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FUNDAMENTAL AND HUMAN RIGHTS ACTORS IN FINLAND

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Fundamental and Human Rights Actors in Finland

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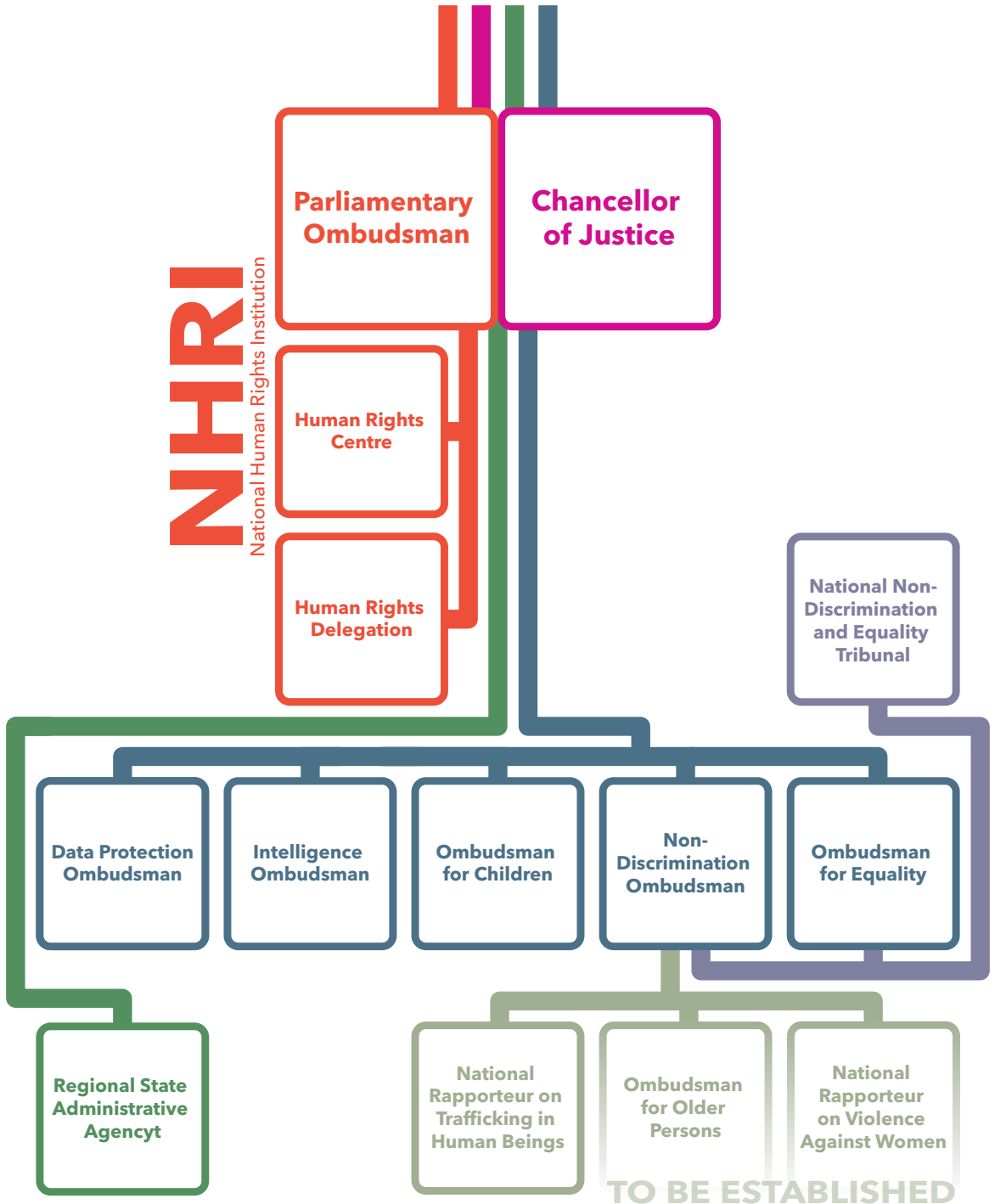
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Fundamental and Human Rights Actors in Finland



Supreme overseers of legality and the National Human Rights Institution

Chancellor of Justice of the Government

Provisions on the duties of the Chancellor of Justice of the Government¹ are laid down in section 108 of the Constitution of Finland.² Moreover, the duties of the Chancellor of Justice, the Deputy Chancellor of Justice and the Office of the Chancellor of Justice are based on the Act on the Chancellor of Justice³, the Government Decree on the Chancellor of Justice⁴ and the standing order of the Chancellor of Justice⁵. Provisions on the division of duties between the Chancellor of Justice and the Parliamentary Ombudsman are laid down in the Act on the Division of Duties between the Chancellor of Justice of the Government and the Parliamentary Ombudsman (Act on the

Division of Duties)⁶, which is currently being revised⁷. The Chancellor of Justice operates administratively in connection with the Finnish Government but is not a part of it.⁸

In addition to the Parliamentary Ombudsman, the Chancellor of Justice is the supreme overseer of the lawfulness of the official acts of the Government and the President of the Republic. According to the Constitution of Finland, the Chancellor of Justice shall supervise the legality of the actions of the Finnish Government and the President of the Republic of Finland and ensure that the courts of law, other authorities and civil servants, public employees and other persons obey the law and fulfil their obligations when performing public tasks. The

1 Website of the Chancellor of Justice of the Government <https://www.okv.fi/en/>.

2 The Constitution of Finland 731/1999, <https://www.finlex.fi/fi/laki/kaannokset/1999/en19990731.pdf>, section 108.

3 Act on the Chancellor of Justice of the Government 193/2000 <https://www.finlex.fi/fi/laki/ajantasa/2000/20000193> (in Finnish).

4 Government Decree on the Office of the Chancellor of Justice of the Government 253/2000 <https://www.finlex.fi/fi/laki/ajantasa/2000/20000253> (in Finnish).

5 Standing order of the Chancellor of Justice (2007) http://www.okv.fi/media/uploads/talousasiakirjat/oikeuskanslerinviraston_tj%C3%B6j%C3%A4rjestys.pdf (in Finnish).

6 Act on the Division of Duties between the Chancellor of Justice of the Government and the Parliamentary Ombudsman 1224/1990 (Act on the Division of Duties) <https://www.finlex.fi/fi/laki/ajantasa/1990/19901224> (in Finnish).

7 Ministry of Justice, Clarification and assessment of the duties of the supreme overseers of legality; working group, OMO44:00/2018 statute drafting <https://oikeusministerio.fi/hanke?tunnus=OMO44:00/2018#lainvalmistelu> (in Finnish).

8 Ministry of Justice, Report on fundamental and human rights actors. Publication of the Ministry of Justice, reports and guidelines 35/2015 (in Finnish) https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/76601/selvitys_perus-ja_ihmisoik_toimijoista_82_s.pdf?sequence=1&isAllowed=y,15.

Chancellor of Justice also has duties related to the supervision of advocates. In the performance of his or her duties, the Chancellor of Justice monitors the implementation of basic rights and liberties and human rights. Under the Act on the Division of Duties, the Chancellor of Justice has been exempted from the obligation to supervise the Finnish Defence Forces, the Border Guard, peacekeeping personnel, prisons and other institutions in which persons are admitted against their will, and various forms of deprivation of liberty.⁹

In addition, the Chancellor of Justice must provide information and statements on legal issues to the President, the Government and ministries upon request. The Chancellor of Justice oversees the Government and the President of the Republic by attending the Government plenary sessions and the Presidential sessions of the Government.¹⁰ The Chancellor of Justice must submit an annual report on his or her official duties and observations on legality to Parliament and the Government.¹¹ The Chancellor of Justice examines the legality of the activities of authorities based on submitted complaints or on his or her own initiative, conducts inspections and issues statements. As measures, the Chancellor of Justice may issue reprimands or corrections and order the initiation of a police or preliminary investigation.

9 Act on the Division of Duties (n 6), section 1.

10 Constitution of Finland (n 2), section 111.

11 Constitution of Finland (n 2), section 108; Act on the Chancellor of Justice of the Government (n 3), section 1.

Parliamentary Ombudsman

Provisions on the duties of the Parliamentary Ombudsman¹² are laid down in section 109 of the Constitution of Finland. Moreover, provisions on the Ombudsman's activities are laid down in the Parliamentary Ombudsman Act¹³, the Staff Regulations of the Parliamentary Ombudsman¹⁴ and the Rules of Procedure of the Office of the Parliamentary Ombudsman. Provisions on the division of duties between the Ombudsman and the Chancellor of Justice are laid down in the Act on the Distribution of Duties.¹⁵ The Office of the Parliamentary Ombudsman operates administratively in connection with the Finnish Parliament but is not a part of it.¹⁶ In addition to the Chancellor of Justice, the Ombudsman is the supreme overseer of legality.

Under the Constitution of Finland, the Parliamentary Ombudsman shall ensure that the courts of law, other authorities and civil servants, public employees and other persons obey the law and fulfil their obligations when performing public tasks. In the performance of his or her duties, the Ombudsman monitors the implementation of basic rights and liberties and human rights. Under the Constitution of Finland, the Ombudsman is obligated to submit an annual report to the Parliament on the work of the office of the Parliamentary Ombudsman, including observations on the state of the administration of justice and on any

12 Website of the Parliamentary Ombudsman <https://www.oikeusasiamies.fi/en>.

13 Parliamentary Ombudsman Act 197/2002 <https://www.finlex.fi/fi/laki/kaannokset/2002/en20020197.pdf>.

14 Staff Regulations of the Parliamentary Ombudsman 209/2002 <https://www.finlex.fi/fi/laki/alkup/2002/20020209> (in Finnish).

15 Act on the Division of Duties (n 6).

16 Report of the Ministry of Justice (n 8), 17-19.

shortcomings in legislation.¹⁷ According to the Act on the Division of Duties, the Ombudsman is obligated to oversee the operators that are not, based on the exemption made to his or her duties, supervised by the Chancellor of Justice.¹⁸

The Ombudsman has served as the National Preventive Mechanism (NPM) under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment since 2014.¹⁹ The Ombudsman supervises the implementation of children's rights as its focus area.²⁰ In addition, the Ombudsman supervises the implementation of the rights of the elderly. The Ombudsman oversees the legality of actions taken by the authorities primarily by investigating complaints received, investigating matters on his or her own initiative and carrying out inspections. The Ombudsman can issue reprimands, opinions and recommendations, inform the authorities of his or her decisions, order a preliminary investigation and bring charges against public officials.²¹

Together with the Human Rights Centre and the Human Rights Delegation, the Parliamentary Ombudsman forms the National Human Rights Institution of Finland, whose task is to promote and safeguard human rights.²² The National Human Rights Institution of Finland

has been assigned with a joint statutory task of promoting, safeguarding and monitoring the implementation²³ of the UN Convention on the Rights of Persons with Disabilities.²⁴

Human Rights Centre

Provisions on the duties of the Human Rights Centre²⁵ are laid down in the Parliamentary Ombudsman Act.²⁶ The Human Rights Centre (HRC) is an autonomous and independent operator. It is administratively connected to the Office of the Parliamentary Ombudsman.

The task of the Human Rights Centre is to promote and monitor the implementation of fundamental and human rights and to increase cooperation and exchange of information between various actors. The HRC's duties include promoting education, training, research and distribution of information related to fundamental and human rights, preparing reports on the implementation of fundamental and human rights, submitting initiatives, and issuing statements with the aim of promoting and implementing fundamental and human rights. The HRC monitors compliance with international human rights conventions in Finland, the implementation of recommendations and conclusions issued by international monitoring bodies on Finland, and the execution of judgments and other decisions of the European Court of Human Rights and other international treaty bodies. The HRC participates in European and international cooperation associated with promoting and safeguarding fundamental

17 Constitution of Finland (n 2), section 109.

18 Act on the Division of Duties (n 6), section 1.

19 Parliamentary Ombudsman Act (n 13), chapter 1 a.

20 The Government's act proposal to the Parliament on amending the Constitution Act of Finland and the other fundamental laws with the aim of introducing a system of two deputy ombudsmen HE 129/1997 vp <https://www.eduskunta.fi/FI/Vaski/sivut/trip.aspx?triptype=ValtiopaivaAsiat&docid=he+129/1997> (in Finnish); Report of the Constitutional Law Committee 5/1997 vp https://www.eduskunta.fi/FI/vaski/Mietinto/Documents/pevm_5+1997.pdf (in Finnish).

21 Report of the Ministry of Justice (n 8), 17-19.

22 Human Rights Centre (HRC), National Human Rights Institution (NHRI) <https://www.humanrightscentre.fi/about-us/national-human-rights-institu-tio/>.

23 HRC, Rights of persons with disabilities <https://www.humanrightscentre.fi/rights-of-persons-with-disabilit/>.

24 Convention on the Rights of Persons with Disabilities (CRPD) 27/2016 https://www.finlex.fi/fi/sop-imukset/sopsteksti/2016/20160027/20160027_2, available in English here: <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>.

25 HRC's website <https://www.humanrightscentre.fi/>.

26 Parliamentary Ombudsman Act (n 13), chapter 3a.

and human rights. The HRC does not handle complaints or other individual cases.²⁷

The Human Rights Centre has a statutory special task to promote, protect and monitor the implementation of the UN Convention on the Rights of Persons with Disabilities together with the Parliamentary Ombudsman and the Human Rights Delegation.²⁸ In addition, the focus area of the HRC is to monitor and promote the rights of older persons in collaboration with the Parliamentary Ombudsman.²⁹

27 HRC, About us - Human Rights Centre <https://www.humanrightscentre.fi/about-us/human-rights-centre/>.

28 Ibid.

29 HRC, Rights of older persons <https://www.humanrightscentre.fi/rights-of-older-persons/>.

Human Rights Delegation

Provisions on the duties of the Human Rights Delegation³⁰ are laid down in the Parliamentary Ombudsman Act.³¹ The Human Rights Delegation is a national cooperative body of the Human Rights Centre, chaired by the Director of the HRC. The Human Rights Delegation has 20–40 members who represent the Finnish human rights actors. The Parliamentary Ombudsman appoints the Delegation for a four-year term at a time.³² All Ombudsmen and the Sámi Parliament of Finland are members by virtue of office.³³

The Human Rights Delegation promotes the sharing of information between different actors and deals with fundamental and human rights matters that are of far-reaching significance and principal importance. The Human Rights Delegation serves as a national cooperative body for actors in the sector of fundamental and human rights. The Human Rights Delegation promotes, protects and monitors the implementation of the UN Convention on the Rights of Persons with Disabilities together with the Human Rights Centre (HRC) and the Parliamentary Ombudsman. It has a permanent division dedicated to the task. The Human Rights Delegation approves the HRC's plan of action and annual report each year.³⁴

30 HRC, About us - Human Rights Delegation <https://www.humanrightscentre.fi/about-us/human-rights-delegation/>.

31 Parliamentary Ombudsman Act (n 13), chapter 3a, section 19e.

32 Ibid, chapter 3a, section 19e.

33 Government's proposal to Parliament for acts amending the Parliamentary Ombudsman Act and the Act on the Chancellor of Justice of the Government 205/2010 vp https://www.eduskunta.fi/FI/vaski/HallituksenEsitys/Documents/he_205+2010.pdf, 26–27 (in Finnish).

34 Parliamentary Ombudsman Act (n 13), chapter 3a, section 19e and chapter 3b, section 19f; HRC, About us - Human Rights Delegation (n 30).

Ombudsmen

Ombudsman for Children

Provisions on the duties of the Ombudsman for Children³⁵ are laid down in the Act on the Ombudsman for Children³⁶. The eligibility requirements for the Ombudsman for Children are laid down in the Government Decree on the Ombudsman for Children.³⁷ The Ombudsman for Children is an autonomous and independent actor operating in connection with the Ministry of Justice, tasked with ensuring that the position and rights of children are taken into account in legislation and social decision-making. Under the Act on the Ombudsman for Children, the tasks of the Ombudsman include assessing the realisation of the rights and best interests of children, monitoring the well-being of children and young people, monitoring the legislation and social decision-making and assessing their impact on the well-being of children, developing social decision-making in matters concerning children and promoting the realisation

of the best interests of children in the society through initiatives, guidance and advice.³⁸

Moreover, the Ombudsman for Children shall communicate with children and young people and forward information received from them to the decision-makers, develop cooperation between different actors, and forward information on children to the children, parties working with children, authorities and the rest of the population. The Ombudsman for Children shall promote the implementation³⁹ of the Convention on the Rights of the Child⁴⁰ adopted by the UN General Assembly. The Ombudsman for Children does not handle individual complaints. The Ombudsman for Children shall provide the Finnish Government an annual report on its activities and provide a report to the Parliament on its activities once every four years.⁴¹

35 Website of the Ombudsman for Children <https://lapsiasia.fi/en/front-page>.

36 Act on the Ombudsman for Children 1221/2004 <https://finlex.fi/fi/laki/ajantasa/2004/20041221> (in Finnish).

37 Government Decree on the Ombudsman for Children 274/2005 <https://www.finlex.fi/fi/laki/alkup/2005/20050274> (in Finnish).

38 Act on the Ombudsman for Children (n 36), section 2.

39 Ibid, sections 1 and 2.

40 Convention on the Rights of the Child 60/1991 https://finlex.fi/fi/sopimukset/sopsteksti/1991/19910060/19910060_2, available in English here: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>.

41 Ibid, section 3.

Ombudsman for Equality

Provisions on the duties of the Ombudsman for Equality⁴² are laid down in the Equality Act⁴³ and the Act on the Ombudsman for Equality⁴⁴. The Ombudsman for Equality is an autonomous and independent actor who works in connection with the Ministry of Justice. The tasks of the Ombudsman for Equality include supervising compliance with the Equality Act and primarily the prohibition of discrimination and discriminatory reporting, promoting the implementation of the objectives of the Equality Act by means of initiatives, advice and guidance, providing information on legislation on gender equality and its practical applications, monitoring the implementation of equality in different areas of social life, and taking measures to achieve reconciliation in matters concerning discrimination as referred to in the Equality Act.⁴⁵ The Equality Act, and therefore the mandate of the Ombudsman for Equality, also covers discrimination based on gender diversity.⁴⁶ The Ombudsman for Equality has the authority to deal with discrimination issues in working life.⁴⁷ In addition, the Ombudsman for Equality can assist victims of discrimination in safeguarding their rights. If necessary, the Ombudsman may also assist victims of discrimination in

42 Website of the Ombudsman for Equality <https://tasa-arvo.fi/en/front-page>.

43 Act on Equality between Women and Men 609/1986 (the Equality Act) https://www.finlex.fi/fi/laki/kaannokset/1986/en19860609_20160915.pdf.

44 Act on the Ombudsman for Equality 1328/2014 <https://finlex.fi/fi/laki/ajantasa/2014/20141328> (in Finnish).

45 Ibid, section 2.

46 Ibid, section 3, subsection 7.

47 Equality Act (n 42), section 16, see also section 8.

legal proceedings concerning the payment of compensation or damages if the Ombudsman considers that the matter is of significant importance for the application of the law.⁴⁸

The Ombudsman for Equality reports on his or her activities to the Finnish Government once a year. In addition, the Ombudsman for Equality submits a report to the Parliament every four years on the enforcement of equality. This report can be submitted in collaboration with the Non-Discrimination Ombudsman.⁴⁹

Intelligence Ombudsman

Provisions on the duties of the Intelligence Ombudsman⁵⁰ are laid down in the Act on the Oversight of Intelligence Gathering⁵¹, the Amendment to the Police Act⁵², the Act on Telecommunication Intelligence in Civilian Intelligence⁵³ and the Act on Military Intelligence⁵⁴. The Intelligence Ombudsman is an autonomous and independent authority, who operates in connection with the Office of the Data Protection Ombudsman.⁵⁵

48 Act on the Ombudsman for Equality (n 43), section 3.

49 Ibid, section 5.

50 Website of the Intelligence Ombudsman <https://tiedusteluvalvonta.fi/en/home>.

51 Act on the Oversight of Intelligence Gathering 121/2019 <https://www.finlex.fi/fi/laki/alkup/2019/20190121> (in Finnish).

52 Amendment to the Police Act 581/2019 https://www.finlex.fi/fi/laki/alkup/2019/20190581#Li_dp446355856 (in Finnish).

53 Act on Telecommunication Intelligence in Civilian Intelligence 582/2019 <https://www.finlex.fi/fi/laki/ajantasa/2019/20190582> (in Finnish).

54 Act on Military Intelligence 590/2019.

55 Act on the Oversight of Intelligence Gathering (n 50), section 5.

The Intelligence Ombudsman is the supervisor of the legality of intelligence activities, and the Ombudsman is tasked with supervising the legality of the use of intelligence gathering methods and intelligence information as well as other intelligence activities, supervising the realisation of basic and human rights in intelligence activities, promoting the realisation of legal protection and the related best practices in intelligence activities, and monitoring and assessing the functionality of legislation within the Ombudsman's purview and making development proposals that the Ombudsman considers necessary. The Intelligence Ombudsman may order the use of an intelligence gathering method to be interrupted or discontinued, issue reprimands, inform authorities of its decisions and submit cases for preliminary investigation.⁵⁶

The Intelligence Ombudsman submits an annual report on its activities to Parliament, the Parliamentary Ombudsman and the Government.⁵⁷

56 Ibid, sections 7, 15-18.

57 Ibid, section 19.

Data Protection Ombudsman

Provisions on the duties of the Data Protection Ombudsman⁵⁸ are laid down in the EU's General Data Protection Regulation⁵⁹ and the Data Protection Act.⁶⁰ The Data Protection Ombudsman is an autonomous and independent national supervisory authority as referred to in the EU's General Data Protection Regulation, who operates in connection with the Ministry of Justice.

The duties of the Data Protection Ombudsman include monitoring compliance with data protection legislation and other laws on the processing of personal data and promoting awareness of the risks, rules, safeguards, obligations and rights associated with the processing of personal data. In addition, the Data Protection Ombudsman carries out investigations and inspections and issues statements on matters concerning the processing of personal data and receives reports of personal data breaches. The Data Protection Ombudsman may impose a conditional fine to enforce compliance with his or her order.⁶¹ The Data Protection Ombudsman does not supervise the activities of the Chancellor of Justice of the Government or the Parliamentary Ombudsman. The Data Protection Ombudsman must submit an annual report to Parliament and the Government.⁶²

58 Website of the Data Protection Ombudsman <https://tietosuoja.fi/en/home>.

59 Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32016R0679&from=FI>, Articles 55-59.

60 Data Protection Act 1050/2018 <https://www.finlex.fi/fi/laki/kaannokset/2018/en20181050.pdf>, chapter 3 (in Finnish).

61 Ibid, section 14; General Data Protection Regulation (n 58), Articles 55-59; Data Protection Ombudsman, Duties <https://tietosuoja.fi/en/duties>.

62 Data Protection Act (n 59), section 14; General Data Protection Regulation (n 58), Article 59.

Non-Discrimination Ombudsman

Provisions on the duties of the Non-Discrimination Ombudsman⁶³ are laid down in the Act on the Non-Discrimination Ombudsman.⁶⁴ The Non-Discrimination Ombudsman is an autonomous and independent authority operating in connection with the Ministry of Justice, tasked with promoting equality, preventing discrimination and monitoring compliance with the Non-Discrimination Act.

It is the duty of the Non-Discrimination Ombudsman to promote equality and tackle discrimination in accordance with the Non-Discrimination Act. The Non-Discrimination Ombudsman prepares and commissions reviews, publishes reports and takes initiatives, provides counselling and statements, promotes information, education and training, and carries out tasks assigned to him or her elsewhere in legislation. The Non-Discrimination Ombudsman also monitors within his or her remit Finland's compliance with international human rights obligations and the effectiveness of national legislation and participates in European and international co-operation.⁶⁵ The Ombudsman is

not authorised to intervene in individual cases of discrimination in working life. Issues related to occupational safety and health are handled by the Regional State Administrative Agency.

The Non-Discrimination Ombudsman also acts as the National Rapporteur on Trafficking in Human Beings and monitors phenomena related to human trafficking. The Non-Discrimination Ombudsman may assist potential victims of human trafficking and victims of discrimination in safeguarding their rights, or obtain legal aid for them.⁶⁶ Under the Aliens Act, the Non-Discrimination Ombudsman monitors and promotes the status and rights of foreigners and monitors the enforcement of removal from the country.⁶⁷ In addition, the Ombudsman may bring individual matters concerning discrimination to the National Non-Discrimination and Equality Tribunal or a court of law.⁶⁸

The Non-Discrimination Ombudsman shall report annually to the Government on his or her activities and to Parliament once every four years on the implementation of the Non-Discrimination Act and on phenomena related to human trafficking.⁶⁹

63 Website of the Non-Discrimination Ombudsman <https://syrjinta.fi/en/front-page>.

64 Act on the Non-Discrimination Ombudsman 1326/2014 <https://finlex.fi/fi/laki/alkup/2014/20141326> (in Finnish).

65 Ibid, section 3.

66 Ibid, sections 3 and 7.

67 Aliens Act 310/2004 <https://www.finlex.fi/fi/laki/kaannokset/2004/en20040301.pdf>, sections 152b, 208 and 209.

68 Act on the Non-Discrimination Ombudsman (n 63), sections 7 and 11.

69 Ibid, section 8.

Other authorities

Regional State Administrative Agency

Provisions on the duties of the Regional State Administrative Agencies⁷⁰ are laid down in the Act on Regional State Administrative Agencies⁷¹, and provisions on their operating areas are laid down in the Government Decree on Regional State Administrative Agencies⁷². Other acts applied to the organisation of the operation and duties of the Regional State Administrative Agencies include the Act on Occupational Safety and Health Administration⁷³, the Act on the Processing of Environmental Protection and Water Matters by the Regional State Administrative Agencies⁷⁴ and the Rescue Act⁷⁵.

According to the Act on Regional State

Administrative Agencies, the mission of the Regional State Administrative Agencies is to promote regional equality by carrying out legislative implementation, steering and supervision tasks in the regions. The operating areas of the Regional State Administrative Agencies include social welfare and health care, environmental health, education, child day care, library, sports and youth services, promotion and enforcement of legal protection, permits and other application matters in the field of environmental protection and water legislation, rescue services, monitoring and development of occupational safety and health services, product control of products used at work, monitoring compliance with occupational safety and health legislation as the occupational safety and health authority, and consumer and competition administration.⁷⁶ The Regional State Administrative Agencies carry out inspections as part of their supervisory duties. The Regional State Administrative Agency may obligate the person concerned to comply with the order or prohibition by means of a conditional fine, notice of enforced compliance or notice of enforced suspension. Decisions of the Regional State Administrative Agency can be appealed to the Administrative Court.⁷⁷

70 Website of the Regional State Administrative Agency <https://avi.fi/en/frontpage>.

71 Act on Regional State Administrative Agencies 896/2009 <https://www.finlex.fi/fi/laki/ajantasa/2009/20090896> (in Finnish).

72 Government Decree on Regional State Administrative Agencies 906/2009 <https://www.finlex.fi/fi/laki/ajantasa/2009/20090906> (in Finnish).

73 Act on Occupational Safety and Health Administration 16/1993 <https://www.finlex.fi/fi/laki/ajantasa/1993/19930016> (in Finnish).

74 Act on the Processing of Environmental Protection and Water Matters by the Regional State Administrative Agencies 898/2009 <https://www.finlex.fi/fi/laki/ajantasa/2009/20090898> (in Finnish).

75 Rescue Act 379/2011 <https://www.finlex.fi/fi/laki/kaannokset/2011/en20110379.pdf>.

76 Act on Regional State Administrative Agencies (n 70), section 4.

77 Ibid, sections 20 and 23.

National Non-Discrimination and Equality Tribunal

Provisions on the duties of the National Non-Discrimination and Equality Tribunal⁷⁸ are laid down in the Act on the National Non-Discrimination and Equality Tribunal of Finland⁷⁹, the Equality Act⁸⁰ and the Non-Discrimination Act⁸¹.

The National Non-Discrimination and Equality Tribunal is an impartial and independent judicial body operating in connection with the Ministry of Justice, tasked with processing and resolving matters assigned to it under the Equality Act and the Non-Discrimination Act.⁸² It monitors compliance with the Non-Discrimination Act and the Equality Act both in private activities and in public administration and business. However, the Tribunal does not monitor compliance with the Non-Discrimination Act in matters related to working life. The Tribunal gives legal protection to those who have been discriminated against or subjected to prohibited countermeasures related to discrimination. The Tribunal may impose a conditional fine to enforce compliance with its orders and injunctions and order payment of such a fine.⁸³ Decisions of the Tribunal can be appealed to the Administrative Court.⁸⁴

78 Website of the National Non-Discrimination and Equality Tribunal <https://www.yvtltk.fi/en/index.html>.

79 Act on the National Non-Discrimination and Equality Tribunal of Finland 1327/2014 <https://www.finlex.fi/fi/laki/alkup/2014/20141325> (in Finnish).

80 Equality Act (n 42).

81 Non-Discrimination Act 1325/2014 <https://www.finlex.fi/fi/laki/kaannokset/2014/en20141325.pdf>.

82 Act on the National Non-Discrimination and Equality Tribunal of Finland (n 78), section 1.

83 Equality Act (n 42), sections 15-16 and 20-21; Non-Discrimination Act (n 80), sections 20-22; Website of the National Non-Discrimination and Equality Tribunal (n 77).

84 Act on the National Non-Discrimination and Equality Tribunal of Finland (n 78), section 13.

Finnish Council of Regulatory Impact Analysis

Provisions on the duties of the Finnish Council of Regulatory Impact Analysis⁸⁵ are laid down in the Government Decree on the Finnish Council of Regulatory Impact Analysis.⁸⁶ The Council is an impartial and independent body operating in connection with the Prime Minister's Office.

According to the Government Decree, the task of the Council is to issue statements on impact assessments related to drafts for government proposals. The Council may also issue statements on the impact assessments of other draft legislation, submit initiatives aimed at improving especially the quality and measures of impact assessments in law drafting, and following the entry into force of statutes, assess whether the impact of legislation has been as intended. In addition, the Council monitors the development of the quality of impact assessments and assesses the effectiveness of its own activities. The Council shall provide the Prime Minister's Office with an annual review of its activities.⁸⁷

85 Prime Minister's Office, Finnish Council of Regulatory Impact Analysis <https://vnk.fi/en/council-of-regulatory-impact-analysis>.

86 Government Decree on the Finnish Council of Regulatory Impact Analysis 1735/2015 <https://finlex.fi/fi/laki/alkup/2015/20151735> (in Finnish).

87 Ibid, sections 1 and 2.

Future authorities⁸⁸

Ombudsman for Older Persons

Based on the Government Programme adopted by Prime Minister Sanna Marin, a post for an Ombudsman for Older Persons will be established with the aim of promoting the rights and status of older persons. The task of the Ombudsman for Older Persons will be to monitor the implementation of the rights of older persons in all sectors of the society and to introduce his or her findings to public debate and decision-making. In addition, the Ombudsman for Older Persons will be tasked with monitoring the impact of legislation and societal decision-making on the rights and status of older persons. The Ombudsman for Older Persons will not be authorised to solve complaints or handle individual cases. Instead, the Ombudsman for Older Persons would introduce initiatives and issue statements, reviews and reports. The Ombudsman for Older Persons is intended to be an independent and impartial authority operating in connection with the Office of the Non-Discrimination Ombudsman.⁸⁹ Developments in the establishment of the post of an Ombudsman for Older Persons can be followed on the website of the Ministry of Justice⁹⁰.

⁸⁸ Government Decrees on the establishment of these posts exist, but they have not yet been established.

⁸⁹ Ministry of Justice, Summary of statements on the Government draft proposal for the act on the Ombudsman for Older Persons VN/549/2020 https://api.hankeikkuna.fi/asiakirjat/126339d7-068e-45e9-8bb6-59d8dcef79b5/0b4b5d65-c619-4dec-8d72-230357010ad2/YHTEENVE-TO_20210121130047.PDF (in Finnish).

⁹⁰ Ministry of Justice, Government proposal for Act on the Ombudsman for Older Persons OM009:00/2020 <https://oikeusministerio.fi/hanke?tunnus=OM009:00/2020> (in Finnish).

Rapporteur on Violence Against Women

Based on the Government Programme adopted by Prime Minister Sanna Marin, a post for a Rapporteur on Violence Against Women is to be established. The Rapporteur would be tasked with monitoring and assessing the operating principles and measures used to prevent and tackle violence against women. The Rapporteur would also monitor comprehensively the effectiveness of national legislation, the enforcement of the rights of victims of violence against women, and the fulfilment of international obligations. The Rapporteur would not handle individual cases nor provide legal counselling. The goal is to assign the task to an existing authority, even if the task in itself would be independent and impartial.⁹¹ Developments in the establishment of the post of a Rapporteur on Violence Against Women can be followed on the website of the Ministry of Justice⁹².

⁹¹ Ministry of Justice, Request for statements on a Government draft proposal to Parliament on amending the Act on the Non-Discrimination Ombudsman VN/547/2020 https://api.hankeikkuna.fi/asiakirjat/b3de8cb9-e8d0-48ad-b8f0-05b12d5b37f0/e2e8bd62-50ee-4239-9e77-00e8e9b52354/LAUSUNTOPYYN-TO_20210122111259.PDF (in Finnish).

⁹² Ministry of Justice, Establishment of the post of a Rapporteur on Violence Against Women OM010:00/2020 <https://valtioneuvosto.fi/hanke?tunnus=OM010:00/2020> (in Finnish).

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