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Pending cases of ECtHR concerning Finland, waiting implementation – 18 cases (17.1.2023)¹

(IM = individual measures, GM = general measures, CM = Committee of Ministers, ECtHR = European Court of Human Rights, ECSR = European Committee of Social Rights)

Case	Judgement final	Violation and content	Measures	Updates
<p>Nykänen v. Finland (11828/11)</p> <ul style="list-style-type: none"> • Glantz v. Finland • Kiiveri v. Finland • Österlund v. Finland • Rinas v. Finland <p>- Most recent reminder letters of CM: 5 October 2017, 30 October 2019 and 11 December 2020.</p>	<p>20 August 2014</p> <ul style="list-style-type: none"> • 20 August 2014 • 10 May 2015 • 10 May 2015 • 27 April 2015 	<p>Article 4 of Protocol 7</p> <p>The group of cases concerns the rights not to be punished twice, as the applicants were convicted in both criminal and administrative taxation proceedings concerning partly or entirely the same facts between 2009 and 2013.</p>	<p>The applicants have a possibility to request that the judgements of the domestic courts be annulled and to get compensation for imprisonment if their conviction is annulled as a result of the reopening. However, in the case of Kiiveri, the applicant's request to reopen the case was refused (latest complaint on 4 June 2020). (See also the Rinas decision of the second section of the court on 18 May 2021).</p> <p>Additional information is awaited on IM: The CM waits additional information on whether the applicants have initiated reopening proceedings and as to the outcome of such proceedings, if applicable.</p> <p>The authorities' comments on the issues raised by the applicant in the Kiiveri case are also awaited.</p>	<p>On 23 August 2021 the applicant has submitted a Rule 9.1 Communication, where he has reported on the (financial) damage suffered and demanded compensation for pecuniary and non-pecuniary losses. The ECtHR has ordered only a sum of EUR 3,000 to be reimbursed, and the appellant claims proper compensation. The appellant stated that the Supreme Court has not annulled its false judgment against the appellant in violation of the ECtHR decision.²</p>
<p>Lindström and Mässeli v. Finland (24630/10)</p>	<p>14 April 2014</p>	<p>Article 8</p>	<p>Use of sealed overalls has been prohibited since March 2013 by the Criminal Sanctions Agency. In April</p>	

¹ <https://hudoc.exec.coe.int/ENG#%7B%22EXECDocumentTypeCollection%22:%7B%22CEC%22%7D,%22EXECLanguage%22:%7B%22ENG%22%7D,%22EXECState%22:%7B%22FIN%22%7D,%22EXECIsClosed%22:%7B%22False%22%7D%7D>

² [https://hudoc.exec.coe.int/eng#%7B%22EXECLIdentifier%22:%7B%22DH-DD\(2021\)832E%22%7D%7D](https://hudoc.exec.coe.int/eng#%7B%22EXECLIdentifier%22:%7B%22DH-DD(2021)832E%22%7D%7D)



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<p>- Most recent reminder letters of CM: 5 October 2017, 30 October 2019 and 11 December 2020.</p>		<p>The case concerns the forced use of "sealed" overalls on two prisoners while in isolation. Two applicants were forced to wear closed overalls which covered them from feet to neck because they were suspected of trying to smuggle drugs in prison by concealing them in their bodies. The national legislation was not accessible or foreseeable enough and did not provide sufficient safeguards as in fact the relevant law remained silent on the modalities of the isolation.</p>	<p>2014 the government proposed a bill (HE 45/2014 vp) including amendments to the legislation on imprisonment and pre-trial detention to the parliament. It proposed to shorten the period of isolation from 14 to 5 days and specific provisions on observation in isolation.</p> <p>Additional information is awaited on GM: The CM awaits information on development in the above-mentioned legislative reform and requests a summary on the relevant provisions (especially relating to modalities foreseen for the use of special clothing).</p>	
<p>X v. Finland (34806/04)</p> <p>- Most recent reminder letters of CM: 5 October 2017, 30 October 2019 and 11 December 2020.</p>	<p>19 November 2012</p>	<p>Articles 8 and 5(1)e</p> <p>The case concerns the confinement of the applicant for involuntary care in a mental hospital and the insufficient safeguards regarding the arbitrariness of the extensions of her confinement decided by the head of the hospital. The Court criticized especially the lack of possibility to ask for a second independent psychiatric opinion and the fact that only authorities had the right to initiate a periodic review.</p> <p>The case also concerned unlawful interference with the applicant's physical integrity, due to the recourse to forcible administration of medication without adequate legal safeguards. The Court criticized the fact that the decision to close the applicant to involuntarily care automatically</p>	<p>No further individual measures appear necessary in the case.</p> <p>The CM welcomed the information that, following legislative amendments to the Mental Health Act of 2014</p> <p>Additional information is awaited on GM: The CM encouraged the authorities to provide their analysis as to whether vulnerable patients are in practice capable of benefiting from the possibility to request a second independent opinion before the extension of involuntary confinement, together with statistical information on the frequency at which second independent opinions are being prepared.</p> <p>The CM called upon the authorities to adopt without further delay the</p>	<p>On 30 March 2022, the authorities provided an updated action plan (DH-DD(2022)387). New updated action plan was provided on 27 September 2022 (DH-DD(2022)1013) with an addendum submitted on 22 November 2022 (DH-DD(2022)1295), those are currently under assessment.</p> <p>The case was examined by the Committee during their 1419th meeting 30.11.2021-2.12.2021.</p> <p>On 21 October 2021, the Human Rights Centre submitted a communication on general measures in accordance with Rule 9.2 of the Rules of the CM. The case was subjected to special</p>



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		included an authorisation to proceed to forcible medication without being subject to any kind of immediate judicial scrutiny.	necessary legislative measures to introduce procedures for judicial review of such decisions, before the end of the term of office of the current parliament, to avoid additional delay in the execution process. The CM invited the authorities to provide information on the issues identified above by 30 March 2022.	review by the CM in December 2021. The Government shall submit further information to the CM by 31 March 2022. The case will continue to be processed.
Pietiläinen v. Finland (13566/06) - Most recent reminder letters of CM: 5 October 2017, 30 October 2019 and 11 December 2020.	18 November 2009	Article 6(1) in conjunction with Article 6(3)c The case concerns the applicants right to fair trial and right to legal assistance of own choosing. The applicant's application was discontinued due to his absence at trial although he was represented by a counsel.	Additional information is awaited on IM: The CM states that it would be useful to get information on whether the applicant has requested the reopening of the case and what has been the outcome of the request. Additional information is awaited on GM: The Court has described the positive development in the national judicial practice, and thus the CM sees it necessary to have additional information on the domestic judicial practice which affirms that the relevant provisions can be applied in a manner compliant to the Convention.	
Ruotsalainen v. Finland (13079/03) - Most recent reminder letters of CM: 5 October 2017, 30 October 2019 and 11 December 2020.	16 September 2009	Article 4 of Protocol 7 The case concerns the violation of the right not to be punished twice. The applicant was fined for a petty tax fraud through a summary penal order proceeding and a fuel fee debit in administrative proceedings, since he had been driving with more leniently taxed fuel than the diesel oil his van should have been running on.	IM: The European Court awarded the applicant just satisfaction for the non-pecuniary damage suffered. GM: The authorities submitted information on 27/07/2011 concerning, <i>inter alia</i> , ongoing legislative reforms. Comments of the	



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			Execution Department were sent on 16/05/2013.	
<p>Eerikäinen and others v. Finland (3514/02)</p> <ul style="list-style-type: none"> Mariapori v. Finland <p>- Most recent reminder letter of CM: 11 December 2020.</p>	<p>13 March 2009</p> <ul style="list-style-type: none"> 6 October 2010 	<p>Article 10 and in some of the cases Article 6(1)</p> <p>The group of cases concerns the violation of the applicants' freedom of expression due to criminal or civil convictions between 2000 and 2011 for invading the privacy of others or for defamation. The Court found that the convictions lacked sufficient grounds to justify "a pressing social need" and/or that the consequences for the applicants (criminal sanctions and payment of damages) were too severe. Some of the cases also concerned too lengthy criminal proceedings.</p>	<p>Provisions related to the case were amended and the new provisions entered into force in 2014.</p> <p>Additional information on GM would be useful: The CM states that it would be useful to get statistical information on prison sentences and suspended prison sentences imposed over the years in the context of criminal proceedings for aggravated defamation and aggravated dissemination of information violating personal privacy after the entry into force of the new provisions of the Criminal Code. Information on the domestic judicial practice concerning the situations in which the imposition of prison sentence or suspended prison sentence for the above offences is acceptable would also be useful.</p>	<p>On 7 October 2021, the CM closed 11 cases concerning individual measures. The CM recalls that the question of the general measures necessary to remedy the shortcomings identified by the ECtHR in these judgments continues to be examined within the framework of the Eerikäinen v. Finland and that the closure of these cases will therefore in no way prejudices the Committee's evaluation of the general measures required.</p>
<p>V. v. Finland (40412/98)</p> <p>- Most recent reminder letters of CM: 5 October 2017, 30 October 2019 and 11 December 2020.</p>	<p>24 July 2007</p>	<p>Article 6(1)</p> <p>The case concerns unfair criminal proceedings, where the applicant had not had the possibility to argue for the fact that the police had incited him to commit a drug offence. The police authorities failed to disclose the relevant information during the proceedings, and this shortcoming could not be rectified by the courts.</p>	<p>Additional information on GM would be useful: The CM requests information on the current legislative framework and judicial practice, especially regarding the decision-making process concerning disclosure of evidence envisaged by the new legislation.</p>	



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<p>C. v. Finland (18249/02)</p> <p>- Most recent reminder letters of CM: 5 October 2017, 30 October 2019 and 11 December 2020.</p>	<p>9 August 2006</p>	<p>Article 8</p> <p>The case concerns a violation of the right to respect of family life due to the supreme court reversing two judgments of lower courts giving the applicant custody of his children, without taking into account other factors than the children's opinion and without holding a hearing.</p>	<p>The applicant had complained of the seizure of the just satisfaction awarded in respect of costs and expense, most recently on 3 March 2015.</p> <p>Additional information is awaited on IM: The CM awaits the authorities' comments on the applicant's recent complaints.</p>	
<p>Petri Sallinen and others v. Finland (50882/99)</p> <ul style="list-style-type: none"> • Harju v. Finland • Heino v. Finland • Sorvisto v. Finland <p>- Most recent reminder letters of CM: 5 October 2017, 30 October 2019 and 11 December 2020.</p>	<p>27 December 2005</p> <ul style="list-style-type: none"> • 15 May 2011 • 15 May 2011 • 13 April 2009 (leading case also Kangasluoma v. Finland) 	<p>Article 8, in Sorvisto also Article 6(1) and 13</p> <p>This group of cases concerns violation of Article 8, due to: 1. the search and seizure in 1999 and in 2009 of privileged material at the applicants' law firms also affecting the rights of the clients of the applicants (Petri Sallinen and Others, Heino); 2. the seizure of the correspondence between the applicant and his lawyer in 1999 (Sorvisto) and; 3. the search of the applicant's home and seizure of the applicant's computer in 2009 (Harju). The Court criticized the extent of protection afforded to privileged material and the lack of judicial review of search and seizure measures.</p> <p>The case Sorvisto concerns also excessive length of civil and criminal proceedings and the lack of effective remedies in that respect.</p>	<p>Additional information in cases Heino and Harju is awaited on IM: The CM awaits additional information on the relevant developments relating to certain seized items.</p>	
<p><u>Repetitive case</u></p> <p>Janatuinen v. Finland (28552/05) (leading case Natunen v. Finland, in</p>	<p>8 March 2010</p>	<p>Article 6(1) and 6(3)b</p> <p>The case concerns equality of arms and the violation of the applicant's right to adequate facilities to prepare for his</p>	<p>The applicant complained about the fact that the supreme court had refused his request to reopen the case. The authorities had been</p>	



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<p>which the supervision of implementation has been closed)</p> <p>- Most recent reminder letters of CM: 5 October 2017, 30 October 2019 and 11 December 2020.</p>		<p>defence because the police had destructed certain telephone recordings in an early stage of the criminal investigation.</p>	<p>informed about this on 17 February 2014.</p> <p>Additional information is awaited on IM: The CM awaits the authorities' comments on the issues raised by the applicant.</p>	
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Pending cases of European Committee of Social Rights concerning Finland, waiting implementation³

Case	Decision given	Situation	Violation and content	Measures
<p>Association of Care Giving Relatives and Friends v. Finland (complaint no. 70/2011)</p> <p>4th assessment of the ECSR of the follow-up from 2021.</p>	4 December 2012	The Committee of Social Rights has found a violation, and progress has been made, but the violation has not been remedied.	The ECSR found a violation of Article 23 because the legislation allowed practices leading to a part of the elderly population being denied access to informal care allowances or other forms of support in municipalities. Although reforms have been taken in relation to statutory leave and care allowances and other forms of support, the situation has not been entirely remedied. The discretionary power of municipalities and the lack of a general obligation to provide allowances leads to problematic situations.	The Committee invites the Government to submit information on the different regional criteria for granting the allowance and the amount of care allowance available, as well as to submit information on the proportion of recipients of support for informal care. The Committee further invites the Government to submit information on the financing and content of informal care development measures in 2021-2023, which, according to the Government's submission, should have been decided in 2020.
<p>Association of Care Giving Relatives and Friends v. Finland (complaint no. 71/2011)</p> <p>4th assessment of the ECSR of the follow-up from 2021.</p>	4 December 2012	The Committee of Social Rights has found a violation, and progress has been made, but the violation has not been remedied.	The ECSR found a violation of Article 23 due to insufficient regulation of fees for service housing and service housing with 24-hour assistance combined with the fact that the demand for these services exceeded supply. Complex and diverse fee policies created uncertainties to elderly persons in need of care and there were no effective safeguards to assure that effective access to services is guaranteed to every elderly person in need of services nor was	<p>The situation has not been fully remedied. Although there are ongoing reforms regarding the client charges system, there are no safeguards that after paying the fees for service housing, the clients would have enough money for other expenses.</p> <p>The Committee notes that the non-governmental organisations consider that the fee system for service housing is complex and expensive from the viewpoints of both administration and clients. In their view, a clear-cut fee</p>

³ <https://rm.coe.int/findings-2021-en/1680a5eed8>



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			there sufficient provision of information about services and facilities available.	system would improve clients' chances to obtain the kinds of services necessitated by their health and condition. The Committee asks the Government to comment on the view expressed by the non-governmental organisations. The government needs to submit updated information on the reforms in the next report.
<p>Finnish Society of Social Rights v. Finland (complaint no. 88/2012)</p> <p>3rd assessment of the ECSR of the follow-up from 2021.</p>	9 September 2014	The Committee of Social Rights has found a violation, which has not yet been remedied.	<p>The ECSR found a violation of Article 12, because the minimum level of social security benefits was below the required level.</p> <p>The ECSR found a violation of Article 13, because of the inadequate level of the social assistance and the labour market subsidy.</p>	<p>After 2014, different reforms (such as the activation model for unemployment security) and different experiments (such as basic income experiment) as well as freezing of the index increment of different subsidies have been made. After the paying of income support shifted from the municipalities to the Social Insurance Institution of Finland, many people were left without subsidies and could not pay their medicines or housing due to delays in payment of the income support. The government needs to submit updated information on the reforms in the next reports.</p> <p>The ECSR repeated that the national authorities should provide information in future reports on measures taken to follow up on the decision on the merits, giving examples supported by figures of the various categories of recipients, showing that the main benefits at issue, when combined with other supplementary benefits, reach a</p>

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				sufficient level to meet the requirements of Article 12§1 and Article 13§1 of the Charter respectively.
<p>Finnish Society of Social Rights v. Finland (complaint no. 106/2014)</p> <p>3rd assessment of the ECSR of the follow-up from 2021.</p>	8 September 2016	The Committee of Social Rights has found a violation, which has not yet been remedied.	The ECSR found a violation of Article 24 because the upper limit on compensation in cases of unlawful dismissal is not always commensurate with the loss suffered. Under Finnish legislation reinstatement is not made available as a possible remedy in cases of unlawful dismissal. The legislation is based on a tripartite decision and the Government does not see any need for changing the legislation.	The Committee considers that there is no indication of any measures taken to give follow-up to the decision on the merits, both as regards compensation and reinstatement.
<p>Finnish Society of Social Rights v. Finland (complaint no. 108/2014)</p> <p>3rd assessment of the ECSR of the follow-up from 2021.</p>	8 December 2016	The Committee of Social Rights has found a violation, which has not yet been remedied.	The ECSR found a violation of Article 13 on the ground that the level of the labour market subsidy, even in its combination with other benefits such as housing allowance and social assistance to cover excess housing cost, was not sufficient to enable its beneficiaries to meet their basic needs. According to the Government different allowances combined together enable basic income. For instance, the housing allowance system was reformed in 2015 by reducing deductions taken into account in counting the amount of the allowance.	The Committee considers that it has not been demonstrated that action has been taken to bring the labour market subsidy to an adequate level whether alone or in combination with the housing allowance. Nor has the Government shown that the effect of allowances combined is sufficient to decisively improve the situation for all the recipients of labour market subsidy concerned.
<p>University Women of Europe (UWE) v. Finland⁴ (complaint no. 129/2016)</p>	6 December 2019	The Committee of Social Rights has found a violation, which has not yet been remedied.	The ECSR found a violation of Article 4§(3) , because the legislation does not provide the use of effective remedies, since it does not make provision for reinstatement in cases where a worker	The Committee of Ministers recommends that Finland: -review and reinforce existing measures aimed at reducing and eliminating the gender pay gap and consider adopting

⁴ https://www.coe.int/en/web/european-social-charter/processed-complaints/-/asset_publisher/5GEFKJmH2bYG/content/no-129-2016-university-women-of-europe-uwe-v-finland?



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<p>- Recommendation of the CM CM/RecChS(2021)6, 17 March 2021.</p>			<p>is dismissed in retaliation for bringing an equal pay claim. The ECSR found a violation of Article 20 c on the ground that Finland has not taken appropriate measures to promote the application of the right to equal opportunities and equal treatment between men and women in the field of remuneration.</p>	<p>any new measures that may bring about measurable progress within reasonable time in this respect;</p> <p>-indicate the decisions and actions taken to comply with this recommendation in the next report on follow-up to decisions in collective complaints (31 October 2022).</p>
<p>Central Union for Child Welfare (CUCW) v. Finland⁵ (complaint no. 139/2016)</p> <p>- Resolution of the CM CM/ResChS(2020)3, 11 March 2020.</p>	<p>11 September 2019</p>	<p>The Committee of Social Rights has found a violation, which has not yet been remedied.</p>	<p>The ECSR found a violation of Articles 16, 17 and 27 because in relation to early childhood education and care, there was a difference in the treatment of children whose parents are unemployed or on maternity, paternity or parental leave, compared to those of parents who work, and the difference had no objective and reasonable justification. The legislation establishes a difference in treatment between families in a comparable situation. The Government has not provided any objective and reasonable justification for this difference in treatment for the most vulnerable or disadvantaged families.</p>	<p>The Committee of Ministers takes note of the information provided by the Finnish authorities in this respect, in particular the legislative amendments which entered into force in August 2020 and looks forward to the Finnish authorities reporting on any further developments at the time of the submission of the next report concerning the relevant provisions of the Charter.</p>

⁵ https://www.coe.int/en/web/european-social-charter/processed-complaints/-/asset_publisher/5GEFKJmH2bYG/content/no-139-2016-central-union-for-child-welfare-cucw-v-finland?inheritRedirect=false