human Rights Centre.

In addition, civil servants enjoy the freedom of speech. The Ombudsman has in several of his decisions analysed carefully the scope of the freedom of speech by civil servants and has developed the situation in Finland to better correspond to the requirements of, e.g., the European Convention of Human Rights.

The FINHRI is content with this position concerning legal liability as it is in accordance with the general legislation regarding legal liability/immunity in Finland. This is also in line with the legal culture prevailing in Finland and the continental Europe.

1. **COMPOSITION, APPOINTMENT PROCESS, TENURE**
	1. **Composition**

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| ***The Paris Principles state that “the composition of the national institution and the appointment of its members, whether by means of an election or otherwise, shall be established in accordance with a procedure which affords all necessary guarantees to ensure the pluralist representation of the social forces (of civilian society) involved in the promotion and protection of human rights, particularly by powers which will enable effective cooperation to be established with, or through the presence of, representatives of:******(a) Non-governmental organizations responsible for human rights and efforts to combat racial discrimination, trade unions, concerned social and professional organizations, for example, associations of lawyers, doctors, journalists and eminent scientists;******(b) Trends in philosophical or religious thought;******(c) Universities and qualified experts;******(d) Parliament;******(e) Government departments (if these are included, their representatives should participate in the deliberations only in an advisory capacity).****The GANHRI has adopted the following* ***General Observations on the composition and pluralism of NHRIs:**** ***Ensuring pluralism:*** *The Sub-Committee notes there are diverse models of ensuring the requirement of pluralism set out in the Paris Principles. However, the Sub-Committee emphasises the importance of National Institutions to maintain consistent relationships with civil society and notes that this will be taken into consideration in the assessment of accreditation applications. The Sub-Committee observes that there are different ways in which pluralism may be achieved through the composition of the National Institution, for example:*
1. *Members of the governing body represent different segments of society as referred to in the Paris Principles;*
2. *Pluralism through the appointment procedures of the governing body of the National Institution, for example, where diverse societal groups suggest or recommend candidates;*
3. *Pluralism through procedures enabling effective cooperation with diverse societal groups, for example advisory committees, networks, consultations or public forums; or*
4. *Pluralism through diverse staff representing the different societal groups within the society.*

*The Sub-Committee further emphasises that the principle of pluralism includes ensuring the meaningful participation of women in the National Institution.* * ***Government representatives on National Institutions:*** *The Sub-Committee understands that the Paris Principles require that Government representatives on governing or advisory bodies of National Institutions do not have decision making or voting capacity.*
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**Whether your founding law requires a diverse composition of members[[1]](#footnote-2);**

In the following paragraphs, we describe the requirements of diversity of the members of the Human Rights Centre’s delegation, and concerning the special tasks of the NHRI. Requirements regarding the diversity of the staff is explained in chapter 4.2.

Pursuant to the section 19 e of the Ombudsman Act, the Finnish Human Rights Centre has a human rights delegation. The Human Rights Delegation is the *explicitly pluralistic composition* of the FINHRI. It has three main functions:

1. It approves annually the Human Rights Centre’s operational plan and annual report.
2. It acts also as a national cooperative body for actors in the sector of fundamental and human rights.
3. It deals with fundamental and human rights, in matters of which are far-reaching and important in principle.

The Delegation does not deal with the functioning of the Ombudsman, but the Ombudsman is represented in the Delegation and takes part in its activities in order to ensure efficient co-operation and exchanges of information.

The required pluralistic composition of the Delegation is prescribed in the law. According to the Ombudsman Act, “the Delegation shall comprise of representatives of civil society, research in the field of fundamental and human rights as well as of other actors participating in the promotion and safeguarding of fundamental and human rights”.

The Government Bill states that representatives of the government (ministries), municipalities and social partners (organisations of employers and employees) are not to be members of the Delegation. However, through hearings or otherwise they can be included in the co-operation network of the Human Rights Centre and its Delegation. The Constitutional Law Committee was of the opinion that social partners cannot be categorically excluded from the composition of the FINHRI. Furthermore, the Government Bill stipulates that the dialogue with the Parliament and the Human Rights Centre is meant to happen through the Parliamentary Committees, not through the Human Rights Delegation.

The number of Delegation members is set between 20 - 40. Delegation members meet in a plenary meeting usually 4 times a year for 3 hours at a time.

The Delegation has currently 38 members, who have applied to the position, and who are appointed in their personal capacity, based on their expertise in the human rights issues while ensuring a pluralistic and diverse composition. The list of the members is annexed to this statement.

To ensure full participation of persons with disabilities in the work of the FINHRI, especially in regard of its function as the national CRPD 33.2 monitoring mechanism, there is a permanent section of the Delegation for the rights of persons with disabilities.

In addition to the above-mentioned ways of ensuring pluralism and diversity, there is a new possibility of using diverse expertise connected to the OPCAT NPM function according to Ombudsman Act section 11 g. When carrying out duties in the capacity of the NPM, the Ombudsman may rely on expert assistance. He or she may appoint as an expert a person who has particular expertise relevant to the inspection duties of the NPM. Valuable information may also be received from different users of services, for example persons with disabilities or with migrant background.

**Which authority/group may nominate candidates for membership;**

In the following paragraphs the nomination of the members of the Human Rights Delegation is described. The nomination of the Ombudsman, the Deputy Ombudsmen, the Director of the Human Rights Centre and the office staff is explained in chapter 4.2.

Ombudsman Act section 19 e stipulates that the Ombudsman shall nominate the members for the Human Rights Delegation after hearing of the Director of the Human Rights Centre. The *process* of the nomination is not prescribed in detail in the law or in the Government Bill.

The members of the 2nd Delegation appointed in 2016 were selected through an open, public and transparent selection process to which anyone interested could apply. The vacancies for the positions were published in the main newspapers in addition to the NHRI’s own websites. More than 100 applications were received of which the Ombudsman appointed 38 members after a careful selection in accordance with the criteria set out in the law. The term of the 2nd Delegation is 1.4.2016-31.3.2020. The composition of the current Delegation is in the annex of the Statement.

**The composition of the NHRI’s membership, i.e. what positions are created by the enacting law and what positions are currently filled and are in operation (Please include heads and deputy heads of the organization);**

The FINHRI is composed of the following members:

1. Heads and deputy heads (6)
2. Human Rights Centre’s Delegation members (20-40), currently 38

The positions of the Ombudsman, the two Deputy-Ombudsmen, the substitute for a Deputy-Ombudsman, and the Director of the Human Rights Centre are created by the enacting law (chapters 3 sections and 3 A, section 19 c of the Ombudsman Act). All these positions are currently filled. A detailed explanation of the tasks is included in the Rules of Procedure of the Parliamentary Ombudsman.

The position of the Secretary-General is created by the Rules of Procedure of the Parliamentary Ombudsman. These Rules include also a more detailed description of the division of the tasks in the office, as well as arrangements for substituting, as need be during their absence from duty, the Secretary-General and the Director of the Human Rights Centre.

The positions of the Human Rights Centre’s Delegation members are also created by the enacting law (the Ombudsman Act). It is up to the Ombudsman, after having heard the Director of the Human Rights Centre, to decide how many members within the prescribed limit are appointed. Currently there are 38 members in the Delegation.

**How the groups mentioned at the letters a-e as above are represented;**

**Representation of women; Representation of ethnic or minority groups (e.g. indigenous, religious minorities, etc); Representation of particular groups (e.g. people with a disability, etc);**

Personal information on individual backgrounds and positions (language, ethnic origin, religion, sexual orientation, political affiliation etc.) is not asked nor recorded in any way, as this would be contrary to the Finnish law. Therefore, we do not provide a detailed breakdown of individual representation regarding backgrounds, except for gender. Below is a general list of information (in a non-specific order of listing) on representation in the Human Rights Delegation, the staff and the heads of the Ombudsman’s Office.

* women (3/6 in heads, 19/19 members in Delegation)
* persons with disabilities
* elderly persons
* LGTBI persons
* persons belonging to indigenous Sami people
* persons with a refugees background
* persons belonging to linguistic minorities (for ex. Swedish, sign language)
* various religious beliefs and/or worldviews

In addition to the representation of persons belonging to the vulnerable groups, there are experts in the Human Rights Delegation regarding following issues/themes/institutions/CSOs:

* children and youth
* legal professions
* mass media
* equality and ethnic relations
* local governance
* general human rights NGOs
* universities and research institutes

Finally, the representatives of the Parliamentary Ombudsman and Chancellor of Justice as well as all four ombudsmen with specific tasks (Children, Equality, Non-Discrimination, Data Protection) are members in the Human Rights Delegation. These, as well as the Sami Parliament, are mentioned in the Government bill to be outside of the suggested rotation of the stakeholders from which members are selected.

* 1. **Selection and appointment**

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| *The GANHRI has adopted the following* ***General Observations on selection and appointment:**** ***Selection and appointment of the governing body:*** *The Sub-Committee notes the critical importance of the selection and appointment process of the governing body in ensuring the pluralism and independence of the National Institution. In particular, the Sub-Committee emphasises the following factors:*
1. *A transparent process*
2. *Broad consultation throughout the selection and appointment process*
3. *Advertising vacancies broadly*
4. *Maximising the number of potential candidates from a wide range of societal groups*
5. *Selecting members to serve in their own individual capacity rather than on behalf of the organization they represent.*
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**The legal provisions (in your founding law or elsewhere) regarding the selection and appointment of members to the NHRI;**

In the following paragraphs, we explain the legal provisions regarding the selection and appointment of members to the FINHRI separately for the Heads of the Institution and the Human Rights Delegation members.

*Legal foundation for the selection of the Ombudsman and the Deputy Ombudsmen:*

The Constitution stipulates that the Parliament of Finland choose the Ombudsman and the Deputy-Ombudsmen, each for a term of four years at a time. The Ombudsman and the Deputy-Ombudsmen are required to have outstanding knowledge in law.

*Legal foundation for the selection of the Director of the Human Rights Centre:*

According to 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.”

*Legal foundation for the selection of the Human Rights Delegation:*

Section 19 e of the Parliamentary Ombudsman Act:

“The Human Rights Centre shall have a Human Rights Delegation, which the [Parliamentary Ombudsman](http://www.finlex.fi/fi/laki/ajantasa/2002/20020197?search%5btype%5d=pika&search%5bpika%5d=Laki%20eduskunnan%20oikeusasiamiehestÃ¤), having heard the view of the Director of the Human Rights Centre, shall appoint for a four-year term. The Director of the Human Rights Centre shall chair the Human Rights Delegation. In addition, the Delegation shall have not fewer than 20 and no more than 40 members. The Delegation shall comprise representatives of civil society, research in the field of fundamental and human rights as well as of other actors participating in the promotion and safeguarding of fundamental and human rights. The Delegation shall choose a deputy chair from among its own number. If a member of the Delegation resigns or dies mid-term, the Ombudsman shall appoint a replacement for him or her for the remainder of the term.”

**The selection process and appointment procedure in practice (please indicate how publicity, transparency, broad consultation, openness to different groups of societies are enshrined in the enabling legislation and operate in practice);**

*Selection process of the Ombudsman and Deputy Ombudsmen in practice:*

The Parliament appoints for a term of four years a Parliamentary Ombudsman and two Deputy Ombudsmen, who shall have outstanding knowledge of law (Section 38 of the Constitution). The selection process is open. The post is announced publicly on relevant web services and major newspapers. Applications are examined by the Parliament’s Constitutional Law Committee, which interviews those applicants that meet the formal criteria of outstanding knowledge of law. The Constitutional Law Committee then states to the Parliament which candidate it prefers. The Ombudsman and the Deputy Ombudsmen are nominated in the plenary sessions’ secret ballot.

The Substitute for the Deputy Ombudsman is chosen (for a term of not more than four years) by the Ombudsman after having received the opinion of the Constitutional Law Committee on the matter (Section 16.3 of the Parliamentary Ombudsman Act).

*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).

*Selection process of the Delegation in practice:*

The members are selected on the basis of an open, transparent and public call and in accordance with the criteria set in law and the Government Bill. The members are appointed in their personal capacity and they are selected on the basis of her/his personal knowledge and activities in the area of human rights. The candidates are assessed and presented for the Ombudsman for his appointment. The Director of the Human Rights Centre is heard during the procedure. The Ombudsman makes the appointment based on the criteria in the law and aiming at a diverse and well-balanced composition.

The 2nd Delegation was appointed by the decision of the Parliamentary Ombudsman for a term of 1.4.2016-31.3.2020.

**Whether and how these procedures ensure adequate representation of civil forces (e.g. civil society) involved in the promotion and protection of human rights**

The FINHRI holds the opinion that the above mentioned procedures ensure broad representation of civil society involved in the promotion and protection of human rights.

**Cooperation with the representatives of the groups mentioned above in 3.1;**

Members of the civil society have the possibility to stand as a candidate for the membership of the Human Rights Delegation. In the recruitment processes of the heads of the institution, the civil society is not involved. During the process of drafting the legislation concerning the composition, selection and appointment of the members of the NHRI the civil society and other human rights stakeholders were heard.

**Membership criteria;**

*Criteria for the Human Rights Delegation members*

In the preparatory works of the section 19 e of the Parliamentary Ombudsman Act, it is laid down that in the appointment of the Delegation, special attention should be paid to diverse expertise, representativeness and activity of the members in the field of fundamental and human rights.

*Criteria for the Ombudsman and the deputy ombudsmen*

The Constitution stipulates that the Ombudsman and the Deputy-Ombudsmen must have outstanding knowledge of law. Before they are chosen, the Constitutional Law Committee assesses the candidates for the posts.

*Criteria for the Director of the Human Rights Centre*

Pursuant to section 19 c of the Parliamentary Ombudsman Act, the Director ‘must have good familiarity with fundamental and human rights’. In the preparatory works, this is described to include both fundamental rights prescribed by the constitution, and fundamental and human rights as they are included in the international human rights treaties and the EU Charter on Fundamental Rights.

**3.3. Tenure**

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| ***The Paris Principles state that in order to ensure a stable mandate for the members of the national institution, without which there can be no real independence, their appointment shall be effected by an official act which shall establish the specific duration of the mandate. This mandate may be renewable, provided that the pluralism of the institution's membership is ensured*.***The GANHRI has adopted the following* ***General Observations on membership tenure:**** + ***Full-time Members:*** *Members of the NHRIs should include full-time remunerated members to:*
		1. *Ensure the independence of the NHRI free from actual or perceived conflict of interests;*
		2. *Ensure a stable mandate for the members;*
		3. *Ensure the ongoing and effective fulfilment of the mandate of the NHRI.*
			- ***Guarantee of tenure for members of governing bodies:*** *Provisions for the dismissal of members of governing bodies in conformity with the Paris Principles should be included in the enabling laws for NHRIs.*
1. *The dismissal or forced resignation of any member may result in a special review of the accreditation status of the NHRI;*
2. *Dismissal should be made in strict conformity with all the substantive and procedural requirements as prescribed by law;*
3. *Dismissal should not be allowed based on solely the discretion of appointing authorities.*
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**If there is an advisory body in addition to the members, and if so, please set out the membership requirements of this body.**

Pursuant to section 19 e (3) the tasks of the Human Rights Delegation include (besides approving the Human Rights Centre’s operational plan and the annual report) to ‘deal with matters that are far-reaching and important in principle’. Therefore, the Delegation does have both decision-making and advisory functions.

**The terms of office of members (and if it is specified in the founding law); Whether members are full and/or part-time; Whether the members’ terms are renewable; The grounds and procedures for dismissal and/or resignation of a member and how they operate in practice;**

*Members of the Human Rights Delegation*

Pursuant to section 19 e (1) of the Parliamentary Ombudsman Act, the term for a Delegation member is four years, with possibility of unlimited renewal. Delegation members cannot be dismissed. If a member of the Delegation resigns or dies mid-term, the Ombudsman appoints a replacement for him or her for the remainder of the term.

The preparatory works speak of the possible need for rotation of the members, after each four-year term of the Delegation, especially in between representatives of similar interest groups. The members of the independent human rights bodies enlisted in the Government Bill are outside the rotation according to the Government Bill.

*The Ombudsman and two Deputy Ombudsmen*

According to the Constitution both the Ombudsman and the Deputy-Ombudsmen are appointed for a four-year term. They can be re-appointed when their term ends, if they stand up as candidates. Their term in office does not correspond to the parliamentary term.

Pursuant to section 38 of the Constitution, the Parliament, after having obtained the opinion of the Constitutional Law Committee, may dismiss the Ombudsman, for extremely weighty reasons before the end of his or her term by a decision supported by at least two thirds of the votes cast.

This constitutional provision regarding the dismissal process of the Ombudsman was added to the Constitution in 1998 for the same reasons the SCA is concerned of the issue. This is clearly expressed in the Government Bill on the reform of the Constitution (HE 1/1998 vp). In the Bill, the new provision is justified by the need “to protect the Ombudsman strongly against any efforts of influence”. However, it continues, there may arise an exceptional need for a dismissal. Before explaining the process, it is again emphasized that this possibility may in no way jeopardize the independence of the Ombudsman.

The threshold for the process is extremely high. Before the demanded 2/3 majority decision by the unicameral Parliament composed of several different political parties, the matter is dealt with in the Constitutional Law Committee. The exact reason for the Committee hearing is, as the Bill provides, “to ensure there are sufficient legal grounds” for the dismissal. As an example of those extremely weighty reasons, which could be regarded sufficient grounds for dismissal, permanent inability to perform the tasks of the Ombudsman due to ill health is mentioned in the Bill. Another possible reason mentioned in the Bill is that the Ombudsman would lose his/her ability to function plausibly due to a continued and deep distrust. However, it is explicitly ruled out that strong criticism concerning his/her single decisions could constitute sufficient distrust for the dismissal to take place.

In practice, in the history of the Ombudsman institution in Finland, there has never been even an attempt to initiate this dismissal process.

*The Director the Human Rights Centre*

Pursuant to section 19 c of the Parliamentary Ombudsman Act, the Director of the Human Rights Centre is appointed for a four-year term, with possibility of unlimited renewal.

The Director of the Human Rights Centre is a Parliament’s civil servant, to whom the Act of Parliament’s Civil Servants (1197/2003) is applicable. Pursuant to Section 29 of the said Act, the Director of the Human Rights Centre may be removed from office, in addition to what is stipulated in Section 30, if there are acceptable and justified reasons for it taking into account the nature of the office in question. Only the Ombudsman – as the appointing authority - may remove the Director of the Human Rights Centre from his/her office.

**Whether the members receive adequate remuneration;**

The remuneration of the Ombudsman, the Deputy Ombudsmen and the Director of the Human Rights Centre is at the upper end of the remuneration scale for public appointments in Finland. The high qualification criteria and the competition for the posts in practise results that only individuals with a solid professional experience are appointed to the posts.

All the salaries of public servants as well as the Ombudsman and Deputy Ombudsman in Finland are public.

*The Ombudsman and the Deputy Ombudsmen*

Pursuant to Section 18 - Remuneration

 (1) The Ombudsman and the Deputy-Ombudsmen shall be remunerated for their service. The Ombudsman's remuneration shall be determined on the same basis as the salary of the Chancellor of Justice of the Government and that of the Deputy-Ombudsmen on the same basis as the salary of the Deputy Chancellor of Justice.

*The Director of the Human Rights Centre*

The remuneration of the Director of the Human Rights Centre is determined by the Office Commission of the Parliament.

*Members of the Human Rights Delegation*

The Office Commission of the Parliament has confirmed fixed sum remuneration for attending meetings, but the Delegation members have agreed not to request it, as most of the members attend the meetings during their working hours, and are thus remunerated by their employers. However, the members are paid for their travel expenses and per diems if and when they need to travel in order to attend the meetings.

1. **ORGANIZATIONAL INFRASTRUCTURE**

**4.1 Infrastructure**

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| ***The Paris Principles state that the national institution shall have an infrastructure which is suited to the smooth conduct of its activities, in particular adequate funding. The purpose of this funding should be to enable it to have its own staff and premises, in order to be independent of the Government and not be subject to financial control which might affect its independence.*** |

**The organisational structure of the NHRI;**

The Parliamentary Ombudsman, the Finnish Human Rights Centre, and its Human Rights Delegation form together the FINHRI. After a short description of the task, we explain the corresponding organisational structure in the following paragraphs. The division of tasks between the different parts of the Finnish NHRI is very clear, both in law and in practice. Careful attention is paid to the division of labour and tasks – especially as regards the international and European cooperation - and communicating this clearly as recommended by the SCA. There is plenty of cooperation between the various parts of the FINHRI and the structure is functioning very well in the specific Finnish context bringing much value added and synergies.

The Ombudsman oversees the legality of actions taken by the authorities, and those exercising public powers by investigating complaints received, by taking matters under investigation on his own initiative, and by conducting on-site investigations in public offices and institutions. He functions as the OPCAT NPM in Finland. In his work of overseeing the legality, the Ombudsman concentrates on promoting fundamental and human rights. Additionally, when he makes presentations, gives expert opinions, issues public statements or writes articles, he emphasises the importance of these rights in the performance of public tasks and legislative drafting.

The tasks of the Human Rights Centre are clearly distinct from the tasks of the Ombudsman. Its’ monitoring and reporting of human rights is more general in nature and it does not deal with individual cases or inspection visits. The Human Rights Centre promotes information, education, training and research concerning fundamental and human rights as well as cooperation relating to them.

The Human Rights Centre drafts reports on the implementation of fundamental and human rights. It makes its own initiatives and issues statements in order to promote and implement fundamental and human rights. It participates in European and international cooperation associated with promoting and safeguarding fundamental and human rights.

The Human Rights Centre’s Delegation has three functions: to approve annually the Human Rights Centre’s operational plan and annual report, to act as a national cooperative body for actors in the sector of fundamental and human rights, and to deal with fundamental and human rights, in matters of which are far-reaching and important in principle.

To help with the public perception, in the last four years, since the first accreditation, the Human Rights Centre has become a well-known actor both in Finland and in the European human rights cooperation. The Ombudsman, 100 years next year, is of course already a well-known actor in Finland.

The FINHRI has two operational “heads”: The Parliamentary Ombudsman and the Director of the Human Rights Centre. In carrying out the tasks prescribed in law, both organisations, the Ombudsman and the Human Rights Centre and its’ Human Rights Delegation, are independent from each other.

In the Rules of Procedure of the Parliamentary Ombudsman it is laid down, that the international tasks of the Ombudsman ‘encompass those matters of international cooperation that are associated with cooperation between ombudsmen or other of the Ombudsman’s tasks’.

The Human Rights Centre’s international tasks are stated – as in the law - to ‘encompass participation in European and international cooperation associated with promoting and safeguarding fundamental and human rights’.

Therefore, in the international and European cooperation of national human rights institutions, and in the international human rights mechanisms, the Human Rights Centre is the primary representative of the FINHRI in accordance with its legal tasks. Thus, when representing the NHRI, decisions on common statements are made and documents signed primarily by the Director of the Human Rights Centre. Depending on the task in question, if it is a common one (relating for example to disability or accreditation), the documents are co-signed by the Director of the Human Rights Centre and the Parliamentary Ombudsman.

The Ombudsman and the two Deputy-Ombudsmen as well as the Substitute for the Deputy Ombudsmen function completely independently from each other. The Ombudsman and the two Deputy Ombudsman have their respective fields of administration that they oversee. The Deputy-Ombudsmen have the same powers as the Ombudsman and decide on their respective cases autonomously. The Ombudsman determines the division of labour between the Ombudsmen after consulting the Deputy-Ombudsmen. The legal advisors in the Ombudsman’s office specialize in particular areas of law and administration and are correspondingly divided into three sections. The Ombudsman can invite the Substitute to perform the duties of a Deputy-Ombudsman if the latter is prevented from attending to them.

The Human Rights Centre is administratively connected, but functionally fully independent from the Ombudsman’s Office, therefore the Director of the Human Rights Centre functions independently from the Ombudsman in carrying out the Centre’s task. The Director of the Centre functions as the Chair for the Human Rights Delegation, which approves the Centre’s annual working plan and the annual report.

In summary, the division of the tasks is clear, as is the corresponding organizational structure. These can be found as an annex III to this statement.

**How the NHRI’s infrastructure (including staff and resources) is allocated;**

At the moment there are 61 staff posts for the Ombudsman’s Office, and 38 members of the Human Rights Delegation.

These permanent posts can be subdivided in three categories:

a) head/management 6 posts: Ombudsman, 2 Deputy-Ombudsmen, 1 substitute for Deputy-Ombudsmen, Secretary General, Head of the Human Rights Centre

b) lawyers/experts 47 posts (of these 43 are designated for the Ombudsman and 4 experts are designated for the Human Rights Centre)

c) administrative staff 14 posts (shared for the Ombudsman and the Human Rights Centre, one office assistant designated for the Human Rights Centre).

Pursuant to Section 28, subsection 1 of the Rules of Procedure of the Office of the Parliamentary Ombudsman, the Director of the Human Rights Centre decides upon the tasks and their division within the Centre’s staff. The Director may, with the consent of the respective Ombudsman/Deputy Ombudsman, issue tasks also to lawyers of the Ombudsman’s office, and, with the consent of the Secretary General of the Ombudsman’s office, to other personnel of the office.

Pursuant to Section 28, subsection 2 of the Rules of Procedure of the Office, the Ombudsman may, after having heard the Director of the Human Rights Centre, and the Deputy Ombudsmen may issue tasks to Human Rights Centre’s staff with the consent of the Director of the Human Rights Centre.

These rules allow significant opportunities for synergies, although the practice has developed into less formal cooperation.

Pursuant to Section 28, subsection 3 of the Rules of Procedure of the Office, should it be unclear whether a task belongs to the Ombudsman or to the Human Rights Centre, the Ombudsman shall decide the issue.

The annual budget for the whole FINHRI was 6 061 000 euros for the year 2018. Of this 593 000 euros was allocated for the Human Rights Centre and its Delegation. For the year 2019 the Parliament has granted the Office of the Ombudsman a supplementary appropriation for the Office’s operational expenditure to be employed on implementing and promoting the rights of elderly people. This appropriation was spent on employing five experts at the Office of the Ombudsman until the end of year 2019. The supplementary appropriation will also be used on remuneration of external experts, inspection visits, accounts, training, and information services.

For the year 2019 there was a considerable increase to the budget, being in total 6 805 000 euros. The Human Rights Centre’s own budget line in 2019 is in total 855 000 euros.

**How the NHRI’s infrastructure allows it to function according to its mandate;**

The infrastructure of the FINHRI allows it to function in accordance to its mandate in an efficient and inclusive manner. Separate tasks for the promotion of human rights assigned to the Human Rights Centre provided for a strong presence of the civil society and other mechanisms for the promotion and protection of human rights (the ombudsmen with specific tasks) in the NHRI.

The joint strategic plan and the practical experience of the cooperation between the Ombudsman and the Human Rights Centre thus far has proven the benefits of gathering the promotional tasks, monitoring of human rights in general as well as strong protective powers of fundamental and human rights under one roof.

**Evidence that the NHRI is adequately resourced and staffed.**

As a whole, and considering the Finnish context with many official independent human rights bodies, the FINHRI is adequately resourced and staffed.

As evidence, the Ombudsman was able to handle over 5400 individual complaints in 2018 within one-year time, carry inspection visits to 120 places, and issue numerous statements.

The Human Rights Centre has increased its activities and impact since the first accreditation. It has continued to organize many high quality meetings and events, conducted studies, monitored and reported on human rights and issued many statements, etc. It has developed its work on the rights of persons with disabilities in the last 3 years and is currently developing a new program on the rights of older persons in cooperation with the Ombudsman. Its work program on human rights education has grown in size and focus. These activities are discussed in detail under section 6.

The resourcing of the Human Rights Centre has improved in the last 3 years due to its strong advocacy work and well-argued budget proposals submitted to the Parliament Office Commission. Political support has been increasing. Obviously, more resources are still needed to be in an ideal situation, but overall, the situation is better than in the last round of application and the level of activity and impact has grown with the additional resources.

**4.2 Staffing**

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| ***The Paris Principles state that the NHRIs should be able to have its own staff.****The GANHRI has adopted the following General Observation on staffing:** ***Staff of an NHRI:*** *As a principle, NHRIs should be empowered to appoint their own staff.*
* ***Staffing by secondment:*** *In order to guarantee the independence of the NHRI, the Sub Committee notes, as a matter of good practice, the following:*
1. *Senior level posts should not be filled with secondees;*
2. *The number of seconded should not exceed 25% and never be more than 50% of the total workforce of the NHRI.*
 |

**Please provide:**

* **A list of the staff of the NHRI or, if provided in another document, refer to the organisational chart illustrating the staffing structure of the NHRI (please indicate gender distribution).**

The number of permanent staff members of the institution is currently 61 (as of date), all permanent positions are currently filled and in operation. In addition to the permanent positions, there is currently 6 fixed term positions, which are filled and in operation.

See Annex IV for the list of the staff.

**How staff of the NHRI are hired;**

The staff members in the Ombudsman’s Office (including the Human Rights Centre) are Parliament’s civil servants, to whom the Act of Parliament’s Civil Servants (1197/2003) applies. Offices are filled permanently, and can be filled for a fixed term only for reasons of substituting a permanent office holder or the nature of the task so requires. Grounds for dismissal are laid down in the Act. An office holder can be dismissed only upon cogent reasons, and after procedures laid down in legislation. Only the Ombudsman can dismiss a staff member from his/her office.

Rules of Procedure of the Parliamentary Ombudsman (5.3.2002/209) which has the status of a law, regulates the selection of posts and the qualification requirements of the staff. It also stipulates that the Ombudsman makes all appointments.

The staff positions of the Ombudsman Office are created by the Ombudsman. Description of the various task is included in the Rules of Procedure of the Parliamentary Ombudsman sections 15-24.

After a post has become open in the Ombudsman’s office, e.g. due to retirement or leave of absence, the Ombudsman decides, having first heard the Deputy Ombudsmen, the Secretary General and the staff, whether the post will be filled or whether resources will be reallocated to meet the needs of efficient handling of tasks of the Ombudsman’s Office. For the Human Rights Centre, the decision is made by the Director of the Human Rights Centre.

In practise, the staff of the Office of the Parliamentary Ombudsman are hired through open and transparent competitions based on competence criteria and with due respect to the law on gender equality and law on equality. The principle of non-discrimination is actively encouraged and applied. In the recruitment announcements of the Parliamentary Ombudsman’s Office, it is deliberately encouraged for both women and men to apply.

In addition, when recruiting the staff members the Finnish law requires the enforcement of the principle of non-discrimination. According to Criminal Code 47 Section 3;

“An employer, or a representative thereof, who when advertising for a vacancy or selecting an employee, or during employment without an important and justifiable reason puts an applicant for a job or an employee in an inferior position (1) because of race, national or ethnic origin, nationality, colour, language, sex, age, family status, sexual preference, inheritance, disability or state of health, or (2) because of religion, political opinion, political or industrial activity or a comparable circumstance shall be liable for criminal offence.”

The Parliamentary Ombudsman makes the appointments of the staff. In the appointment proceeding normal public sector’s provisions concerning appointment are followed. These include, most notably, Section 125 of the Constitution concerning general qualifications for public office and other grounds for appointment (which are: skill, ability and proven civic merit). In practice this means, e.g. that there is a general subjective right to apply and to be duly taken into account in nominations to public offices. Applicant’s merits must be analysed objectively and weighed in a reasoned memorandum, drafted in the Ombudsman’s office either by the Secretary General or, for the Human Rights Centre’s staff, the Director of the Human Rights Centre. This memorandum forms the basis for the Ombudsman’s decision. There is not right to appeal against the Ombudsman’s (or the Human Rights Centre’s, see next paragraph) nomination decision.

Before nominating a new staff member he/she undergoes a security clearance conducted by the Security Police, with the consent of the person in question.

**Which current positions (if any) are filled by secondees;**

There are no secondees working in the FINHRI (neither the Ombudsman nor the Human Rights Centre).

**If there are any limitations on the NHRI’s authority to hire staff;**

There are no limitations on the NHRI’s authority to hire staff within the budget.

**Whether and how the staff reflects the principle of pluralism.**

See answer 3.1. and the list of staff members in Annex IV.

**4.3. Premises (accessibility)**

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| ***The Paris Principles state that the NHRIs should be able to have its own (…) premises and that, within the framework of its operation, the national institution shall (…) set up local or regional sections to assist it in discharging its functions.*** |

**The presentation of the main premises of your organization;**

The FINHRI is located in the Parliament Annex building in the centre of capital Helsinki.

**Whether the NHRI has local or regional offices;**

The FINHRI only has one office in the capital of the country. Note that the population of Finland is 5 million.

**How the public can access the NHRI’s offices; Whether the NHRI’s offices are accessible to people with disabilities;**

The premises of the FINHRI are accessible both outside and inside for all persons, including persons with disabilities, within the office hours. At the entrance, one has to declare his/her name and go through a security check.

Events organized by the FINHRI are held either inside the Parliament Annex building, in which case prior registration to the event is necessary, or outside the Parliament where no prior registration or security check is be necessary.

**Please also describe procedures and mechanisms of the NHRI to ensure accessibility to the broader population and in particular, to people who are exposed to human rights violations or non-fulfilment of their rights, i.e. women, ethnic, linguistic, religious or other minorities, non-nationals and persons with disability, as well as the poor.**

Anyone can lodge a complaint to the Parliamentary Ombudsman either by e-mail, letter or in person. The Ombudsman employs two on-duty lawyers, who give individual assistance to persons wanting to lodge a complaint. Lodging a complaint does not require an appointment; the services of the on-duty lawyers are guaranteed during service hours (15 hours per week). In addition, they and other members of the staff offer phone guidance. There is no fee to the complaint procedure and complaints can be lodged through emails as well. Due to the long history of the institution, the mechanism is well known for the public. Ombudsman’s on-site inspections are oftentimes targeted at places, where people in vulnerable situations reside.

The official working languages of the Parliamentary Ombudsman and the Human Rights Centre are both Finnish and Swedish, the two official national languages. Service can also be provided any time in English. Other languages can be provided for on prior notice.

Both the Parliamentary Ombudsman and the Human Rights Centre operate internet sites in three languages Finnish, Swedish and English (limited content). The Internet site of the Parliamentary Ombudsman offers, in addition to those three languages, some information also on several other languages, such as Sami, German, French, Estonian, Russian and both Finnish and Swedish sign language and plain language. The Human Rights Centre is currently developing its plain language site. The Ombudsman has a special site for children. On Facebook and Twitter –profiles Finnish, Swedish and to some extent English is used.

Human Rights Centre’s events are open to all interested participants, in many occasions interpretation to sign language is provided for. In addition to these functions open for public, the Human Rights Centre meets regularly with groups of individuals who wish to consult on general human rights issues. The Delegation itself also functions as a mechanism to ensure accessibility to the broader population as it guarantees the representation of many vulnerable groups, but furthermore, the Delegation members distribute information from the FINHRI to their own stakeholders.

* 1. **Budget**

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| ***The Paris Principles state that the national institution shall have an (…) adequate funding (…) and not be subject to financial control which might affect its independence.****The GANHRI has adopted the following General Observation on* ***Adequate Funding****: Provision of adequate funding by the state should, as a minimum include:* * *the allocation of funds for adequate accommodation, at least its head office;*
* *salaries and benefits awarded to its staff comparable to public service salaries and conditions;*
* *remuneration of Commissioners (where appropriate); and*
* *the establishment of communications systems including telephone and internet.*

*Adequate funding should, to a reasonable degree, ensure the gradual and progressive realization of the improvement of the organization’s operations and the fulfillment of their mandate. Funding from external sources, such as from development partners, should not compose the core funding of the NHRI as it is the responsibility of the state to ensure the NHRI’s minimum activity budget in order to allow it to operate towards fulfilling its mandate. Financial systems should be such that the NHRI has complete financial autonomy. This should be a separate budget line over which it has absolute management and control.* |

**How the NHRI’s budget is developed, submitted and approved (e.g. if it is drafted by the NHRI, presented directly to parliament or through a government ministry or other body, the influence of that body);**

The budget of the Parliamentary Ombudsman’s office is presented to and decided upon by the Parliament’s Office Commission. The budget of the Human Rights Centre is included in the budget of the Parliamentary Ombudsman’s office as a separate budget line, which is discussed and decided by the Commission Office on its own merits.

No prior approval from any instance is required prior to the actual submitting of the budget proposal to the Parliament.

The Human Rights Centre has full control over the development, submission, management and expenditure of its own budget. There are no donations within the budgetary funds.

The overall annual budget for the whole NHRI (2019) is 6 805 000 euros of which 855 000 euros is the budget for the Human Rights Centre.

**Whether or not the NHRI has control over the management and expenditure of its allocated budget (i.e. if the NHRI is financially independent from the government in how its budget is spent).**

The FINHRI is completely independent from the government in the management and expenditure of its budget.

**Whether -and what percentage of- the NHRI budget is donor funded.**

There is no donor funding in the budget of the FINHRI.

**Please provide:**

**information relating to the budget of the NHRI, its accounts and financial records;**

Records annexed (VI).

1. **WORKING METHODS**

**Please indicate whether your organization has adopted internal regulations and/or an annual/strategic plan. Briefly describe its main elements.**

*Rules for Procedure of the Office of the Parliamentary Ombudsman*

There is an internal regulation ‘Rules for Procedure of the Office of the Parliamentary Ombudsman’, which regulates the functioning of the Office. It was amended after the establishment of the Human Rights Centre in year 2012.

*Joint Strategic Plan of the FINHRI*

During 2013-2014 there was a process of drafting a joint strategic plan for the FINHRI (annex XII). In the plan five long term objectives were identified. The means for reaching the objectives were laid down and are presented in two columns, describing the different methods, which can be used by the Ombudsman and by the Human Rights Centre to reach the objectives. In some cases the methods overlap, and in those instances further cooperation is planned in the breakdown of the strategic plan into a more operational level plan.

Separate strategic plans have been under discussion in 2018 due to the new tasks and activities by both, but the overall strategy with its broad long term objectives still remains valid. These new strategic plans will be finalized during 2019.

The five long term objectives in the Joint Stategic Plan are:

1. General awareness, understanding and knowledge of fundamental and human rights is increased and respect for these rights is strengthened
2. Shortcomings in the implementation of fundamental and human rights are recognised and addressed
3. The implementation of fundamental and human rights is effectively guaranteed through national legislation and other norms as well as through their application in practice
4. International human rights conventions and instruments should be ratified or adopted promptly and implemented effectively
5. Rule of law is implemented

*Long term operational and financial plan of the Parliamentary Ombudsman and the Human Rights Centre for the years 2019-2022*

For the budgetary purposes the Office of the Parliamentary Ombudsman submits annually a long term (four years) operational and financial plan to the Parliament. The Human Rights Centre has its own long term operational and financial plan. These reiterate the context in which the FINHRI operates, the objectives of the FINHRI and present the possible needs for changes in resourcing including staffing needs of the FINHRI. These form the framework within which the annual budgets are presented.

*Annual operational plan of the Parliamentary Ombudsman*

The annual operational plan of the Parliamentary Ombudsman is discussed with the staff and approved by the Ombudsman. Besides planning of the regular activities it includes annual human rights theme (discussed later).

*Annual operational plan of the Human Rights Centre*

Annual operational plan of the Human Rights Centre is approved by the Human Rights Delegation. Plan of Action for 2019 is annexed in English (2020 Plan of Action will be discussed and decided by the Delegation in its meeting in September).

The annual operational plan describes the main priorities and activities of the Human Rights Centre with their objectives and main activities listed. Developing systematic monitoring and reporting on the implementation of human rights has been a high priority in the last two years in particular (2018-2019). This, in addition to further developing the human rights education activities. The thematic focus has been on disability rights and most recently on the rights of older persons. In 2016-2019, international and European co-operation was a high priority for the Centre due it is membership at the board of ENNHRI and GANHRI bureau in addition to its thematic engagement though working groups.

* 1. **Regular meetings**

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| ***The Paris Principles state that within the framework of its operation, the national institution shall meet on a regular basis and whenever necessary in the presence of all its members after they have been duly convened.*** |

**The frequency and composition of the NHRI meetings in practice (at the senior and staff level).**

*Leader team*

The meetings of the management team of the NHRI (the Ombudsman, the two Deputy-Ombudsmen, the Director of the Human Rights Centre and the Secretary-General) takes place on a weekly basis. The information officer is present part-time.

*Management team*

Once a month, on average, there is an extended management team meeting, which includes the management team together with three representatives elected by the personnel for one year at a time.

*Employment co-operation meeting*

When necessary, but at least two times a year an employment co-operation meeting is held for the whole staff of the Ombudsman’s Office (including the Human Rights Centre) according to the Guidelines for Employment co-operation given by the Parliamentary Office Commission.

*The Human Rights Centre staff meeting*

The Human Rights Centre holds staff meetings regularly, usually on a weekly basis and longer planning meetings every few months. Also the close proximity of all the staff allows meetings to take place whenever needed. There are often unplanned unofficial consultations amongst the staff.

*The Human Rights Delegation and its sections*

The Human Rights Delegation meets 4 times a year. The Human Rights Centre also holds e-mail consultations with the Delegation when need arises, especially in connection to various questionnaires, consultations by the UN, CoE, FRA etc. and in connection to its own monitoring and reporting exercises.

Reporting to the Delegation are two standing committees: a working committee and the Disability Rights Committee. The working committee assists in preparing the Delegation’s meetings. The Disability Rights Committee is a mechanism allowing persons with disabilities and their representative organisations to be involved in the work of the National Human Rights Institution in general and in the procedure for promoting and monitoring the UN Convention on the Rights of Persons with Disabilities (CRPD) in accordance with government proposal (HE 284/2014 vp.).

* 1. **Working groups**

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| ***The Paris Principles state that within the framework of its operation, the national institution shall establish working groups from among its members as necessary.*** |

**Whether the NHRI has established any working groups;**

**If so, what are the mandate, composition and working methods of these groups.**

*Parliamentary Ombudsman Office working groups*

The Parliamentary Ombudsman Office selects an annual theme, which means that a special attention to the selected theme is given throughout the year in the operations and training. Internal working group is set for planning activities.

There are also several permanent working groups (e.g. for internal training, employee welfare management, disability team) and ad hoc working groups, such as the rights of older persons coordination group.

*The Human Rights Delegation standing working committee*

According to the Parliamentary Ombudsman Act section 19 e (5), ‘to organise its activities, the Delegation may have a work committee and sections. The Delegation may adopt its own rules of procedure’.

The Human Rights Centre has established a standing working committee for the Human Rights Delegation, which helps prepare the meetings of the Delegation. The working committee has 7 members, who are all members of the Delegation. The Director of the Human Rights Centre together with an expert assigned to the Delegation secretariat prepares a draft agenda for the Delegation meetings, which are discussed and further developed within the working committee prior to the Delegation meetings.

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| **GENERAL MANDATE**  |

1. **GENERAL COMPETENCE AND RESPONSIBILITIES**

For each of the functions described in the following sections, please discuss:

* the relevant provisions in the NHRI’s founding law,
* the powers the NHRI is vested with (e.g. if it can act on its own initiative), and
* concrete examples of how the NHRI fulfils the function in practice.
	1. **Mandate to promote and protect human rights**

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| ***The Paris Principles state that a national institution shall be vested with competence to promote and protect human rights*. *A national institution shall be given as broad a mandate as possible, which shall be clearly set forth in a constitutional or legislative text* (….). *Within the framework of its operation, the national institution shall freely consider any questions falling within its competence, whether they are submitted by the Government or taken up by it without referral to a higher authority, on the proposal of its members or of any petition.****The GANHRI has adopted the following General Observation on* ***Human rights mandate:*** *All NHRIs should be mandated with specific functions to both protect and promote human rights, such as those listed in the Paris Principles.* |

**How human rights are defined in the NHRI’s founding law; Which rights the NHRI is mandated to address: e.g. civil, political, social, economic and cultural; If the institutions’ mandate refers to any limitation in the mandate or jurisdiction (e.g. rights or areas of the countries that are excluded);**

The Parliamentary Ombudsman’s mandate is laid down in the Finnish Constitution, Section 109, which regulates the duties of the Parliamentary Ombudsman:

“The Ombudsman shall ensure that the courts of law, the other authorities and civil servants, public employees and other persons, when the latter are performing a public task, obey the law and fulfil their obligations. In the performance of his or her duties, the Ombudsman monitors the implementation of basic rights and liberties and human rights.”

The Ombudsman’s mandate is further explained in the Ombudsman Act, section 1:

“(1) For the purposes of this Act, *subjects of oversight* shall, in accordance with Section 109 (1) of the Constitution of Finland, be defined as courts of law, other authorities, officials, employees of public bodies and also other parties performing public tasks.

(2) In addition, as provided for in Sections 112 and 113 of the Constitution, the Ombudsman shall oversee the legality of the decisions and actions of the Government, the Ministers and the President of the Republic. The provisions set forth below in relation to subjects of oversight apply in so far as appropriate also to the Government, the Ministers and the President of the Republic.”

In section 3 (2) it is stipulated that:

“Arising from a complaint made to him or her, the Ombudsman shall take the measures that he or she deems necessary from the perspective of compliance with the law, protection under the law or implementation of fundamental and human rights.”

Furthermore, in section 10 (2) of the Ombudsman Act, another specific reference regarding fundamental and human rights is made.

“If necessary, the Ombudsman may express to the subject his or her opinion concerning what constitutes proper observance of the law, or draw the attention of the subject to the requirements of good administration or to considerations of fundamental and human rights.”

The purpose of the Human Rights Centre is laid down in the section 19 b of the Parliamentary Ombudsman Act:

“For the promotion of fundamental and human rights there shall be a Human Rights Centre under the auspices of the Office of the Parliamentary Ombudsman.”

The specific tasks of the Human Rights Centre are listed in section 19 d:

“1) to promote information, education, training and research concerning fundamental and human rights as well as cooperation relating to them;
2) to draft reports on implementation of fundamental and human rights;
3) to present initiatives and issue statements in order to promote and implement fundamental and human rights;
4) to participate in European and international cooperation associated with promoting and safeguarding fundamental and human rights;
5) to take care of other comparable tasks associated with promoting and implementing fundamental and human rights.

The Human Rights Centre does not handle complaints or other individual cases, as these belong to the competence of the Ombudsman. “

Both mandates are understood as very broad human rights mandates covering all rights included in the International Covenants, in the more specific UN human rights conventions, the European Human Rights Convention together with other Council of Europe instruments, the Fundamental Rights Charter of the European Union and the fundamental rights protected by the Finnish Constitution.

Both the Human Rights Centre and its Delegation, and the Parliamentary Ombudsman have jurisdiction throughout the entire Finland.

The only substantive limitation to the mandate of the Parliamentary Ombudsman is that of private actors falling outside of its remits unless they are mandated to perform public tasks. In the preparatory works of the Parliamentary Ombudsman Act chapter 3 a, it is explicitly mentioned that the Human Rights Centre’s mandate includes the private actors as well.

In addition, since 2016 the tasks laid down in Article 33(2) of the CRPD are performed by the Ombudsman together with the Human Rights Centre and it’s Delegation thus forming the independent mechanism. In 2014, the Parliamentary Ombudsman became the National Preventive Mechanism (NPM) under the UN convention against torture, OPCAT. Finally, since the ratification of the UN Convention on the Rights of the Child in 1998, children's rights have been one of the areas of special emphasis in the Ombudsman's oversight in accordance with a wish expressed by the Parliament.

**Broadly, how the NHRI is able to exercise its mandate in practice.**

*In performing his/her tasks to oversee legality and fundamental and human rights the Ombudsman has the following possibilities:*

* Investigation of complaints
* Taking own initiative
* Carrying out inspections
* Receiving executive assistance
* Right to information
* Ordering a police inquiry or a pre-trial investigation
* Hearing a subject

The outcome of the examination can lead to following measures:

* Issuing reprimands and opinions
* Issuing recommendations and proposals concerning legislation, instructions, compensations or best practises as well as amicable settlements
* pressing charges

In examining complaints not only the observance of law is examined, but in all cases it is also evaluated whether an authority could have, by acting in some or other way, better promoted implementation of fundamental and human rights. This perspective of promoting fundamental and human rights has long been very characteristic of the Ombudsman and is evident in all of the Ombudsman’s work.

In a recent study, 269 published decisions that had led to measures during 2016-2017 were analysed in this respect. The results revealed that in nearly half (49%) of the decisions, fundamental rights guaranteed by the Finnish Constitution were invoked. The right to good governance included in section 21 of the Constitution was the single most often mentioned right. European Human Rights Convention rights we invoked in 12%, and UN Convention rights in 6% of the cases. Soft law instruments regarding human rights were referenced occasionally. Furthermore, in majority of those decisions, which did not include an explicit reference to a certain fundamental or human right, the Ombudsman nevertheless included comments and recommendations to the effect of promoting the fulfilment of those rights. This was done either by explaining and elaborating the substantial content of a right or by paying attention to practical issues in order to draw attention to the better implementation of a given right.

Drawing attention to good administration or to implementation of guarantees of a fair trial can be involved in the Ombudsman’s stances. In some cases, the Ombudsman’s evaluation can extend also to the contents of an official decision, whereby the focus of attention can in principle be the implementation or promotion of any fundamental right whatsoever.

In 2018, for example, an expression of opinion intended as guidance by the Ombudsman was done in about 238 cases. Typically, in these cases an official decision, or the procedure an authority or official has followed, has not been unlawful, but the Ombudsman takes the view that some other solution or procedure would have promoted implementation of fundamental and human rights more effectively.

The Ombudsman can also include proposals in decisions on complaints. A proposal can relate to rectifying an error or eliminating a shortcoming. Proposals can be made to ministries responsible for legislative drafting with a view to developing legal provisions or regulations. What is generally involved in such cases is that some or other deficiency or imprecision, which endangers implementation of fundamental rights, is associated with provisions or regulations. This is one of the most common themes in proposals made by the Ombudsman.

Proposals may also entail proposals to recompense for violations of fundamental or human right. The Ombudsman aims to encourage the development of a culture in which officials and authorities acknowledge and rectify their mistakes, or if this is no longer possible, make recompense for them if necessary.

For the past several years, the Parliamentary Ombudsman has highlighted an annual theme in conjunction with all inspection visits. The theme is taken into consideration also in other aspects of the work, such as when considering the thrust of own-initiative investigations. So far, the themes have been:

* The obligation for authorities to provide advice and service in accordance with the principle of good administration as well as implementation of equality (2006–07)
* Implementation of the principle of publicity in official actions (2008–09)
* Language rights and the requirement of good use of language (2010–11)
* Non-discrimination and gender equality (2012–13)
* The rights of the disabled persons (2014-2015)
* Right to effective remedy for 2016-2017
* Right to privacy (2018-2019)

The Ombudsman’s new task of the NPM will be specifically to engage in preventive activities. The purpose of this is to promote implementation of the fundamental and human rights of persons who have lost their liberty.

Finally, in the performance of his or her duties, the Ombudsman may draw the attention of the Government, or another body responsible for legislative drafting, to defects in legislation or official regulations, as well as make recommendations concerning the development of these, and the elimination of the defects.

In practise, the Human Rights Centre exercises its mandate by taking action in all the tasks given to it. As the monitoring and reporting functions and the promotion of information, education, training and research is discussed in detail later in this statement, we illustrate the actions in points 2-5 in the following sections.

* 1. **Advisory Functions**

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| ***The Paris Principles state that a national institution shall, inter alia, have the responsibility to submit to the Government, Parliament and any other competent body, on an advisory basis either at the request of the authorities concerned or through the exercise of its power to hear a matter with out higher referral, opinions, recommendations, proposals and reports on any matters concerning the promotion and protection of human rights (…).***  |

* + 1. **Functions regarding national legislation**

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| ***The Paris Principles state that a national institution shall have the responsibility to promote and ensure the harmonization of national legislation regulations and practices with the international human rights instruments to which the State is a party, and their effective implementation*.*****It is also stated that a NHRI shall have responsibilities in relation to any of the following areas*:*****(i) Any legislative or administrative provisions, as well as provisions relating to judicial organizations, intended to preserve and extend the protection of human rights; in that connection, the national institution shall examine the legislation and administrative provisions in force, as well as bills and proposals, and shall make such recommendations as it deems appropriate in order to ensure that these provisions conform to the fundamental principles of human rights; it shall, if necessary, recommend the adoption of new legislation, the amendment of legislation in force and the adoption or amendment of administrative measures*.** |

**The legal provisions that vest the NHRI with this function;**

The FINHRI has many possibilities to exercise advisory functions either at the request or through own initiative.

Pursuant to Section 11 of the Ombudsman Act,

(1) In a matter within the Ombudsman's remit, he or she may issue a recommendation to the competent authority that an error be redressed or a shortcoming rectified.

(2) In the performance of his or her duties, the Ombudsman may draw the attention of the Government or another body responsible for legislative drafting to defects in legislation or official regulations, as well as make recommendations concerning the development of these and the elimination of the defects.

Pursuant to Section 12 of the Ombudsman Act,

(1) The Ombudsman shall submit to the Parliament an annual report on his or her activities and the state of administration of justice, public administration and the performance of public tasks, as well as on defects observed in legislation, with special attention to implementation of fundamental and human rights.

(2) The Ombudsman may also submit a special report to the Parliament on a matter he or she deems to be of importance.

(3) In connection with the submission of reports, the Ombudsman may make recommendations to the Parliament concerning the elimination of defects in legislation. If a defect relates to a matter under deliberation in the Parliament, the Ombudsman may also otherwise communicate his or her observations to the relevant body within the Parliament.

Pursuant to the Ombudsman Act section 19 d, the Human Rights Centre’s tasks include: drafting reports on the implementation of fundamental and human rights, taking initiatives and giving statements for the promotion and implementation of fundamental and human rights and performing other similar tasks associated with the promotion and implementation of fundamental and human rights.

**How the NHRI carries out this function in practice;**

In practice the Ombudsman, the two Deputy-Ombudsmen and the staff members communicate their observations to the Parliamentary Committees in written and oral statements several times a year.

The Ombudsman issues tens of recommendations each year, many of them are concerning the promotion and protection of human rights. In addition, the Ombudsman is often consulted orally before parliamentary committees when the drafts are being discussed.

The Ombudsman issues annually statements/opinions on the draft laws concerning international human rights standards or constitutional provisions on the fundamental rights to various ministries and parliamentary committees about draft laws and government’s legislative proposals. For example, in 2018 the Ombudsman’s office issued about 130 statements.

The Human Rights Centre is also being heard before the Parliamentary Committees in matters concerning its tasks. Furthermore, it provides on regular basis information and news on the international human rights mechanisms, especially on the State reporting.

The Parliamentary Ombudsman and the Human Rights Centre consult unofficially amongst themselves before the opinions and hearings, thus avoiding unnecessary duplication. Following the different tasks of the two, the Human Rights Centre is more focused on promotional activities through information provision and education and general monitoring and reporting, whereas the Parliamentary Ombudsman provides expertise in legislative processes.

In addition to the above mentioned means of providing advice, the staff members of both the Ombudsman’s Office and the Human Rights Centre, can serve in an independent advisory capacity in various working groups for either preparing national legislation, preparing for a ratification of an international treaty or for planning implementation. Furthermore, the ministries when preparing legislation that has fundamental or human rights related issues in them, officially consult the Ombudsman and/or the Human Rights Centre.

As an example of a recent activity with potentially very high impact, the Human Rights Centre and its Delegation prepared a comprehensive submission on human rights with recommendations for action to advice the parties negotiating the new Government following the Parliamentary elections in the spring 2019. Following this advocacy effort, the Director of the Human Rights Centre received an invitation to brief a working group preparing for the new government programme on human rights and the rule of law. The recommendations are available in English on Human Rights Centre’s website.

**What recommendations the NHRI has made on legislative and administrative provisions; amendment of legislation and bills, etc.; What advocacy the NHRI has undertaken to harmonize national laws and practices to international standards and/or to implement recommendation of international human rights system).**

Among some important recommendations on legislative and administrative provisions, amendments of legislations can be mentioned the following:

The Ombudsman’s input based on the observations at the inspections in closed institutions in the total reform of the Child Protection Act in 2019 was likewise considerable.

In the statements regarding Government proposal for intelligence legislation, the Ombudsman stated, among other things, that effective external overseeing is a necessary counterbalance for the new powers granted. Overseeing cannot remain as an internal function. The Ombudsman stressed, among other things, the fact that by way of derogation from the proposed, the oversight of the intelligence ombudsman (in accordance with the passed act; an intelligence oversight ombudsman) should include, in addition to intelligence gathering, also the exercise of power by the Finnish Security Intelligence Service as well as the oversight of covert intelligence gathering of the Defence Command and the Intelligence Division of the Finnish Defence Forces. With regard to the Finnish Security Intelligence Service, this was provided accordingly. Contrary to the proposal, the Ombudsman found that the ombudsman should, in addition to the right to attend, also have speaking rights in the court hearing for warrant issues regarding intelligence gathering methods, and this was later on implemented in the law accordingly.

The list of significant recommendations in 2017 and 2018 which have already led to legislative proposals and amendments includes the following:

* The Ombudsman recommended that the Ministry should take measures to complement the Mental Health Act with provisions concerning the transport of patients, competence of escorting persons as well as restrictions on self-determination.
* The Ombudsman recommended that the Finnish Immigration Service should review its interviewing practices and guidelines on assessing the age of an asylum applicant. The Finnish Immigration Service should also find appropriate procedures in order to ensure that good governance is observed in future.
* The Ombudsman recommended that legislation on the situation and well-being of patients placed in seclusion should be considered.
* The Deputy Ombudsman recommended that the right to appeal on decisions pertaining to children’s home care and private care support should be expanded.
* The Deputy Ombudsman recommended that the Finnish Immigration Service should review and improve its guidelines concerning child representation and a child’s right to speak when he/she is being interviewed. – The Finnish Immigration Service issued guidelines relating to this.
* The Deputy Ombudsman recommended that, in order to implement the free movement of people, the domicile requirement upon registering vehicles should be removed from the Decree on Vehicle Registration. The decree was repealed.
* The Deputy Ombudsman recommended regulation on the implementation of a guardian’s or a legal representative’s right to information concerning an under-aged patient. The Ministry stated that the properties of the health database are to be developed so that access to the database is made easier for guardians.
* The Deputy Ombudsman recommended that prisons should be given guidelines on how and in what conditions solitary confinement, monitoring, monitoring while in seclusion as well as segregation are to be enforced during the investigation of breach of peace. The Criminal Sanctions Agency notified that it will issue guidelines relating to this.
* The Deputy Ombudsman recommended that legislation should be specified on the use of Kela’s (Social Insurance Institution of Finland) own medical expertise in matters concerning income support. Kela said that it had revised its guidelines and that it would put forward a proposal to the Ministry on the inclusion of necessity assessment criteria for pharmaceuticals into the Bill.

The Human Rights Delegation made a legislative proposal to amend the Act on Legal Recognition of the Gender of Transsexuals in 2014 when the Government Bill was being drafted (it did not pass then), and again in 2018 to disregard the existing requirement for a person to be sterile in order to change the legal gender, and thus harmonize the Finnish legislation with international law. A study was made to support the position.

Furthermore, the Human Rights Centre has given several statements and comments to ongoing legislative and policy processes within its field of competence (e.g. on human rights education, right of persons with disabilities, digitalization, the rights of indigenous people, Roma etc.).

* + 1. **Encouraging ratification and implementation of international standards**

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| ***The Paris Principles state that a national institution shall have the responsibility to encourage ratification of international human rights instruments to which the State is a party, and to ensure their effective implementation*.***The GANHRI has adopted the following General Observations on NHRIs’* ***encouraging ratification or accession to international human rights instruments****: The Sub-Committee interprets that the function of encouraging ratification or accession to international human rights instruments, set out in the Paris Principles, is a key function of a National Institution. The Sub-Committee therefore encourages the entrenchment of this function in the enabling legislation of the National Institution to ensure the best protection of human rights within that country.* |

**The legal provisions that vest the NHRI with this function;**

Pursuant to Section 11 of the Ombudsman Act (2),

In the performance of his or her duties, the Ombudsman may draw the attention of the Government or another body responsible for legislative drafting to defects in legislation or official regulations, as well as make recommendations concerning the development of these and the elimination of the defects.

Pursuant to Section 12 of the Ombudsman Act,

(1) The Ombudsman shall submit to the Parliament an annual report on his or her activities and the state of administration of justice, public administration and the performance of public tasks, as well as on defects observed in legislation, with special attention to implementation of fundamental and human rights.

(2) The Ombudsman may also submit a special report to the Parliament on a matter he or she deems to be of importance.

(3) In connection with the submission of reports, the Ombudsman may make recommendations to the Parliament concerning the elimination of defects in legislation. If a defect relates to a matter under deliberation in the Parliament, the Ombudsman may also otherwise communicate his or her observations to the relevant body within the Parliament.

Pursuant to Section 19 d the tasks of the Human Rights Centre include:

3) to present initiatives and issue statements in order to promote and implement fundamental and human rights;
4) to participate in European and international cooperation associated with promoting and safeguarding fundamental and human rights;
5) to take care of other comparable tasks associated with promoting and implementing fundamental and human rights.

These legal provisions give the FINHRI an opportunity to carry out its responsibility to encourage ratification of international human rights instruments to which the State is a party, and to ensure their effective implementation.

**How the NHRI carries out this function in practice; Examples of advocacy or awareness raising campaigns the NHRI has undertaken to encourage ratification or accession to international instruments.**

Both the Parliamentary Ombudsman and the Human Rights Centre have functioned as independent advisors in working groups preparing for the ratification of international human rights instruments (for example UN CRPD and CoE Istanbul Convention). Both also are consulted on regular basis for such work and issue statements to that effect.

In their respective annual reports the Parliamentary Ombudsman and the Human Rights Centre cover a wide variety of fundamental and human rights issues. The issues are those that need special attention due to reoccurring problems, as well as those that have no specialised ombudsman or authority monitoring them.

* 1. **Monitoring functions**

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| ***The Paris Principles state that a NHRI shall have responsibilities in relation to (….) any situation of violation of human rights which it decides to take up; and (…) on drawing the attention of the Government to situations in any part of the country where human rights are violated and making proposals to it for initiatives to put an end to such situations and, where necessary, expressing an opinion on the positions and reactions of the Government*.** |

**The legal provisions that vest the NHRI with this function;**

Pursuant to Section 109, subsection 1 of the Constitution of Finland, in the performance of [all of] his or her duties, the Ombudsman monitors the implementation of basic rights and liberties and human rights. – In fact, already in the 1980s the actions of the authorities were being evaluated in the Ombudsman’s decisions in the light of the obligations imposed by human rights conventions, even though the human rights mandate requiring it had still not been written into the Constitution.

Pursuant to Section 5, subsection 1 of the Parliamentary Ombudsman Act the Ombudsman shall carry out the on-site inspections of public offices and institutions necessary to monitor matters within his or her remit. Specifically, the Ombudsman shall carry out inspections in prisons and other closed institutions to oversee the treatment of inmates, as well as in the various units of the Defence Forces and Finnish peacekeeping contingents to monitor the treatment of conscripts, other military personnel and peacekeepers. Pursuant to subsection 2, in the context of an inspection, the Ombudsman and his or her representatives have the right of access to all premises and information systems of the public office or institution, as well as the right to have confidential discussions with the personnel of the office or institution and the inmates there.

Pursuant to Section 10, subsection of the Parliamentary Ombudsman Act, if necessary, the Ombudsman may express to the subject his or her opinion concerning what constitutes proper observance of the law, or draw the attention of the subject to the requirements of good administration or to considerations of fundamental and human rights.

In addition, the Ombudsman functions as NPM according to OPCAT.

Also the Human Rights Centre has its own specific monitoring duties, set out in Section 19d of Chapter 3 a (setting up the Centre) of the Parliamentary Ombudsman Act. In subparagraph 2 the Centre is tasked with drafting reports on the implementation of fundamental and human rights. The Centre is by the same Section entitled to receive for the performance of its duties the necessary information and reports from the authorities.

**How the NHRI carries out this function in practice; How the NHRI is active in monitoring domestic human rights situations (e.g. decision-making bodies, courts, government agencies), including visiting places of deprivation of liberty, etc.**

The Parliamentary Ombudsman investigates up to 6 000 complaints annually (the amount has risen constantly during the last decade). The number of own initiatives is approximately 70-80 each year. The number of inspections has surpassed 100 in recent years (120 in 2018).

The Ombudsman’s constitutional task of monitoring the implementation of basic and human rights is an overarching function that affects every aspect of the Ombudsman’s actions (in complaint handling, statements and inspections).

The main tasks of the Human Rights Centre include monitoring of the implementation of fundamental and human rights.

The aims of the Human Rights Centre's monitoring exercise are laid out in its internal monitoring strategy developed in 2017-18. The short-term goals, priorities and planned actions are recorded in an action plan that is adopted annually. The specific themes in focus take into account the upcoming international monitoring rounds (UN, CoE etc.) as well as current domestic topics. The action plan is adopted by the Human Rights Delegation. The plan covers monitoring at the national level as well as participation in international monitoring and follow-up processes and determines selected topical priorities.

Attention is given to themes or rights that are not promoted or monitored by special ombudsmen or other overseers of legality. The choice of themes also depends partly on the special statutory task given to the National Human Rights Institution as an independent mechanism under Article 33 of the CRPD to promote, protect and monitor the implementation of the Convention.

The Human Rights Centre surveys the monitoring needs and studies reliable and independent sources to acquire information. If there is insufficient data, the Centre may conduct its own investigations and enquiries, and produce reports on the implementation of fundamental and human rights, potential problem areas and the need to change structures. The content of the recommendations and decisions made by various international judicial and investigating and research bodies such as the European Union Fundamental Rights Agency, the Council of Europe and the UN, in respect of Finland and their national implementation constitute an important part of the monitoring data.

Other sources of data include official Government documents such as reports, research or public statements, independent academic work, work done and published by the NGOs and research and studies, surveys and replies to questionnaires done by the Human Rights Centre independently or jointly with others.

Independent and impartial monitoring data helps improving the Human Rights Centre’s own measures for promoting the implementation of fundamental and human rights (initiatives, statements, periodic reports, etc.). Monitoring data helps assessing the impact of the measures and policy actions on the part of various actors and action programmes on the implementation of fundamental and human rights.

The Human Rights Centre’s monitoring work enhances the cooperation between reliable and proficient actors. The Centre encourages different actors to both collaborate as well as to independently submit periodic reports and engage in related activities at the national and international levels. The Centre aims at promoting skills and competence in this area.

**Whether the Institution monitors government compliance with its advice and recommendations.**

The follow-up of the Ombudsman’s recommendation is not governed by law. There is no legal obligation for the subjects of the Ombudsman’s oversight to obey the Ombudsman’s recommendations or observations, either. However, in practice the Ombudsman’s recommendations are respected and well followed. When the Ombudsman finds, e.g., a shortcoming or a violation of human rights, the Ombudsman’s decision normally contains a deadline for the authorities in question to report back to the Ombudsman about possible actions to remedy the situation. When the Parliamentary Ombudsman has intervened in observed shortcomings the authorities have in most cases taken concrete measures to redress matters. If needed (following a negative response), the Ombudsman may follow-up the situation by initiating an own initiative investigation about the failure to act upon the Ombudsman’s recommendation, and to use media attention thus gained in order to reach a satisfactory outcome.

**6.3.1 Investigation**

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| ***The Paris Principles state that within the framework of its operation, the national institution shall: hear any person and obtain any information and any documents necessary for assessing situations falling within its competence*.**  |

*Please complete this section if the NHRI does not have quasi-jurisdictional competence as set out in section 7 below.*

**The legal provisions that vest the NHRI with this function; Whether individuals, government, public bodies etc are obliged to provide the NHRI with requested documentation;**

According to the Constitution and the law, the Parliamentary Ombudsman has the right to receive also confidential information from the authorities.

Pursuant to Section 111 of the Constitution the Ombudsman has the right to receive from public authorities or others performing public duties the information needed for their supervision of legality. This right to information is in no way limited as regards the subject matter. The Ombudsman can however not hear individuals outside the Ombudsman’s mandate (e.g. in the private sector), nor obtain information from them. As the Ombudsman has the right to request a police inspection to be carried out (also in other cases than suspected offences), there is a possibility for the Ombudsman to circumvent this limitation by proxy, i.e., to have the police hear individuals.

According to section 19 d (3), ‘In order to perform its tasks, the Human Rights Centre shall have the right to receive the necessary information and reports free of charge from the authorities’.

**How the NHRI carries out this function in practice (e.g. in the conduct of public inquires).**

Obtaining information and hearing persons is done by various communications means (telephone, e-mails, letters, in person etc.) depending on the issue and circumstances.

For example in the investigation about Finland's possible involvement or the use of Finnish territory in the US Central Intelligence Agency (CIA's) programme of rendition flights in the so-called war on terror The Parliamentary Ombudsman requested information from, among others, the Finnish Security Intelligence Service, Defence Command, Mission of Finland to NATO, Office of the President of the Republic and the Prime Minister's Office.

**6.3.2 Reporting**

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| ***The Paris Principles state that a NHRI shall have responsibilities in relation to (…) The preparation of reports on the national situation with regard to human rights in general, and on more specific matters*.***The GANHRI has adopted the following General Observations on:** ***Annual Report:*** *The Sub-Committee stresses the importance for an NHRI to prepare and publicize an annual report on its national situation with regard to human rights in general, and on more specific matters. This report should include an account of the activities undertaken by the NHRI to further its mandate during that year and should state its opinions, recommendations and proposals to address any human rights issues of concern.*
* ***Recommendations*** *by NHRIs: NHRI recommendations contained in annual, special or thematic human rights reports should normally be discussed within a reasonable amount of time, not to exceed six months, by the relevant government ministries as well as the competent parliamentary committees. These discussions should be held especially in order to determine the necessary follow up action, as appropriate in any given situation. NHRIs as part of their mandate to promote and protect human rights should ensure follow up action to recommendations contained in their reports.*
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**The legal provisions that vest the NHRI with this function;**

The FINHRI prepares annually two reports, one by the Ombudsman, and the other by the Human Rights Centre, including the activities of the Delegation.

The reporting is founded on Section 109, subsection 2 of the Constitution of Finland, which reads as follows:

The Ombudsman submits an annual report to the Parliament on his or her work, including observations on the state of the administration of justice and on any shortcomings in legislation.

The report is regulated in more detail in Section 12 of the Ombudsman Act, pursuant to which:

1) The Ombudsman shall submit to the Parliament an annual report on his or her activities and the state of administration of justice, public administration and the performance of public tasks, as well as on defects observed in legislation, with special attention to implementation of fundamental and human rights; (2) The Ombudsman may also submit a special report to the Parliament on a matter he or she deems to be of importance; and (3) In connection with the submission of reports, the Ombudsman may make recommendations to the Parliament concerning the elimination of defects in legislation. If a defect relates to a matter under deliberation in the Parliament, the Ombudsman may also otherwise communicate his or her observations to the relevant body within the Parliament.

According to section 19 e (3) the Human Rights Delegation is tasked to:
2) to approve annually the Human Rights Centre's operational plan and the Centre's annual report. In the preparatory works, it is specified that the Annual Report of the Centre would be separate from the Annual Report of the Ombudsman, and that the report of the Centre would not be given to the whole Parliament, but that it would be appropriate to send it to relevant committees.

**How the NHRI carries out this function in practice;**

**How annual and thematic reports are delivered (e.g. publicity, distribution, and languages available; authorities to which it is submitted);**

As stated above, the FINHRI prepares annually two reports, one by the Ombudsman, and the other by the Human Rights Centre. There is considerable linkage between these two, as explained in the following paragraphs. From these two reports the Parliament as well as the media, and the wider audience is able to receive a full account of the work of the FINHRI, as well as an extensive account of the gaps in the implementation of fundamental and human rights in Finland.

The Ombudsman’s report is very extensive (nearly 400 pages). It includes a broad chapter on fundamental and human rights. This chapter includes a description of the Ombudsman’s mandate for the promotion and protection of fundamental and human rights, followed by a section on FINHRI, and a summary of the report of the Human Rights Centre, including the activities of the Delegation. Therefore, the annual report clearly explains how the FINHRI as a whole functions.

Furthermore, the chapter includes a section titled ‘Shortcomings in the implementation of fundamental and human rights’, which contains an outline of the Ombudsman’s observations regarding some typical or long-standing failings in implementation of these rights. Information on Ombudsman’s statements on fundamental rights and recommendations that the Ombudsman has made regarding recompense are included in the section. Additionally, there are separate sections on the work of NPM under OPCAT and the rights of persons with disabilities illustrating the work of the FINHRI as the monitoring mechanism under CRPD. Finally, the chapter contains outlines of all European Court of Human Rights judgments that apply to Finland, and, since 2012 also a description of the supervision of the execution of the Court’s judgments in the Council of Europe Committee of Ministers

This section of the report has gradually grown in length, illustrating the way in which the emphasis in the Ombudsman’s work has been shifting from oversight of official observance of their duties and obligations more towards promoting people’s rights.

The Human Rights Centre drafts an annual report, which includes a summary of its activities, and the activities of the Delegation, during the previous year in addition to thematically chosen texts. The first such report was published in Finnish, Swedish and English in June 2013, and it included all the founding texts of the Human Rights Centre/FINHRI. In the last few years, the thematic chapters have continued. The annual reports have become more substantive and less focused on detailed activities, a development which was based on the recommendations of the Delegation.

The annual report of the Ombudsman is given to the Parliament. After the initial announcement in the plenary meeting, the report is sent to the Constitutional Law Committee for an examination, which includes the hearing experts and stakeholders according to the Committee’s wish. After the examination in the Committee, the report returns to the Parliament’s plenary meeting for further deliberations. The parliament discusses the report in a plenary meeting with the presence of the Ombudsman. The Ombudsman presents the report and responds to the questions from the members of the Parliament concerning the report. As the report includes a chapter on Human Rights Centre, the discussions can include the work of the whole FINHRI.

The Ombudsman’s annual report is published in full in both official languages, Finnish and Swedish, in hard copies and pfd-format. Hard copies are distributed, e.g. to all members of the Parliament, Parliament’s committees, Ministries, many authorities, universities, civil society actors and others. An English summary of the report is published in hard copies and in pdf-format. The summary contains a translation of the first three chapters of the original report (overview and most important observations about human rights) and statistical and other information.

The annual report of the Human Rights Centre has been sent to the Constitutional Law Committee and the Foreign Affairs Committee in the Parliament and published on the Human Rights Centre’s website. In the last two years, the report has been only published as an online version in all three languages (Finnish, Swedish, English). A consolidated short version of the report is included in the annual report of the Parliamentary Ombudsman in its chapter 3 on fundamental rights.

**Whether relevant parties (individuals, government, public bodies etc) are obliged to formally respond to the recommendations and reports of the NHRI;**

The follow-up of the Ombudsman’s recommendations is not governed by law, except for the handling of the Annual Report in the Parliament. There is no legal obligation for the subjects of the Ombudsman’s oversight to obey the Ombudsman’s recommendations or observations. However, the Ombudsman has the mandate to press charges against unlawful and criminal conduct, which in some extreme cases could be the outcome of such neglect.

There is no obligation for any party to formally respond to the recommendations and/or reports of the Human Rights Centre. However, the Centre is following up and using various means to ensure impact of its work, including publicity, events, social media contacts etc.

**How the NHRI follows up with authorities on its recommendations.**

In practice, the Ombudsman’s recommendations are respected and well followed. When the Ombudsman finds, e.g., a shortcoming or a violation of human rights, the Ombudsman’s decision normally contains a deadline for the authorities in question to report back to the Ombudsman about possible actions to remedy the situation. When the Parliamentary Ombudsman has intervened in observed shortcomings, the authorities have in most cases taken concrete measures to redress matters. If needed (following a negative response), the Ombudsman may follow-up the situation by initiating an own initiative investigation about the failure to act upon the Ombudsman’s recommendation, and to use media attention thus gained in order to reach a satisfactory outcome.

The Human Rights Centre follows up with authorities on its recommendations through discussions with high level authorities and seeking co-operation. If necessary, the Centre will publicly repeat its recommendation.

**6.4 Promotional Functions**

**6.4.1 By raising awareness on human rights norms and issues**

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| ***The Paris Principles state that a national institution shall have the responsibility to publicize human rights and efforts to combat all forms of discrimination, in particular racial discrimination, by increasing public awareness, especially through information and education and by making use of all press organs*.** |

**How the NHRI carries out this public education function in practice;**

According to the law, one of the main functions of the Human Rights Centre is the promotion of fundamental and human rights at the domestic level. This is done through dissemination of information through various media outlets to either general or targeted audiences and by actively co-operating and engaging with other actors in the field on fundamental and human rights promotion.

Furthermore, the Human Rights Centre arranges various events and regularly eceives visitor groups from educational institutions and interest groups. Everyone is welcome, schedules allowing.

**Whether it makes publications or services available in several languages and if it makes interpretation available;**

All publications are distributed in both Finnish and Swedish, oftentimes with an English summary. In all the seminars and workshops, where other languages than Finnish are being used, translation is available and sign language is available upon request.

**What public awareness campaigns the NHRI has undertaken in relation to combating racism.**

The Human Rights Centre has collaborated with and joined other actors’ campaigns to combat racism by distributing materials. It should be highlighted here, that the Ombudsman for Non-discrimination is a permanent member of the Human Rights Delegation and there is excellent co-operation between the two. The task of the Ombudsman for Non-discrimination is to advance the status and legal protection of ethnic minorities in Finland and to prevent and tackle ethnic discrimination alongside with other prohibited grounds for discrimination. The Ombudsman for Non-discrimination also acts as the national rapporteur on trafficking in human beings.

To avoid duplication of work and in order to promote cooperation, the FINHRI seeks to work together with, and support the work of the Ombudsman for Non-discrimination in issues relating to racism, immigration and discrimination on with other prohibited grounds. In 2018, the Human Rights Centre joined and partially funded the Ombudsman for Non-discrimination’s media campaign to create awareness of the rights of persons with disabilities, including their right to work.

A theme, which is highlighted in conjunction with all inspection visits, is annually chosen by the Office of the Parliamentary Ombudsman. The theme is taken into consideration also in other aspects of the work, such as when considering the thrust of own-initiative investigations. The theme for 2012-2013 was non-discrimination and gender equality, for 2014-2015 the rights of disabled persons, for 2016-2017 right to effective remedy and 2018-2019 right to privacy.

**6.4.2 Through programmes for teaching and research**

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| ***The Paris Principles state that a national institution shall have the responsibility to assist in the formulation of programmes for the teaching of, and research into, human rights and to take part in their execution in schools, universities and professional circles.***  |

**The legal provisions that vest the NHRI with this function;**

According to section 19 d (1) of the Parliamentary Ombudsman Act:

“The tasks of the Human Rights Centre are:
1) to promote information, education, training and research concerning fundamental and human rights as well as cooperation relating to them;”

In addition to the specific human rights education mandate of the Human Rights Centre, the Ombudsman’s recommendations can be, and are, used to advance education in and of fundamental and human rights.

Pursuant to section 10 (2) of the Ombudsman Act,

“if necessary, the Ombudsman may express to the subject his or her opinion concerning what constitutes proper observance of the law, or draw the attention of the subject to the requirements of good administration or to considerations of fundamental and human rights.”

And furthermore pursuant to sector 11,

“(1) In a matter within the Ombudsman's remit, he or she may issue a recommendation to the competent authority that an error be redressed or a shortcoming rectified.

(2) In the performance of his or her duties, the Ombudsman may draw the attention of the Government or another body responsible for legislative drafting to defects in legislation or official regulations, as well as make recommendations concerning the development of these and the elimination of the defects.

**How the NHRI carries out this education function in practice; Examples of the NHRI’s initiatives in such programmes in schools, universities and professional groups.**

Human rights education and training has been set as one of the priorities for the whole NHRI in its strategy, and it is one of the areas, where co-operation between the Ombudsman and the Human Rights Centre has proven to be successful.

While advancing human rights education is one of Human Rights Centre’s explicit tasks, the expertise arising from the Ombudsman’s complaint handling and inspection work lays a solid foundation for assessing the key areas for action, as well as providing targeted content. Ombudsman’s recommendations to authorities do also include recommendations to pay attention to advancing the professional competences in the area of fundamental and human rights.

In addition to the co-operation within the NHRI, two overarching methods of the work in this area could be highlighted here. Firstly, aiming to influence the structures of general educational systems and policies, and secondly to co-operate as widely and efficiently as possible.

To commence the work in this area, the Human Rights Centre conducted a comprehensive mapping exercise of human rights education in Finland and published it with recommendations in early 2014. Based on this study, a strategy for human rights education work was formulated.

In 2015, in co-operation with various stakeholders (organized as a special section of the Delegation with external advisors) priority was given to ensuring that fundamental and human rights education and training are included in the Government’s national action plan (NAP) on fundamental and human rights. The Human Rights Centre offered advisory support to the Governmental network of contact persons for fundamental and human rights set to prepare the NAP. This action was successful, and in the NAP for 2017-2019, the Government chose human rights education to be one of the four major themes, and set out eight separate measures for improving human rights education. Among these was the training of government officers in the theme.

Another focus in 2014-2016 was the drafting of the new core curriculum for the upper secondary education. In a statement to the Finnish National Board of Education, the Human Rights Centre emphasized the role of human rights as legally binding international norms, and the need to strengthen human rights education and training. In addition to the statement, there was also meetings between the representatives of the Human Rights Centre and the National Board of Education. This action was successful and will influence Finnish educational policies in all upper secondary schools for years to come.

Another important project in 2015 concerned human rights research. A collection of views of human rights researchers was compiled, and a networking weekend arranged together with the University of Lapland, Arctic Center.

In 2016, the Human Rights Centre prioritized development of human rights education materials of its own. The materials contained publications and video lectures. The written materials available in Finnish and Swedish included the following:

* An introduction to human rights education
* A brochure on human rights education and the new national core curricula

The video materials included five 1,5h lecture series on fundamental and human rights and a number of expert interviews. All lectures are available in Finnish and two lectures with Swedish subtitles. This lecture series covered following topics:

* UN: s human rights system
* European Councils human rights system
* EU: s fundamental rights
* The fundamental constitutional rights

Several experts including members of the Human Rights Delegation, central human rights organizations, representatives of the parliamentary ombudsman’s office, and a few legal researchers participated in the development of the lecture series. From the feedback we have received, we know that government officials and diplomats, as well as politicians and civil society organizations have used the lectures. Furthermore, some educational institutions have included them as course materials. From the website statistics it can be see that the lectures have been downloaded over 10 000 times.

In 2017-2018 special effort was made to strengthen teacher’s human rights knowledge and skills. These actions have included for example the following:

* Setting up an exhibition at nation´s largest annual educational fair “Educa” together with human rights NGO’s.
* Inspections to schools jointly by the Ombudsman and the Human Rights Centre to identify the areas in which human rights education is needed the most. This was followed by providing targeted ½ day training sessions to the leadership of education throughout Finland together with Regional State Administrative Agencies, the Finnish National Board of Education, as well as Trade union for teachers in Finland and the association for Finnish school principles.
* Improving teachers’ education in democracy and human rights issues – a joint project together with the University of Helsinki and Ministry of Justice.

Through these actions, we have been able to reach out to thousands of teachers. In Educa -fairs over 7 000 teachers stopped by our booth to learn about human rights and to collect materials to be used in teaching. Some 500 educational leaders have participated the targeted training. Finally, in the ongoing project at the University of Helsinki, Faculty of Educational Sciences, human rights education has been given to at least 600 students of whom 100 are taking part in a first time arranged 5 study point course on education in democracy and human rights.

In addition to the above mentioned projects, a number of lectures have been given by the Ombudsman, the two Deputy-Ombudsmen, the Director the Human Rights Centre and staff members of the NHRI in training sessions organised by various actors for audiences such as judges, the academia, authorities and NGOs.

Two joint training events on the EU Fundamental Rights Charter have been organized with EU Fundamental Rights Agency and the Ministry of Justice. The first one in 2015 focused on judges and lawyers as a target group. The second one in 2019, which was organised together with the EU Fundamental Rights Agency, brought together for a full day training the EU presidency staff of the Government.

Finally, it should be mentioned that the Deputy-Ombudsman responsible for educational sector met with the highest national education authorities in 2018-2019, conveying to them the message of the importance of human rights education and training.

**6.4.3 By addressing public opinion**

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| ***The Paris Principles state that within the framework of its operation, the national institution shall address public opinion directly or through any press organ, particularly in order to publicize its opinions and recommendations*.** |

**The legal provisions that vest the NHRI with this function;**

Pursuant to section 19 d (1) of the Parliamentary Ombudsman Act:

The tasks of the Human Rights Centre are:
1) to promote information, education, training and research concerning fundamental and human rights as well as cooperation relating to them;

**What policies and strategies the NHRI has to engage with the media.**

Both the Ombudsman and the Human Rights Centre have internal communications strategies. These include engagement with media, and identify for example the following actions: issuing press releases and providing information for journalists upon request

The Parliamentary Ombudsman informs the public by regularly issuing press releases on its findings to the public through its website, Twitter and Facebook pages. In 2018, the Office published 32 press releases on the Ombudsman’s decisions, inspections and statements, if they are of particular legal or general interest. In addition, information was actively provided on the special tasks of the Office. The press releases are given in Finnish and Swedish and are also posted online in English. The Office has increasingly transferred to utilising Twitter when providing information at a fast pace.

The Human Rights Centre issues press releases targeted at traditional media on newsworthy developments by the Centre. For example, recommendations by the Human Rights Delegation regarding the Government Programme in 2015 and 2019, as well as recommendations regarding human rights education were widely distributed, also through social media channels.

Furthermore, targeted press releases, or direct contacts to specific media outlets have been used, for example to promote human rights education. One of the successful outcomes of developing direct contacts to a magazine resulted in teachers Union’s own magazine, with circulation reaching nearly all the teachers in Finland, writing a feature article on the subject.

**How the NHRI carries out this public education function in practice;**

The Office of the Parliamentary Ombudsman commissioned an analysis of its media visibility, which showed that the Ombudsman had been visible in the online media in 2018 in the context of 2,405 news items and articles. Use of Twitter and visibility in social media were increased significantly. In 2018, there was a total of 6,770 media hits, i.e., more than 3,123 more than in 2017 (3,647). There were 235% more Tweets generated from the Ombudsman’s Twitter account in 2018 than in 2017. A total of 291 Ombudsman’s decisions of legal or general interest were posted online.

The Human Rights Centre is actively promoting various human rights issues, articles and campaigns on Facebook and Twitter – almost on a daily basis. The postings also include general knowledge of human rights terminology and basic information in an easy to understand format for non-professionals.

The events that Human Rights Centre organises on a regular basis are aimed at, not just discussions between the professionals, but also information sharing and thought provoking for anyone who participates. The strategy seems to be working rather well, as there is always a good participation for any given topic. The location within the Parliament also allows the Human Rights Centre to easily reach to the members and civil servants of the Parliament.

Since 2015, a regular newsletter published 6 times a year on international human rights developments has been issued and widely distributed. Finally, a glossary on human rights terminology was published in 2014 (revision in 2017), and distributed to the media and translators.

1. **QUASI-JURISDICTIONAL FUNCTIONS (optional, only for those NHRIs having quasi-judicial powers)**

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| ***The Paris Principles state that a national institution may be authorized to hear and consider complaints and petitions concerning individual situations. Cases may be brought before it by individuals, their representatives, third parties, non-governmental organizations, and associations of trade unions or any other representative organizations. In such circumstances, and without prejudice to the principles stated above concerning the other powers of the commissions, the functions entrusted to them may be based on the following principles*:*****(a) Seeking an amicable settlement through conciliation or, within the limits prescribed by the law, through binding decisions or, where necessary, on the basis of confidentiality;******(b) Informing the party who filed the petition of his rights, in particular the remedies available to him, and promoting his access to them;******(c) Hearing any complaints or petitions or transmitting them to any other competent authority within the limits prescribed by the law;******(d) Making recommendations to the competent authorities, especially by proposing amendments or reforms of the laws, regulations and administrative practices, especially if they have created the difficulties encountered by the persons filing the petitions in order to assert their rights*.** |

**The legal provisions that vest the NHRI with this function;**

The Parliamentary Ombudsman’s main task has from the start (in 1920) been the examination of individual complaints, taking own initiatives and conducting on-site inspections. Basic provisions are laid down in the Constitution and detailed provisions in the Parliamentary Ombudsman Act (annexed).

**How the NHRI carries out this complaints handling function in practice (i.e. an overview of the mechanisms and procedures adopted to receive, investigate, and handle complaints received).**

The Ombudsman investigates a complaint if the matter is subject to her oversight and if there are grounds to suspect that the authority involved has acted illegally or neglected a duty.

A complaint can be made about an authority or official as well as about any other person who performs a public task. A complaint can be made by anyone (regardless of nationality) and there is no fee to the complainant. A complaint must be made in writing (letter, email etc.). There is no need to seek a lawyer's assistance. The complaint may concern the complainant’s own issue, or the complaint can also be made on behalf of someone else or together with others.

When a complaint arrives at the Office of the Ombudsman, the complainant is sent a notification that it has been received. A lawyer studies the complaint carefully. If, on this basis, there is reason to suspect that an authority has acted illegally or neglected a duty, the Ombudsman initiates an investigation.

New provisions that came into force in 2011 gave the Ombudsman greater discretionary power in the investigation of complaints. In addition, the amended Act so that the complaints relating to matters over two years old are not investigated, unless there is a special reason for doing it (Section 3 of the Ombudsman Act). The Act also allows the Ombudsman to transfer complaints to other competent authorities.

During investigation, the Ombudsman gives the official or authority concerned a hearing and requests studies and submissions. The Ombudsman can obtain additional reports by ordering investigators from his office to conduct enquiries. If necessary, he can ask the police to help by investigating a matter. The complainant is usually given a possibility to submit his/her rejoinder, after which a case is normally ready to be decided.

The Ombudsman adopts a position on the legality of the procedure that is the subject of the complaint and decides whether the complaint warrants action on his part and what kinds of measures are appropriate.

Of the various measures available to the Ombudsman, the most severe is a criminal prosecution for malfeasance. As an alternative to this, the Ombudsman can issue an official reprimand to the party concerned. In most cases, he expresses his view as to how the procedure followed has been illegal or involved clear negligence and reminds the party concerned of the correct way to act.

The Ombudsman can also make a proposal that an error be remedied and draw the attention of the Council of State (i.e. the Government) to shortcomings that he has observed in legal provisions or regulations.

It is not always established that incorrect procedure has been followed, and sometimes an authority itself rectifies its own error once it becomes aware that the Ombudsman has begun investigating a complaint concerning the procedure it has followed.

Complaint documents are generally public. However, the law requires that information concerning, for example, a complainant's state of health or social benefits be kept secret.

The name of the complainant becomes known to the subject of the complaint when the latter is given the opportunity to present his or her view of the matter.

**Please provide an account of complaints-handling statistics (e.g. number and typology of complaints received and processed; resolved; dismissed; referred).**

The amount of complaints has risen from the level of about 2,500 (in 2001) to over 5,500 (in 2018).

The number of complaints received in 2018 was 5,561, which was about 600 less than in 2017. The number of complaints resolved during the year was 5,281, representing a decrease of about 400 on the previous year.

The number of complaints arriving by post, telefaxed or delivered personally has been declining in recent years and, correspondingly, the number received via e-mail has substantially increased. The vast majority, or 76%, of complaints arrived electronically in 2018.

Complaints that have reached the Ombudsman are recorded in their own subject category in the complaints handling system of the Office of the Parliamentary Ombudsman. A notification that a complaint has arrived by e-mail is sent immediately.

Some complaints are dealt with through a so-called *accelerated procedure*. 2,842 complaints, or 52% of the grand total, were dealt with this way in 2018. The purpose in dealing with complaints through the accelerated procedure is to ensure already at the reception stage that those matters recorded as complaints that do not require closer examination are preliminarily separated. The accelerated procedure is suitable in especially cases where there is manifestly no ground to suspect an error, the time limit has been exceeded, the matter is not within the Ombudsman’s remit, the complaint is non-specific, the matter is pending elsewhere or what is involved is a repeat complaint in which no ground for a re-appraisal of the decision in the earlier complaint is evident.

Letters of an enquiry nature received from citizens, clearly unfounded communications or those that concern matters that are not within the Ombudsman’s remit or are non-specific in their contents are not dealt with as complaints; However, they are counted as oversight of legality matters and forwarded from the Registry to the Substitute Deputy-Ombudsman or the Secretary General, who distributes them to the notaries and investigating officers. The person who has sent a letter of also this kind receives a reply, and reply concepts for this category of matters are examined by the Substitute Deputy-Ombudsman or the Secretary General. Also these cases are counted into the complaints’ figures

While anonymous letters are not processed as complaints, the need to investigate the matter on the Ombudsman's own initiative is also assessed in these cases.

Letters that are received for information only are likewise recorded, but not replied to. However, the Substitute for Deputy-Ombudsman or the Secretary General examines them. Contacts that are made using the feedback form on the web site are dealt with in accordance with these principles. In 2018 a total of 4,757 written communications that had arrived for information were received.

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| received  **resolved** | 2017 | 2018 |
| Complaints | 6,192**6,094** | 5,561**5,410** |
| Transferred from the Chancellor of Justice |  64 |  33 |
| Taken up on own initiative |  77  **81** |  79 **82** |
| Request for submissions and attendances at hearings |  82 **77** |  145 **137** |
| Total | 6,415**6,252** | 5,818**5,629** |

76% of all the complaints that arrived in 2018 related to the ten biggest categories of matters. The numerical data for the ten biggest target groups are shown in Annex 3.

In 2018, about 15 % of all complaints led to the Ombudsman to take measures. In addition, a total of 82 matters that the Ombudsman had investigated on his own initiative were resolved. Of these, 45 matters, or 55%, led the Ombudsman to take measures.

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| 1. **RELATIONSHIP WITH RELEVANT HUMAN RIGHTS STAKEHOLDERS AND OTHER BODIES**
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**8.1 Relationships with Civil Society**

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| ***The Paris Principles state that within the framework of its operation, the national institution shall, in view of the fundamental role played by the non-governmental organizations in expanding the work of the national institutions, develop relations with the non-governmental organizations devoted to promoting and protecting human rights, to economic and social development, to combating racism, to protecting particularly vulnerable groups (especially children, migrant workers, refugees, physically and mentally disabled persons) or to specialized areas*.** |

**Whether the provisions in the NHRI’s founding law formalises relationships between the NHRI and civil society;**

Pursuant to Section 19 e on Human Rights Delegation, there is a strong formal relationship between the FINHRI and civil society:

(1) The Human Rights Centre shall have a Human Rights Delegation, which the Parliamentary Ombudsman, having heard the view of the Director of the Human Rights Centre, shall appoint for a four-year term. The Director of the Human Rights Centre shall chair the Human Rights Delegation. In addition, the Delegation shall have not fewer than 20 and no more than 40 members. The Delegation shall compriserepresentatives of civil society, research in the field of fundamental and human rights as well as of other actors participating in the promotion and safeguarding of fundamental and human rights. The Delegation shall choose a deputy chair from among its own members. If a member of the Delegation resigns or dies mid-term, the Ombudsman shall appoint a replacement for him or her for the remainder of the term.

**How the NHRI has developed relationships with NGOs in practice;**

In general, the cooperation between the NGOs and public actors in Finland are rather uncomplicated and open. The government regularly consults NGOs on new draft laws even early stages of preparation and most governmental working groups NGO-representatives participate as members. This is the case also for the FINHRI and its relations with the civil society, both those included in the Delegation and those outside.

The Human Rights Centre regularly organises public events, seminars and workshops where anyone, including general public and specialised NGOs are invited and welcome. Many of the events are also co-organised together with NGOs. The invitations are published widely and the events are promoted in various means. The interest for and participation in these events has been high and the events have been received very positively, partly due to their nature of bringing representatives of opposing views and opinions, official figures and members of civil society to the same discussion panels and working groups

Representative of different NGOs also propose visits and meetings with the NHRI, either with the Ombudsman or the Human Rights Centre, or both. These proposals are welcomed and annually there is a number of this kind of meetings held, mostly at the premises of the NHRI.

**Which civil society groups the NHRI cooperates with (i.e. NGOs, trade unions, professional organisations, individuals or organisations espousing trends in philosophical or religious thought, universities and qualified experts, parliament and government departments);**

The Human Rights Centre has a Human Rights Delegation as explained earlier. List of these members, including members from civil society, is annexed to this statement of compliance, and the composition of the Delegation is explained in detail under section 3.1. of the statement.

In general, the NHRI works with all interested NGOs and other civil society groups. Depending on the issue at hand the relevant organisations are contacted for the purposes of information sharing and other cooperation. Equally, contacts coming from the civil society organisations are welcome and initiatives are examined.

Due to the special tasks that the FINHRI has, the Human Rights Centre has in the last three years engaged deeply with the disability movement in Finland. Also, since additional funding was received for 2019 to work on the rights of older persons, the Centre is systematically developing its cooperation with the NGOs working with older persons rights. Traditionally, the Centre has always cooperated well with NGOs dealing with human rights, rights of vulnerable groups of people, such as asylum-seekers, refugees, migrants, LGBTI-groups, and women’s groups dealing with migrant women, GBV and victims groups in general.

**How frequent and what type of interaction the NHRI has with NGOs (e.g. workshops, meetings, joint projects, through complaints handling).**

The Human Rights Centre has frequent formal and informal meetings and communication with various human rights NGOs in connection to the projects carried out by the Centre or to the reporting of human rights situation in Finland to the international monitoring bodies. Sometimes meetings are arranged in order to reach out to NGOs that are not so closely connected to the general human rights debate in the country. For example, in 2015, while preparing for the CRPD 33.2 task, there was a series of meetings with NGO’s representing disabled persons.

The Ombudsman is in interaction with the civil society continuously through the work of complaints handling and on-site investigation. In addition, the Ombudsman arranges meetings with the civil society representatives whenever needed.

**8.2 Relationship with other bodies**

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| ***The Paris Principles state that within the framework of its operation, the national institution shall maintain consultation with the other bodies, whether jurisdictional or otherwise, responsible for the promotion and protection of human rights (in particular ombudsmen, mediators and similar institutions).****The GANHRI has adopted the following General Observations on* ***Cooperation with other human rights institutions****: NHRIs should closely cooperate and share information with statutory institutions established also for the promotion and protection of human rights, for example at the state level or on thematic issues, as well as other organizations, such as NGOs, working in the field of human rights and should demonstrate that this occurs in their application to the GANHRI Sub-Committee.* |

**Whether the provisions in the NHRI’s founding law formalise relationships between the NHRI and other bodies with human rights responsibilities;**

As stated in the government bill concerning the establishment of the Human Rights Centre, 'the objective was to create an umbrella-like institutional structure which would have synergy effects on the current fundamental and human rights structures and work'.

**How the NHRI has developed relationships with these bodies in practice; Which bodies the NHRI cooperates with (i.e. governmental agencies, the justice system, the parliament, any human rights committees, or any other bodies that might affect the human rights situation in the country);**

Several specific bodies work on human rights issues in Finland. See the listing of the main governmental and other human rights structures in Annex I (the Contex in which the FINHRI operates).

A report was prepared by a working group set up by the Ministry of Justice and chaired by the Director of the Human Rights Centre in 2015 to map the human rights “architecture” in Finland and to make recommendations for its development. Although the report did not lead to major reforms at that time, it laid the foundations for further deliberations by mapping the facts. It also had some impact on the working methods of the various advisory bodies dealing with human rights and improved cooperation and coordination. The Delegation has benefitted from the lessons learnt stemming from the report.

Government Network of Contact Persons for Fundamental and Human Rights (lead jointly by the Ministry of Justice and the Ministry of Foreign Affairs) comprises of contact persons from each ministry, who meet regularly in order to exchange information on the current human rights issues. Furthermore, it contributes to the governmental plans for the promotion on human rights as well as to the monitoring of the implementation of those plans, as well as to the State reporting. The FINHRI has two representatives in the network as external independent observers.

The Ministry for Foreign Affairs has a Network on International Human Rights Issues. The Director of Human Rights Centre has been invited to participate in its meetings as an external independent expert, which has enabled the Centre to follow and influence international human rights policies of the Finnish Government.

The Parliament has an unofficial network of MPs with special interest in human rights issues, and the Human Rights Centre has had some cooperation with them. In addition, the international unit of the Parliament, which among other things organizes international visits to the Parliament, has in several occasions requested a representative of the NHRI to attend the visits in order to explain human rights situation in Finland to foreign guests.

**How frequent and what type of interaction the NHRI has with such bodies (e.g. training, consultations, meetings, joint projects, through complaints handling)**

Type of interaction is explained above. The frequency is altogether almost weekly.

**The NHRI’s relationship with other human rights institutions at the national level (e.g. specialised human rights institutions, ombudsmen) (OPTIONAL: only for NHRIs operating in countries where such bodies have been established).**

The Ombudsman for Equality, the Ombudsman for Data Protection, the Ombudsman for Children, and the Ombudsman for Minorities as well as a representative of the Chancellor of Justice are all members of the Human Rights Delegation. According to the preparatory works on the legislation concerning the Human Rights Delegation, they are among the permanent members of the Delegation. Besides the meetings of the Delegation, the Human Rights Centre invites these independent authorities to a joint meeting twice a year to discuss relevant human rights issues and to exchange information on activities and plans. This informal networking has proven very fruitful.

**8.3 Cooperation with the United Nations and other organizations**

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| ***The Paris Principles state that a national institution shall have the responsibility to cooperate with the United Nations and any other organization in the United Nations system, the regional institutions and the national institutions of other countries that are competent in the areas of the promotion and protection of human rights.* *It is important for NHRIs to engage with the international human rights system, in particular the Human Rights Council and its mechanisms (Special Procedures Mandate Holders) and the United Nations Human Rights Treaty Bodies. This means generally NHRIs providing input to, and participating in, these human rights mechanisms and following up at the national level to the recommendations resulting from the international human rights system. In addition, NHRIs should also actively engage with the GANHRI and its Sub-Committee on Accreditation, Bureau as well as regional coordinating bodies of NHRIs.****The GANHRI has adopted the following General Observations on the* ***Interaction with the International Human Rights System:*** *The Sub-Committee would like to highlight the importance for NHRIs to engage with the international human rights system, in particular the Human Rights Council and its mechanisms (Special Procedures Mandate Holders) and the United Nations Human Rights Treaty Bodies. This means generally NHRIs making an input to, participating in these human rights mechanisms and following up at the national level to the recommendations resulting from the international human rights system. In addition, NHRIs should also actively engage with the GANHRI and its Sub-Committee on Accreditation, Bureau as well as regional coordinating bodies of NHRIs.* |

**The legal provisions that vest the NHRI with this function;**

According to section 19 d, one of the tasks of the Human Rights Centre is:

4) to participate in European and international cooperation associated with promoting and safeguarding fundamental and human rights;

**How the NHRI carries out this function in practice;**

The NHRI has international cooperation on many levels. Both the Human Rights Centre and the Ombudsmen have their respective cooperation channels.

The Ombudsman has close co-operation with the European Network of Ombudsmen and the International Ombudsman Institute. Regional co-operation within Nordic and Nordic Baltic region is annual.

The Human Rights Centre actively participates in working groups, events and meetings aimed at improving the implementation of human rights on national and global level. The work is done either by making written submissions or by participating in the meetings, hearings, workshops and events.

**Which UN mechanisms the NHRI has engaged with (e.g. Human rights Council, UPR, Treaty Bodies, Special procedures mandate holders, Commission on the Status of Women, etc)**

The FINHRI, primarily the Human Rights Centre, regularly engages with the Human Rights Council on the Universal Periodic Review (UPR), with the Treaty Bodies, and with the Special procedures. In addition, there has been engagement with some other UN mechanisms, such as the Permanent Forum for Indigenous Issues, and thematic working groups. Mostly this engagement is done directly, but also through the joined statements and submissions by the GANHRI.

As the OPCAT NPM, the Ombudsman engages with the relevant UN sub-committee. Due to the monitoring task of the CRPD the FINHRI has already engaged with the CRPD committee through GANHRI meetings, and will, in the future, engage with the committee directly.

**Which regional mechanisms the NHRI has engaged with (e.g. regional human rights commissions, courts, etc);**

The FINHRI has engaged with the following regional mechanisms:

* European Union Agency for Fundamental Rights (FRA)
* Council of Europe’s (CoE) human rights mechanisms, including
	+ The European Court of Human Rights (ECtHR)
	+ The Social Rights Committee, European Commission against Racism (ECRI)
	+ The Committee monitoring the implementation of The European Charter for Regional or Minority Languages (FCNM)
	+ The Committee monitoring the Framework Convention for the Protection of National Minorities (ECRLM)
	+ The Council of Europe Commissioner for Human Rights and
	+ The Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment as well as various thematic working groups.

Finally, there is regularly engagement with the ENNHRI and its thematic working groups.

**The type of interaction the NHRI has had with these bodies (e.g. sending information, parallel reports, amicus curiae briefings; attending the meetings; acting as an implementing partner etc)**

The Human Rights Centre provides additional information to the treaty monitoring bodies before and during the examination of the Government’s periodic reports and the UPR sessions. The information for such submissions is gathered from the Centre’s own monitoring work, from the Human Rights Delegation and from the Centre’s cooperation with NGOs and other actors. In addition, the Human Rights Centre participates in the treaty based procedures when the Government of Finland is under examination.

So far, the Human Rights Centre has provided information to the Human Rights Committee for the examination of the UN Convention on Civil and Political Rights (UNCCPR). Furthermore, the Centre has prepared submissions for the preparation of the “List of Issues” under the following UN mechanisms:

* the UN Convention on Economic, Social and Cultural Rights (UNCESCR) for the 2014 and the 2018 examination of the government’s report
* the Committee monitoring the implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
* the Committee monitoring the implementation of the UN The Committee on the Elimination of Racial Discrimination (CERD).

Currently, the Human Rights Centre is in process of preparing a similar submission concerning the UN Convention against Torture (CAT), the UN Convention on the Rights of the Disabled (CRPD) and the UN convention of the Rights of the child (CRC).

Submissions and participation in committee hearings and country visits have also taken place concerning Council of Europe’s human rights instruments, for example the Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention). In addition, ECRI has received information as well as relevant committees monitoring the implementation of the FNCNM and ECRML.

As members of ENNHRI, the Human Rights Centre has contributed actively to the ENNHRI position and statement on so called Copenhagen Declaration (ECHR) and participated in drafting and signatory of *amicus curiae* in the case of Big Brother Watch vs. the UK (2019) and the upcoming *amicus* in a disability related case before the ECHR (request pending 2019).

In 2013 the Ombudsman issued to the Council of Europe’s Directorate General / Human Rights and Rule of Law an expert opinion on the Draft Law “on the Amendments of the Law on Protector of Human Rights and Freedoms of Montenegro” (DGI (2013) 18).

Furthermore, in 2016, the Ombudsman conducted a functional review of the Office of the Commissioner for Administration and Human Rights in Cyprus. This review was a part of a comprehensive Public Administration Reform (PAR) which the Government of Cyprus had launched.

Deputy-Ombudsman served as the chair of the Management Board of the European Union Agency for Fundamental Rights (FRA) 2012-2014, and senior Legal Adviser Jari Pirjola was chosen as Finland’s representative on the Council of Europe’s European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment for a four-year term from December 2011 and for the third time again in 2019.

The Director of the Human Rights Centre acts as member of the management board of the EU Fundamental Rights Agency (FRA) since 2015 and as a Chair of the Management Board since 2017. Also various EU and FRA thematic working groups are part of the agenda for the Human Rights Centre (EFRIS,Disability).

The Human Rights Center has represented the FINHRI at ENNHRI board and GANHRI bureau in 2016 – 2019. An expert from the Human Rights Centre acts as chair of the ENNHRI Legal Working Group as of 2019. Experts participate in most ENNHRI working groups as well the new GANHRI Disability Working group.

The Ombudsman cooperates closely within several networks of Ombudsmen. The Ombudsman belongs to the European Ombudsmen Network, the members of which exchange information on EU legislation and good practices at seminars and other gatherings as well as through a regular newsletter, an electronic discussion forum and daily electronic news services. The Ombudsman is also a member of IOI and its European regional network. Cooperation between Nordic Ombudsmen and Baltic Ombudsmen is also very intensive.

**How your NHRI has followed up at the national level to the recommendations resulting from these bodies, etc.);**

The Human Rights Centre has distributed widely and held discussions in seminar format on recommendations, conclusions and reports given by treaty monitoring bodies and other relevant UN and CoE. The Human Rights Centre also organizes informative events to engage the civil society in the processes, such as monitoring rounds, independently. Information on the results of individual or group complaints are distributed in various channels. In cases of non-implementation or risk of it, the Human Rights Centre at times takes initiative, often together with the Human Rights Delegation, to draw attention to the issue at hand.

**Which UN agencies the NHRI has engaged with (e.g. OHCHR regional or field offices, UNDP, UNCHR, human rights components of UN peacekeeping missions, etc); The type of interaction the NHRI has had with these bodies (e.g. sharing information, undertaking joint activities, acting as an implementing partner etc).**

The Human Rights Centre actively provides replies to the OHCHR questionnaires and surveys, either by itself or forwards such questions to the relevant partners.

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| **SPECIFIC MANDATE (OPTIONAL)** |

**\*\*\**only for those NHRIs which have been formally designated as NPM, by States that have ratified OPCAT\*\*\****

**9. NATIONAL PREVENTIVE MECHANISM UNDER OPCAT**

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| ***Under OPCAT: “Each State Party shall maintain, designate or establish, at the latest one year after the entry into force of the present Protocol or of its ratification or accession, one or several independent national preventive mechanisms for the prevention of torture at the domestic level. Mechanisms established by decentralized units may be designated as national preventive mechanisms for the purposes of the present Protocol if they are in conformity with its provisions (Art. 17). NPMs will be allowed to visit any place under the State jurisdiction and control where persons are or may be deprived of their liberty, either by virtue of an order given by a public authority or at its instigation or with its consent or acquiescence (hereinafter referred to as places of detention)). These visits shall be undertaken with a view to strengthening, if necessary, the protection of these persons against torture and other cruel, inhuman or degrading treatment or punishment (art.4). The States Parties shall guarantee the functional independence of the national preventive mechanisms as well as the independence of their personnel. (2) The States Parties shall take the necessary measures to ensure that the experts of the national preventive mechanism have the required capabilities and professional knowledge. They shall strive for a gender balance and the adequate representation of ethnic and minority groups in the country. (3) The States Parties undertake to make available the necessary resources for the functioning of the national preventive mechanisms. (4) When establishing national preventive mechanisms, States Parties shall give due consideration to the Principles relating to the status of national institutions for the promotion and protection of human rights Article 18: (1).******For more information please refer to art. 19-23 and 35 of OPCAT.***  |

**Please discuss how the NHRI carries out its function. Please explain[[2]](#footnote-3):**

**9. NATIONAL PREVENTIVE MECHANISM UNDER OPCAT**

**1. Are the mandate and powers of the NPM clearly and specifically established in national legislation as a constitutional of legislative text?**

The Parliamentary Ombudsman is appointed as NPM by the Government Bill (HE 182/2012) ratifying the OPCAT.

The mandate and powers of the NPM are established in the the chapter 1 a of the Parliamentary Ombudsman Act. The Chapter is titled: National Preventive Mechanism (NMP). Articles 11a-11h specifies the mandate and powers of the NPM.

**2. How “places of deprivation of liberty” visited by the NPM are defined? Is this definition in line with the OPCAT requirements?**

Pursuant to Ombudsman Act Section 11b (1):

When carrying out his or her duties in capacity of the National Preventive Mechanism, the Ombudsman inspects places where persons are or may be deprived of their liberty, either by virtue of an order given by a public authority or at its instigation or with its consent or acquiescence (place of detention).

**3. Is the NPM established by a public, inclusive and transparent process?**

Finland signed the Optional Protocol on 23 September 2003. In September 2006 the Ministry for Foreign Affairs set up a working group to prepare for the future ratification of the OPCAT, including the designation of the NPM. The participants in the working group represented the Ministry for Foreign Affairs, the ministries

of Justice, Defence, the Interior, Social Affairs and Health as well as the Office of the Parliamentary Ombudsman.

In May 2011, when the working group had finished its draft report, a request for statement was sent to 51 bodies, including authorities, human rights NGOs as well as other bodies dealing with human rights related matters

**4. Does it include civil society and other actors involved in the prevention of torture?**

Representatives of the civil society are not part of the NPM as such, but the NPM co-operates with them. The new Ombudsman Act (article 11 g) provides for the use of outside experts during inspections. These experts must have knowledge that is relevant from the point of view of the inspection. Thus, the experts could be for example medical doctors or representatives of minorities or civil society groups.

**5. Has the designation of the NHRI as the NPM be open for debate, involving civil society?**

See answers 3 and 4 above, and note that it is not NHRI as a whole, but the Parliamentary Ombudsman that has been designated as the NPM.

**6. How the independence of the NPM is fostered?**

For a National Preventive Mechanism to be effective, it has to be independent. The Protocol requires that State Parties guarantee the operative independence of the NPM and its staff. Independence includes, among other things, independence from other officials or courts of law, independent planning, financial independence, as well as a strong legal base that secures this independence.

Independence is one of the cornerstones of the Ombudsman institution. The Ombudsman and his or her staff are independent of the Government. The Ombudsman enjoys a strong constitutional mandate for his or her duties, which strengthens the institution’s strong, autonomous position. The Ombudsman is free to appoint his or her staff, as well as decide on its working methodology. Even though the Ombudsman’s budget is a part of the Parliament’s budget, the Ombudsman is independent in proposing the budget as well as in using it in accordance with the general provisions for transparent financial accounts..

The autonomy and transparency of the Ombudsman’s functions is further supported by the fact that he or she has to submit to the Parliament a declaration of interests and commitments which may be of relevance in the evaluation of his or her activity as Ombudsman. Even though the Ombudsman is elected by the Parliament of Finland, he or she does not take orders or instruction from the Parliament.

**7. What is the process of selection and appointment of members?**

The Parliamentary Ombudsman and two Deputy Ombudsmen are elected by the Parliament. The Ombudsman appoints staff members of the Office for the Parliamentary Ombudsman. The Parliamentary Ombudsman (see question 4) nominates outside experts.

Civil servants working in the Ombudsman’s office also carry out the duties of the NPM.

**8. Are ways to avoid questions of conflict of interest in place?**

The Ombudsman follows the criteria stated in the Administrative Procedure Act (434/2003, section 28). See also in this Statement the Section 2 “Independence” subsection “By what means are conflicts of interest avoided”.

**9. Are there stated criteria relating to the experience and expertise required to carry out NPM work effectively and impartially?**

According to the Finnish Constitution (section 38 - Parliamentary Ombudsman): The Parliament appoints for a term of four years a Parliamentary Ombudsman and two Deputy Ombudsmen, who shall have outstanding knowledge of law. For the selection of staff members see the Section ‘Staff’ in this Statement.

As regards the practice of the NPM, relevant international standards and recommendations in the field of the NPM work are followed.

**10. Is the NPM gender-balanced?**

For the gender-balance of the whole FINHRI see the Section ‘Staff’ in this Statement. As regards inspections carried out by the office of the Ombudsman, the composition of the visiting team is part of the visiting methodology, and the aim is always to include both male and female representatives to the visiting delegation.

**11. Does the NPM have adequate representation of ethnic, minority and indigenous groups?**

Different minority groups (for example, persons belonging to Swedish speaking minority) participate in the work of the NPM. See also the Section ‘Staff’ in this Statement.

**12. Has the State taken the necessary measures to ensure that the expert members of the national preventive mechanism have the required capabilities and professional knowledge?**

The Ombudsman selects external experts and makes sure that they have required professional knowledge. In addition, training is provided for the expert members.

**13. Have ad-hoc training been provided to the NPM?**

Year 2015

* In May 2015, the Ombudsman organised a two-days training event for the employees of the Office that focused on the working methods of the NPM and, in particular, on integrating the preventive approach in the work. The contents of the training were planned together with the APT (Association for the Prevention of Torture). The NPMs in other Nordic and Baltic countries were also invited to take part in the training
* One legal adviser took part in a seminar organised by ERA (the Academy of European Law) in May 2015, the topic was ”Supervising matters related to detention”
* Two officials participated in June 2015 a three-days training workshop for NPMs organised in Riga by the Latvian Parliamentary Ombudsman, the APT and the IOI (International Ombudsman Institute) The theme was “Implementing a preventive mandate” – the practical means to prevent poor treatment
* Representatives of the Swedish NPM participated in an inspection visit to the family wards of Vanaja Prison and Hämeenlinna Prison in October 2015

Year 2016

* Two officials attended in June 2016 a three-day training workshop for NPMs organised in Vilnius by the Lithuanian ombudsman, the International Ombudsman Institute (IOI) and APT. The theme was “Monitoring of Psychiatric Facilities”
* One of the Opcat-coordinators took part in the third Jean-Jacques Gautier NPM Symposium on monitoring psychiatric institutions. The symposium was organised in Geneva by APT in September 2016
* The NPM organised a one-day induction training for its external experts in September 2016
* In September 2016, one of the Opcat-coordinators participated in an international training event organised in Helsinki. The training concerned best practices in forensic psychiatry, focusing on the theme “Modern forensic in-patient facility design standards”
* Two legal advisers attended in September 2016 a two-day symposium on reducing risks and preventing violence, trauma, and the use of seclusion and restraint in psychiatric care. The symposium was organised by Niuvanniemi Hospital (the State Forensic hospital)

Year 2017

* The NPM organised in January 2017 a training event for office staff and external experts on interviewing methods and the use of external experts for inspection visits. In addition to the Finnish NPM, there were representatives from Swedish NPM, Norwegian NPM, Danish NPM and the Parliamentary Ombudsman of Iceland
* In March 2017, the Office of the Parliamentary Ombudsman organised internal training on the removal of foreign nationals from the country and return flights. The trainers were representatives of the Helsinki Police Department and the Office of the Non-Discrimination Ombudsman. Another training event held in May focused on human trafficking, with trainers from the Office of the Non-Discrimination Ombudsman and Victim Support Finland
* One legal adviser participated in a seminar in Copenhagen in April 2017 entitled “The Use of Solitary Confinement as a Disciplinary Measure”, which was organised by Dignity – Danish Institute Against Torture
* One legal adviser attended the four-day training course “Detention monitoring applying the UN Nelson Mandela Rules”, held in Bristol in August 2017
* Four representatives of the Estonian NPM joined in September 2017 the Finnish NPM on a two-day inspection visit to the psychiatric care facilities in Lahti. During the same visit, the Estonian guests had the opportunity to visit a residential social welfare unit for people with memory disorders
* In September 2017, two officials attended a three-day training event in Vienna, jointly organised for NPMs by the Austria NPM, IOI (International Ombudsman Institute) and APT (Association for the Prevention of Torture). The theme was “Communications skills and techniques”
* In November 2017, the legal adviser attended a training course on the self-determination of the intellectually disabled and the use of restrictive measures, organised by the National Supervisory Authority for Welfare and Health (Valvira) and the Regional State Administrative Agencies

Year 2018

* Two Office representatives participated in an international two-day training event held in Copenhagen in January 2018 (”IOI Workshop for NPMs”). The topic was “Strengthening the follow-up to NPM recommendations” and the event was organised by the Danish Parliamentary Ombudsman, the IOI (International Ombudsman Institute) and the APT (Association for the Prevention of Torture)
* The NPM organised an internal workshop whose topic was “Restraint measures and involuntary treatment in mental health care settings” in May 2018

Tranining related to the Nordic NPM-network:

* The cooperation of Nordic NPMs was launched at a meeting organised in Oslo in June 2015. In addition to the Norwegian hosts, the meeting was attended by representatives of the Swedish, Danish and Finnish NPMs. NPM European Coordinator Mari Amos, (SPT, The UN Subcommittee on prevention of torture) attended as well. In connection with this meeting, a decision was made to establish a Nordic OPCAT network that would initially meet twice a year in order to exchange information and to develop inspection activities. The programme also included a prison visit.
* The following OPCAT network meeting took place in Copenhagen in December 2015. It focused on aliens issues and, in particular, the supervision of return flights for deportees
* In June 2016, the meeting was organised by the Swedish NPM in Stockholm. The event focused on visits to psychiatric institutions. The participants also visited the Helix psychiatric hospital.
* The Finnish NPM hosted the January 2017 meeting in Helsinki. The topics of the meeting were inspection methods, interviewing techniques and the use of external experts.
* In August 2017, the NPM-meeting was hosted by the Norwegian NPM in Oslo. The topic of the meeting was inspection visits made to units housing minors
* The Danish NPM organised a meeting in Copenhagen in January 2018. The theme was solitary confinement in prisons and remand prisons, the various types of isolation and how they are addressed during visits. The meeting also included a visit to a prison
* In August 2018, the Swedish NPM hosted a meeting in Lund. The subject of the meeting was the treatment of intoxicated persons and addicts by various authorities. The participants were given a tour of a treatment and rehabilitation unit for people with addictions.
* The Finnish NPM hosted a meeting in January 2019 in Helsinki. The main theme was visits to the elderly care units. The Finnish NPM had also introduction on the disabled persons in the context of the NPM

In addition, the NPM holds information events, aimed at the entire staff and communicating the main content of the above training events and meetings. Whenever necessary, the head OPCAT coordinator also provides training for new staff members at the Office and new external experts on the duties of the NPM.

**14. Have adequate resources been provided for the specific work of the NPM (in accordance with article 18, 3 of the OPCAT)? Are they ring fenced, in terms of both budget and human resources?**

So far, no additional human resources have been granted for the Ombudsman to fulfil its remit as the NPM, although such increases have been proposed. However, it must be pointed out that according to Ombudsman Act carrying out inspections in closed institutions to oversee the treatment of inmates has been a special duty of the Ombudsman in Finland for a very long time before the NPM mandate. Therefore, the Ombudsman has had human resources for these activities already before the task of serving as the NPM.

The Office has been able to adopt operating practices with its existing financial and personnel resources that meet with the operations and quality requirements set for the NPM. The Ombudsman's activities as the NPM can be compared to those of the NPMs in the other Nordic countries, and in many other countries as well, in both quantitative and qualitative terms. This has been possible for the time being due to arrangements made within the Office of the Parliamentary Ombudsman as well as additional financial resources granted to the Office for the use of external experts during inspection visits.

As the NPM's duties have become established, it has become apparent that duties must be continuously developed and operating practices must be analysed, so that the obligations set for the NPM will be realised. For example, the formation of multidisciplinary teams for in-spection visits is impossible due to the Office of the Parliamentary Ombudsman’s present staffing structure. The instruction and guidance, introduction and continuous inclusion of external experts during inspection visits will offset this shortcoming. However, the development of activities need additional resources.

For the year 2019 the Parliament has granted the Office of the Ombudsman a supplementary appropriation for the Office’s operational expenditure to be employed on implementing and promoting the rights of elderly people. This appropriation was spent on employing three experts at the Office of the Ombudsman until the end of year 2019. The supplementary appropriation will also be used on remuneration of external experts, inspection visits, accounts, training, and information services.

The NPM has no separate budget. The funds destined to run the NPM’s activities are included in the budget of the Ombudsman. Only the remunerations paid to  external experts are earmarked for the work of the NPM.

**15. Does the work programme of the NPM cover all potential and actual places of deprivation of liberty?**

The annual number of OPCAT inspections is approximately 70 and covers all potential and actual places of deprivation of liberty. So far, the NPM has visited the following places:

* prisons, remand prisons, police prisons
* prisoner transport by train
* the supervision patrol activities of the Criminal Sanction Region
* detention facilities of the District Court
* outpatient clinics for prisoners, Prison hospital, Psychiatric Prison hospital
* psychiatric hospitals / state forensic psychiatric hospitals
* research and treatment units for children
* emergency clinics in somatic hospitals (so-called secure rooms)
* detoxification centres
* detention facilities of the Finnish Defence Forces
* detention facilities of the Border Guard and Customs
* Detention Units for foreign nationals
* units for children and adolescents in the social welfare services (residential schools, child welfare units, family homes, youth homes)
* social welfare units for older people (group homes, serviced housing, service centres, nursing homes)
* residential units for persons with intellectual and developmental disabilities (institutional care units, inpatient services, intensified support units, serviced housing, group homes, youth homes)
* psychiatric examination and rehabilitation unit for persons with intellectual disabilities

The Ombudsman does not oversee return flights in its role as the NPM, although this would fall under its jurisdiction. This is because the Non-Discrimination Ombudsman has been assigned the special duty of overseeing the removal of foreign nationals from the country.

**16. Does the scheduling of the NPM visits ensure effective monitoring of such places with regard to safeguards against ill-treatment?**

Scheduling enables regular and different kinds of inspections (unannounced inspections, inspections in the daytime, evenings as well as during the weekends, follow-up inspections etc.).

**17. Have working methods of the NPM been developed? Have they ever been reviewed with a view to effective identification of good practice and gaps in protection?**

The NPM develops its working methods continuously. For example, the NPM has completed the Assessment matrix for NPMs, following the criteria established by OPCAT, the SPT Guidelines on NPMs and the Self-assessment tool for NPMs.

The Ombudsman has also appointed an OPCAT team within the Office. Its members are the principal legal advisers working in areas of responsibility that involve visits to places referred to in the OPCAT. The team has ten members and it is led by the head coordinator of the NPM. One of its tasks is to develop NPM work.

The NPM-strategy is under development. So far the different Opcat-sectors have made their own working strategies which are subject to periodic evaluation and improvement.

The personnel has on opportunity to attend training (organised by IOI, SPT, APT etc) and adopt different working methods and good practises. The NPM is also active in the Nordic NPM network within it is possible to share good practises and compare working methods.

**18. Does the NPM report on visits with feedback on good practice and gaps in protection to the institutions concerned?**

After a visit, the visiting delegation writes a report on the findings of the inspection. This report usually includes feedback on good practice as well as gaps in protection. In addition, and depending on the findings, the report can include recommendations and/or request for additional information. Oftentimes, the report is sent not only to the inspected institution, but also to the other supervising authorities.

**19. Does the NPM address recommendations to the responsible authorities on improvements in practice, policy and law?**

According to the new Ombudsman Act, the Parliamentary Ombudsman as the NPM has a right to make recommendations to improve the protection against ill-treatment. In practice, recommendations are made frequently. As stated above in answer 18, the recommendations are made not only to the inspected institution, but also to the regional or sector-specific authorities that are responsible for overseeing the institution in question. In addition, recommendations can be made to the Government or attention to the problems can be reported to the whole Parliament in the annual report of the Ombudsman. Finally, in the separate OPCAT report, or in the other submissions to the international human rights mechanisms, the NPM may draw attention to the findings and recommendations in the international level.

**20. Has the NPM established an ongoing dialogue with authorities based on the recommendations for changes arising from the visits and the action taken to respond to such recommendations (as per article 22 of the OPCAT)?**

Ongoing dialogue is maintained during the follow-up visits as well as in the exchange of views expressed in the correspondence to the responsible authorities.

**21. Does the NPM publish its annual report (as per article 23 of the OPCAT)?**

The NPM publishes its annual report in Finnish, Swedish and in English in print as well as electronically on the Ombudsman’s website. The link to the English version online is <https://www.oikeusasiamies.fi/en_GB/web/guest/opcat-the-national-preventive-mechanism>

**22. Does the NPM communicate with the international human rights system and, in particular, with the Sub-committee on Prevention?**

The NPM’s reports are submitted for information to the CAT and its Subcommittee on Prevention of Torture (SPT). The SPT has addressed a few comments and questions to the NPM on the annual reports. The NPM has sent its replies to the SPT.

In October 2016, the Finnish NPM issued a statement to the UN Committee against Torture (CAT) on how the implementation of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment has progressed in Finland and how the activities of the NPM have contributed to the implementation of the Convention. The statement was part of the Committee’s consideration of the seventh periodic report of Finland. The delegation of the Finnish NPM, led by the Parliamentary Ombudsman, also met the CAT in a private meeting held in Geneva in November 2016. The delegation stayed for another day to hear the questions that the Committee’s rapporteurs addressed to the State of Finland regarding its periodic report. Many of the issues raised were discussed in the NPM’s statement to the Committee.

In December 2016, the coordinators of the NPM met SPT member Mari Amos, who was at that time the subcommittee’s rapporteur for Finland. The parties discussed, among other things, the resources of the NPM and touched upon some of the issues that the SPT had asked about.

In October 2017, the NPM, headed by the Ombudsman, met SPT member Mari Amos. Among other things, the parties discussed the resources of the NPM, touched upon some of the issues that the SPT had raised regarding the latest report, and prepared for the next meeting alongside the SPT.

The delegation of the Ombudsman met with SPT representatives in November 2017, at the SPT annual meeting in Geneva. Prior to the meeting, the NPM had provided the SPT with a completed Assessment Matrix for NPMs, which was based on the “Analytical assessment tool for national preventive mechanisms” created by the STP for the use of NPMs. After the meeting, SPT provided feedback and asked some further questions. The Ombudsman gave his response to the feedback in April 2018.

# Annex 1: Paris Principles

**Principles relating to the status of national institutions**

**Competence and responsibilities\***

1. A national institution shall be vested with competence to promote and protect human rights.

2. A national institution shall be given as broad a mandate as possible, which shall be clearly set forth in a constitutional or legislative text, specifying its composition and its sphere of competence.

3. A national institution shall, inter alia, have the following responsibilities:

(a) To submit to the Government, Parliament and any other competent body, on an advisory basis either at the request of the authorities concerned or through the exercise of its power to hear a matter without higher referral, opinions, recommendations, proposals and reports on any matters concerning the promotion and protection of human rights; the national institution may decide to publicize them; these opinions, recommendations, proposals and reports, as well as any prerogative of the national institution, shall relate to the following areas:

(i) Any legislative or administrative provisions, as well as provisions relating to judicial organizations, intended to preserve and extend the protection of human rights; in that connection, the national institution shall examine the legislation and administrative provisions in force, as well as bills and proposals, and shall make such recommendations as it deems appropriate in order to ensure that these provisions conform to the fundamental principles of human rights; it shall, if necessary, recommend the adoption of new legislation, the amendment of legislation in force and the adoption or amendment of administrative measures;

(ii) Any situation of violation of human rights which it decides to take up;

(iii) The preparation of reports on the national situation with regard to human rights in general, and on more specific matters;

(iv) Drawing the attention of the Government to situations in any part of the country where human rights are violated and making proposals to it for initiatives to put an end to such situations and, where necessary, expressing an opinion on the positions and reactions of the Government;

(b) To promote and ensure the harmonization of national legislation regulations and practices with the international human rights instruments to which the State is a party, and their effective implementation;

(c) To encourage ratification of the above-mentioned instruments or accession to those instruments, and to ensure their implementation;

(d) To contribute to the reports which States are required to submit to United Nations bodies and committees, and to regional institutions, pursuant to their treaty obligations and, where necessary, to express an opinion on the subject, with due respect for their independence;

(e) To cooperate with the United Nations and any other organization in the United Nations system, the regional institutions and the national institutions of other countries that are competent in the areas of the promotion and protection of human rights;

(f) To assist in the formulation of programmes for the teaching of, and research into, human rights and to take part in their execution in schools, universities and professional circles;

(g) To publicize human rights and efforts to combat all forms of discrimination, in particular racial discrimination, by increasing public awareness, especially through information and education and by making use of all press organs.

**Composition and guarantees of independence and pluralism**

1. The composition of the national institution and the appointment of its members, whether by means of an election or otherwise, shall be established in accordance with a procedure which affords all necessary guarantees to ensure the pluralist representation of the social forces (of civilian society) involved in the promotion and protection of human rights, particularly by powers which will enable effective cooperation to be established with, or through the presence of, representatives of:

(a) Non-governmental organizations responsible for human rights and efforts to combat racial discrimination, trade unions, concerned social and professional organizations, for example, associations of lawyers, doctors, journalists and eminent scientists;

(b) Trends in philosophical or religious thought;

(c) Universities and qualified experts;

(d) Parliament;

(e) Government departments (if these are included, their representatives should participate in the deliberations only in an advisory capacity).

2. The national institution shall have an infrastructure which is suited to the smooth conduct of its activities, in particular adequate funding. The purpose of this funding should be to enable it to have its own staff and premises, in order to be independent of the Government and not be subject to financial control which might affect its independence.

3. In order to ensure a stable mandate for the members of the national institution, without which there can be no real independence, their appointment shall be effected by an official act which shall establish the specific duration of the mandate. This mandate may be renewable, provided that the pluralism of the institution's membership is ensured.

**Methods of operation**

Within the framework of its operation, the national institution shall:

(a) Freely consider any questions falling within its competence, whether they are submitted by the Government or taken up by it without referral to a higher authority, on the proposal of its members or of any petitioner;

(b) Hear any person and obtain any information and any documents necessary for assessing situations falling within its competence;

(c) Address public opinion directly or through any press organ, particularly in order to publicize its opinions and recommendations;

(d) Meet on a regular basis and whenever necessary in the presence of all its members after they have been duly convened;

(e) Establish working groups from among its members as necessary, and set up local or regional sections to assist it in discharging its functions;

(f) Maintain consultation with the other bodies, whether jurisdictional or otherwise, responsible for the promotion and protection of human rights (in particular ombudsmen, mediators and similar institutions);

(g) In view of the fundamental role played by the non-governmental organizations in expanding the work of the national institutions, develop relations with the non-governmental organizations devoted to promoting and protecting human rights, to economic and social development, to combating racism, to protecting particularly vulnerable groups (especially children, migrant workers, refugees, physically and mentally disabled persons) or to specialized areas.

**Additional principles concerning the status of commissions with quasi-jurisdictional competence**

A national institution may be authorized to hear and consider complaints and petitions concerning individual situations. Cases may be brought before it by individuals, their representatives, third parties, non-governmental organizations, associations of trade unions or any other representative organizations. In such circumstances, and without prejudice to the principles stated above concerning the other powers of the commissions, the functions entrusted to them may be based on the following principles:

(a) Seeking an amicable settlement through conciliation or, within the limits prescribed by the law, through binding decisions or, where necessary, on the basis of confidentiality;

(b) Informing the party who filed the petition of his rights, in particular the remedies available to him, and promoting his access to them;

(c) Hearing any complaints or petitions or transmitting them to any other competent authority within the limits prescribed by the law;

(d) Making recommendations to the competent authorities, especially by proposing amendments or reforms of the laws, regulations and administrative practices, especially if they have created the difficulties encountered by the persons filing the petitions in order to assert their rights.

\* *Paris Principles* defined at the first International Workshop on National Institutions for the Promotion and Protection of Human Rights in Paris 7-9 October 1991, adopted by Human Rights Commission Resolution 1992/54, 1992 and General Assembly Resolution 48/134, 1993.

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1. Members refers to those individuals that are appointed or elected under the NHRI’s founding law (i.e. Chair, Commissioners, Ombudsmen, Deputy Ombudsmen) and with whom the NHRIs functions are vested. [↑](#footnote-ref-2)
2. Questions in this section are mainly based on the guidelines for the ongoing development of NPM published in the first annual report of the Subcommittee on Prevention of Torture and other cruel, inhuman or degrading treatment or punishment (February 2007- March 2008), pages 28-29. [↑](#footnote-ref-3)