

National action plan on fundamental and human rights 2012–2013



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Abstract

The National action plan on fundamental and human rights was adopted by the Government on 22 March 2012. The action plan was drafted on the basis of the Government Programme of Prime Minister Jyrki Katainen. As required by the Parliament, the Government will submit a separate, more comprehensive human rights policy report where the implementation of the set targets will be reviewed.

The action plan translates into concrete terms the duty to guarantee the observance of fundamental rights and human rights imposed on public authorities by the Constitution. This is a cross-administrative action plan that focuses on concrete projects. The action plan is divided into two sections, of which the general part sets the targets for the action plan, specifies the arrangements for its monitoring and evaluation, describes fundamental and human rights structures in general and outlines the importance of monitoring indicators. The more specific section, on the other hand, identifies key development needs, contains general policies for the efficient protection of rights and describes those action plan projects that will be implemented by each Ministry in 2012 and 2013. The plan contains 67 separate projects in the administrative branches of all Ministries.

The action plan was drafted by a working group appointed by the Ministry of Justice, in which were represented all Ministries, the Office of the Chancellor of Justice and the Office of the Parliamentary Ombudsman. The proposal was drafted in an open dialogue with a panel of human rights actors consisting of the representatives of NGOs and other human rights actors. A more wide-based hearing was also organised during the drafting process. The action plan will enhance the implementation of fundamental and human rights in Finland.

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I GENERAL SECTION

Introduction: De facto implementation of fundamental and human rights is vital

The public authorities shall guarantee the observance of fundamental rights and liberties and human rights (the Constitution of Finland, Section 22). Prime Minister Jyrki Katainen's Government has prepared Finland's first National Action Plan on Human Rights to translate the Government's duty to protect fundamental and human rights into concrete terms, and to reinforce the Finnish society by improving the efficiency of the implementation of the individual's rights.

No national action plans on human rights have previously been prepared in Finland. The United Nations World Conference held in Vienna in 1993 recommended that each UN member state should consider the desirability of drawing up a national action plan, identifying steps whereby the state would improve the promotion and protection of human rights.¹ In 2002, the UN Office of the High Commissioner for Human Rights (OHCHR) published a Handbook on National Human Rights Plans of Action.² The Council of Europe Commissioner for Human Rights issued a recommendation on systematic work for implementing human rights at the national level in 2009.³

National action plans on human rights have been drawn up in some thirty countries, including Sweden and Norway of the Nordic countries. In Sweden, efforts to draft the third action plan were launched in 2011.⁴ Each national action plan is naturally based on the human rights challenges arising from the relevant state's historical, cultural and political contexts. In most cases, however, common features of these plans include an all-embracing and concrete nature as well as a transparent drafting process.

1 Vienna Declaration and Programme of Action, Part II, para. 71

2 Handbook on National Human Rights Plans of Action, Professional Training Series No. 10, UN 2002

3 Recommendation of the Commissioner for Human Rights on Systematic Work for Implementing Human Rights at the National Level, Strasbourg, 18 February 2009, CommDH(2009)3

4 Sweden's first action plan covered the period 2002–2004 and the second covered the period 2006–2009.

A decision to prepare Finland's first National Action Plan on Human Rights was included in the Government Programme of summer 2011. The underlying reason for this was the debate on the human rights policy report (Government Report 7/2009 vp) submitted by the previous Government to the Parliament, in connection with which the Parliament called for the Government to adopt a national action plan on the implementation of fundamental and human rights in Finland at the beginning of the following electoral term.⁵ The Parliament also required that towards the end of the following electoral term, the Government submit a government report to the Parliament for debate on human rights policy in Finland, emphasising the objectives of Finland's international activities but also containing an estimate of the progress made in implementing the National Action Plan. Several actors monitoring fundamental and human rights issues have been highlighting the need to draw up a national action plan for many years.

The human rights report of 2009 contained a more comprehensive review of the implementation of fundamental and human rights in Finland for the first time. It brought a number of challenges related to the implementation of these rights under the spotlight. This Action Plan emphasises concrete actions and thus forms a logical entity together with the report.

The Action Plan is divided into two parts, the first of which examines the general background to this Plan and to the Finnish human rights policy, while the second describes concrete projects that the Government will undertake in 2012–2013 in order to promote fundamental and human rights implementation. The Action Plan is cross-administrative in its nature, and it pertains to the entire Government.

The actions to protect and promote fundamental and human rights must be continuous at the national and international level. Issues restricting the full implementation of an individual's rights vary at different times and for different people. This Action Plan is not an exhaustive description of the Finnish actions to promote the implementation of fundamental and human rights. In addition to the Plan of Action, efforts are being made to promote the implementation of rights through many other legislative and development projects. A key aim of the Government is to use the Plan of Action to set up a procedure for the systematic monitoring of the fundamental and human rights situation in Finland that enables efficient and systematic intervention in any problems that are observed. The efficient implementation of fundamental and human rights in Finland is of importance to everyone, regardless of their gender, age, origin, language, religion, conviction, opinion, state of health, disability, sexual orientation, or other personal reason.

Objectives, monitoring and evaluation of the Action Plan

The main objective of this Action Plan is to gather together the concrete projects the Government has set up to promote the national implementation of fundamental and human rights in 2012 and 2013.

⁵ Parliamentary Communication 3/2010 vp

In the first National Action Plan, it is also natural to look at the roles of various authorities in protecting fundamental and human rights. The aim is to develop the Government's actions in order to promote the implementation of fundamental and human rights and to find tools for an all-embracing review of the rights implementation. The Action Plan has a number of links to the Government Programme and to the Government's effort to reduce poverty, inequality and exclusion, which has been selected as one of the Government's priorities. The rights-based approach will bring added value to the realisation of many Government Programme projects.

This Action Plan covers the period 2012–2013. As indicated in the Government Programme, the Government will also submit to the Parliament a human rights policy report, where the implementation of the Action Plan will be reviewed towards the end of the electoral term.

The monitoring of the Action Plan can be divided into general monitoring and the monitoring of individual projects in the Action Plan. In practice, the responsibility for monitoring the Action Plan would be assumed by a network of contact persons for fundamental and human rights to be set up in the Government. The responsibility for implementing and monitoring individual projects will be divided between the ministries. In projects concerning several ministries, the main responsibility will be assigned to a single ministry to which the others will report. Civil society participation in monitoring the Action Plan will be arranged by continuing the mandate of the panel of human rights actors established for the drafting of the Action Plan until the end of the Action Plan period. The panel's composition will be complemented with labour organisations and representatives of the regional and local government. In addition, the Centre for Human Rights will be offered an opportunity to appoint a representative to the panel.

The Parliament required in its report⁶ that the Government also discuss the allocation of resources to human rights policy issues. The allocation of financial resources for the Action Plan projects will thus also be evaluated in this context, while the individual projects do not as yet have separate budgets in this Action Plan.

In the interest of preparing the report, a neutral third-party evaluation of the Action Plan will be conducted, which will look into the drafting of the Action Plan as a process, the Plan as a whole, and the individual projects and their impact. In certain projects related to the Action Plan, human rights indicators will be developed that could possibly be utilised in the preparation of the next report and, at the same time, in the evaluation of the Action Plan.

Drafting of the Action Plan

The drafting of the Action Plan was initiated immediately in the summer 2011, as the Government Programme gave the end of 2011 as the deadline for its preparation. On 9 September 2011, the Ministry of Justice appointed a working group consisting of representatives of all ministries, which was tasked with preparing a proposal for the first national human

⁶ Parliamentary Communication 3/2010 vp.

rights action plan in Finland. Representatives from the Office of the Chancellor of Justice and the Parliamentary Ombudsman were invited to take part in the working group as expert members. The working group met ten times, including two joint meetings with the panel of human rights actors.

The Action Plan was drafted in an open dialogue with NGOs and other human rights actors. On 14 October 2011, the Ministry of Justice appointed a panel of human rights actors, the specific task of which was to engage in a dialogue with the governmental working group on the contents of the Action Plan. A total of twenty NGO members were invited to take part in the panel, including human rights organisations in different fields, all the ombudsmen and a representative of human rights research. The panel met six times, including two joint meetings with the working group drafting the Action Plan. The panel commented on the working group's project proposals and put forward their own. In addition, the panel members contacted working group members in the various ministries directly.

On 12 October 2011, the working group organised a broad-based seminar and hearing, which brought together nearly 150 Finnish human rights actors. In the morning seminar, presentations were given by the Director of the European Union Agency for Fundamental Rights, the Parliamentary Ombudsman, the Secretary General of the Finnish League for Human Rights and the Director of the Åbo Akademi University Institute for Human Rights. In the hearing held in the afternoon, the presentations of a total of 23 NGOs or other human rights actors were heard.⁷ The working group also organised an open online debate in the discussion forum Otakantaa between 14 November and 5 December 2011 entitled "What is the state of human rights in Finland?" A total of 64 comments from citizens were received. The working group was also contacted directly, and it received written statements.

What are fundamental and human rights?

Fundamental and human rights are primary and particularly vital rights that belong to all people equally. The Constitution of Finland guarantees the inviolability of human dignity and the freedom and rights of the individual and promotes justice in society (Section 1(2) of the Constitution).

Fundamental rights refer to the rights of the individual laid down in the Constitution. As they are enshrined in the Constitution, particular permanency and legal character are thus typical of them. Human rights, on the other hand, refer to the basic rights of the individual guaranteed in international human rights documents in general. The rights of the individual are also protected by the fundamental rights recognised by the European Union, which are confirmed in the EU Charter of Fundamental Rights. The fundamental rights crystallised by the European Union are particularly based on the constitutional traditions shared by the EU member states and international obligations, the European Convention on Human Rights, Social Charters adopted by the European Union and the Council of Europe as well as the case law

⁷ For the presentations made at the event, visit:
<http://www.kansanvalta.fi/Etusivu/Tutkimusjakehitys/Seminaarit/Ihmisoikeusseminaari>

of the Court of Justice of the European Union and the European Court of Human Rights. The fundamental rights enshrined by the EU are obligatory for the EU institutions, bodies and agencies as well as the member states in the implementation of European Union law.

A number of international conventions that are human rights treaties by nature have been ratified by Finland. The most important of these are the conventions adopted by the UN, the Council of Europe and the International Labour Organization (ILO). Some of these are associated with international monitoring mechanisms that play a significant role in the interpretation of the obligations imposed by the conventions on the parties. Human rights are an evolving part of international law. During the current electoral term, the aim is to ratify several new international human rights conventions or their protocols.⁸

The contents of the national system of fundamental rights in Finland are closely linked to the human rights protected by the international conventions, and it is thus vital to harmonise their interpretation. International human rights conventions specify the minimum level for the individual's rights that must be observed internationally. National fundamental rights can offer a better level of protection than this. The foundation for the implementation of both fundamental and human rights is the universal and undivided nature of the rights, their interdependency and non-discrimination in their implementation.

This Action Plan observes a rights-based approach, the starting point for which is to implement the individual's fundamental and human rights in compliance with the fundamental rights provisions in the Constitution and the international human rights treaties. The aim is that the individual has access to his or her rights and that the Government fulfils its obligations arising from the national legislation and the international law. In this context, a rights-based approach means that the individual projects are clearly linked to the fundamental rights provisions and the international human rights treaties as well as to the case law and other practices of the monitoring bodies of these treaties. Particular attention will be paid to the implementation of the rights of the most vulnerable individuals and groups.

Fundamental and human rights structures

In this section, fundamental and human rights structures refer to all those actors, national and international alike, who are involved in the implementation of fundamental and human rights, either through ex ante or ex post monitoring or other evaluation, and who in this role produce information on the human rights situation in Finland.

The provision in section 22 of the Constitution on the duty of the Government to guarantee the observance of fundamental rights and liberties and human rights binds the Government in all of its actions, including the law drafting, governance and administration of justice. The provision emphasises the need to strive for de facto implementation of the rights. This frequently requires active measures of the Government, for example in order to protect the

⁸ For the OIK-40 list of the Ministry for Foreign Affairs Unit for Human Rights Courts and Conventions listing the on-going ratification processes, visit: <http://formin.finland.fi/Public/default.aspx?nodeid=31373&contentlan=1&culture=fi-FI>

rights against violations by any third parties or in order to create factual preconditions for using the rights⁹. The means for implementing the duty to protect the rights are left for separate consideration in individual cases. Key means include enacting laws that safeguard and specify the administration of justice and allocation of financial resources. By means of this Action Plan, the Government is striving to develop the means at its disposal for effective protection of fundamental and human rights.

Monitoring of the constitutionality of acts is mainly carried out in the drafting phase. Each ministry is thus responsible for protecting fundamental and human rights while drafting legislation in their own administrative branch. A bill must be evaluated in terms of the Constitution (and its provisions on fundamental rights in particular) and human rights treaties to ensure that it is compliant with the Constitution and the human rights treaties. The practice of the Constitutional Law Committee must be taken into account, and if necessary, the practices of the judicial and investigating bodies that monitor the compliance with the human rights treaties shall be described in the bill.

The Constitutional Law Committee shall issue statements on the constitutionality of legislative proposals and other matters brought to its consideration, as well as their relation to the international human rights treaties (Section 74 of the Constitution). Statements of the Constitutional Law Committee in constitutional and human rights issues are considered binding in various stages of the processing of an act in the Parliament (Constitutional Law Committee report 10/1998). The practice of the Constitutional Law Committee is thus a key source when the implementation of fundamental and human rights in Finland is evaluated.

If, in a matter being tried by a court of law, the application of an act is in evident conflict with the Constitution, the court of law shall give primacy to the provision in the Constitution (Section 106 of the Constitution). The primacy of the Constitution, together with an interpretation of the law that is favourable to fundamental and human rights in courts of law, ultimately guarantee that the implementation of fundamental and human rights is taken into account in the administration of justice. Important observations on the implementation of fundamental and human rights in Finland can be made based on the case law of especially the highest courts of law.

The Government's Chancellor of Justice and the Parliamentary Ombudsman monitor that the courts of law and other authorities as well as civil servants, public employees and other persons when performing a public task comply with the law and fulfil their obligations. In the performance of their duties, the Chancellor of Justice and the Parliamentary Ombudsman monitor the implementation of basic rights and liberties and human rights (sections 108 and 109 of the Constitution). The Chancellor of Justice submits an annual report to the Parliament and the Government on his or her activities and observations on how the law has been obeyed. The Parliamentary 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.

⁹ Government proposal 309/1993 vp, p. 75

In addition, the Ombudsman for Equality, the Ombudsman for Data Protection, the Ombudsman for Minorities and the Ombudsman for Children promote and develop key fundamental and human rights in their areas of speciality. With the exception of the Ombudsman for Children, all the Ombudsmen also deal with complaints. The annual reports of both the supreme guardians of the law and the Ombudsmen are reviews of the implementation of fundamental and human rights in Finland. The civic society, and human rights organisations in particular, play a significant role in producing information on the human rights situation in Finland.

At the beginning of 2012, a Centre for Human Rights was set up in Finland in connection to the Office of the Parliamentary Ombudsman. The Ombudsman, the Centre and its Human Rights Delegation form an independent national human rights institution. The Centre's activities will be launched during the spring 2012. The tasks of the Centre for Human Rights will be 1) to promote information, education, training and research on fundamental and human rights and cooperation associated with these areas; 2) to draw up reports on the implementation of fundamental and human rights; 3) to make initiatives and issue statements aiming to promote and implement fundamental and human rights; 4) to take part in European and international cooperation to promote and protect fundamental and human rights; and 5) to perform other similar duties associated with promoting and implementing fundamental and human rights.¹⁰ The Centre for Human Rights will play an important role in the future in the evaluation of the national implementation of fundamental and human rights.

Several advisory bodies also work in the Government, whose tasks are relevant to fundamental and human rights. Examples of these are the Advisory Board on Human Rights (Ministry for Foreign Affairs), the Advisory Board on Language Affairs (Ministry of Justice), the Advisory Board on Civil Society Policy (Ministry of Justice), the Advisory Board for Ethnic Relations (Ministry of the Interior), the Advisory Board for Minority Issues (Ministry of the Interior), the Advisory Council for Youth Affairs (Ministry of Education and Culture), the National Advisory Board on Research Ethics in Finland (Ministry of Education and Culture), the Child Advisory Board (Ministry of Social Affairs and Health), the Council for Gender Equality (Ministry of Social Affairs and Health), the Advisory Board on Romani Affairs (Ministry of Social Affairs and Health), the National Council on Disability (Ministry of Social Affairs and Health), the Finnish Tripartite ILO Committee (Ministry of Employment and the Economy) and the Committee on Social and Corporate Responsibility (Ministry of Employment and the Economy). In addition, the advisory boards operating in the administrative branches of the various ministries can be seen to be dealing with issues relating to fundamental and human rights at least to some extent, including industrial and commercial activities, the environment, working life or social welfare. Some of the advisory boards were set up to assist a certain ombudsman in his or her activities. The statements of the advisory boards are an important contribution to the national debate on the fundamental and human rights implementation.

The human rights situation in Finland is also evaluated internationally. In addition to the mutual general oversight by the parties to human rights treaties themselves, all key treaties incorporate a judicial or investigating body (monitoring body).

¹⁰ The Parliamentary Ombudsman Act, Section 19 d

Parties to a treaty must submit periodic reports to the monitoring body on the legislative, judicial, administrative and other measures that it has taken to implement its contractual obligations. The periodic reports are discussed in public oral hearings of the monitoring bodies, after which the monitoring body adopts its conclusions in a closed session. The supervision is thus based on a constructive dialogue of the parties to the treaty with independent monitoring bodies established under the treaties. The parties to the treaty shall examine the conclusions that are issued in the form of recommendations, and for their part consider what action should be taken as a result.

The UN human rights treaty system currently has nine monitoring bodies that discuss the periodic reports.¹¹ Finland reports to six of these: the Human Rights Committee (CCPR), the Committee on Economic, Social and Cultural Rights (CESCR), the Committee on the Elimination of Racial Discrimination (CERD), the Committee on the Elimination of Discrimination against Women (CEDAW), the Committee against Torture (CAT) and the Committee on the Rights of the Child (CRC).¹²

The implementation of the human rights treaties is also monitored through individual complaints. This possibility of hearing complaints is now included in all key UN human rights treaties. Adopting the individual complaints mechanism is optional, however; in other words, it is at the parties' discretion whether they choose to recognise the monitoring body's competence to hear individual complaints or not. In addition, some treaties enable investigative procedures on the initiative of the monitoring body in case of alleged violations in the territory of a party. The supervision by the subcommittee of the Committee against Torture, on the other hand, is based on visits to areas where persons deprived of their liberty may be kept in a party's territory.¹³

The conventions and recommendations of the International Labour Organization (ILO), which was established in 1919 and which has been operating as a special organisation under the UN since 1946, also have a bearing on economic, social and cultural rights. The key ILO conventions on decent work concern the freedom of association and the right to collective bargaining, the elimination of forced labour, equal treatment in working life, equal pay and the elimination of child labour and its worst forms in particular. All ILO member states are expected to comply with the main principles of these core treaties. In addition to the fundamental human rights of workers, ILO conventions also apply to the right to work, social dialogue, OHS protection, employment policy and social security. Finland is currently a party to 82 of the 189 ILO conventions.

The ILO supervises compliance with the conventions based on annual reports submitted by the state parties. In connection with these reports, central labour market organisations

¹¹ The supervisory bodies of UN treaties are the Human Rights Committee (CCPR), the Committee on Economic, Social and Cultural Rights (CESCR), the Committee on the Elimination of Racial Discrimination (CERD), the Committee on the Elimination of Discrimination against Women (CEDAW), the Committee Against Torture (CAT), the Committee on the Rights of the Child (CRC), the Committee on Migrant Workers (CMW), the Committee on the Rights of Persons with Disabilities (CRPD) and the Committee on Enforced Disappearances (CED).

¹² For the schedule of Finland's periodic reports, visit:
<http://www.formin.fi/Public/default.aspx?nodeid=34911&contentlan=1&culture=fi-FI>

¹³ The Optional Protocol to the Convention against Torture, which will enable this monitoring procedure, will be ratified by Finland in 2012.

may submit their observations on any violations to the ILO. Compliance with the conventions is overseen by a committee of independent experts at the ILO. In addition, the tripartite committee supervising compliance with the conventions at the ILO annual conference discusses the reports of independent experts, conducts oral hearings with member states on their worst violations of the conventions, and prepares a report on its observations to the conference. Trade unions may also file complaints concerning violations of the freedom of association to the tripartite ILO Committee on Freedom of Association, the reports of which are regularly discussed at the meetings of the ILO Board of Directors. The ILO Board of Directors may also appoint an independent investigation committee to investigate the most blatant violations of conventions in member states.

As regards the Council of Europe, the key monitoring body is the European Court of Human Rights, which oversees the application of the European Convention on Human Rights and which hears complaints filed by both individuals and states. The judgments of the European Court of Human Rights are binding on the defendant state under international law. If a state is found to have violated the European Convention on Human Rights, the Court of Human Rights may also order reasonable compensation to be paid to the injured party. The enforcement of the judgments of the Court of Human Rights is supervised by the Council of Europe Committee of Ministers, to whom state agents provide information on what appropriate general measures, including legislative measures and measures concerning private parties, have been taken to enforce these judgments, in addition to paying the required compensation.

The implementation of other Council of Europe human rights conventions is monitored through periodic reporting and/or country visits of the monitoring bodies. Complaints may also be filed with the European Committee of Social Rights, which oversees compliance with the European Social Charter and the reformed Social Charter based on reports submitted by the member states concerning alleged violations of the Charter. Finland is the only contracting party of the Council of Europe that has given national organisations the possibility of filing a collective complaint.

The implementation of international human rights treaties, including conclusions and judgments issued in complaint procedures, should be seen as part of broad-based efforts to develop human rights. Their implementation is a continuum that offers regular opportunities for evaluating human rights implementation in Finland, also in dialogue with the civil society. National practices and good examples can also be introduced in international and regional human rights forums. Periodic reporting and conclusions of the monitoring body received through it should thus not be merely regarded as procedures associated with individual treaties but, in a wider sense, as tools for developing the national fundamental and human rights situation.

However, monitoring the implementation of international human rights treaties alone does not provide an adequate overall picture of the human rights implementation in Finland. The monitoring mechanisms only address issues targeted by each treaty. Consequently, the position of groups whose rights are not protected by specific international treaties, including older people or sexual and gender minority groups, are easily overlooked. The monitoring of the human rights treaties mainly consists of ex post monitoring of compliance with the

obligations imposed by the treaty, which undermines its possibilities of responding rapidly to the changing human rights situations.

Human rights indicators: How is rights implementation evaluated?

In the preceding sections, we looked at the structures that provide information on the implementation of fundamental and human rights in Finland. In this section, we will examine the type of information on fundamental and human rights implementation that is needed to support the decision-making. There are major differences in the availability of information regarding different rights and groups. Some observations of rights violations are associated with individual cases, including individual appeals and complaints. They may as such highlight some legislative or structural problems, while they do not necessarily tell us anything about the extent of the potential problem. The conclusions of the monitoring bodies, on the other hand, do not allow us to directly conclude whether issues other than those covered by the treaty in question are affected by the same problems.

A precondition for an efficient protection of fundamental and human rights is that the decision-makers have sufficient information on the prerequisites for the implementation of the rights, enabling them to target the protective actions appropriately. Comprehensive information on the implementation of various rights is needed both in the national policy-making and periodic reporting. In connection with the debate on the first human rights report as early as in 2004, the Parliamentary Foreign Affairs Committee considered it a shortcoming that the development and implementation of human rights was not analysed in the light of statistics or other research. The Committee regarded the lack of a basic analysis as the reason for the fact that the report failed to provide in-depth or justified evaluations of actions related to the implementation of human rights or the successful implementation of political principles in practice.¹⁴

Human rights indicators refer to indicators that can be used to monitor and evaluate rights implementation and its trends. Using indicators as a tool for implementing human rights has become more widespread in recent years, especially within the UN and other international organisations. The EU Agency for Fundamental Rights has made great efforts in recent years to develop such indicators. Some of the most recent international human rights treaties include specific provisions on collecting data relevant to human rights. For example, Article 31 of the UN Convention on the Rights of Persons with Disabilities specifically requires parties to collect statistical data and other research information required to implement the Convention.¹⁵ Requiring various types of statistical data and other background studies has also become more prevalent in connection with the UN's periodic reporting practices.

¹⁴ Foreign Affairs Committee report 12/2004 vp, p. 3

¹⁵ CRPD Article 31 - Statistics and data collection: 1. State parties undertake to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the present Convention. (...) As yet, the Convention has not been ratified by Finland.

The UN Office of the High Commissioner for Human Rights (OHCHR) has developed a three-tiered model of human rights indicators.¹⁶ In this model, the indicators have been divided into structural, process and outcome indicators. The highest, or the structural level, is about state commitment to international human rights standards and their national implementation. The process indicators, on the other hand, focus on actions taken by the state to comply with the obligations imposed on it by the treaty. Indicators pertaining to the outcome are used to evaluate whether the state actions have been effective, or whether an outcome has been obtained and whether the individual's rights are implemented. The UN model is intended for national application.

The ILO has also developed indicators related to employment and decent work. In addition, the European Commission has developed indicators to be used to monitor quantitative targets set for the member states regarding certain social rights, employment and combating poverty. Indicators have also been created by the EU to monitor gender equality and, in particular, implementation of the UN's Beijing Platform for Action.

At the background of developing indicators is the idea that a firm foundation of information makes it possible to transfer the abstract rights protected by international treaties to the practical level. Clear indicators also make it easier to translate the targets into concrete terms and to specify measures accurately. The indicators may also be used as monitoring tools. In the United Kingdom, for example, the indicators have been developed into a tool for monitoring discrimination, which is periodically used to gauge differences between various groups in the rights implementation.¹⁷

Developing indicators that would cover the entire system of fundamental and human rights would be a major task and highly resource-intensive. Evaluating the impact of the action is, however, a precondition for productive fundamental and human rights work. This, on the other hand, can only be done by developing both quantitative and qualitative indicators for examining the implementation of rights. The projects to develop indicators that are included in this Action Plan are thus particularly important.



¹⁶ Report on Indicators for Promoting and Monitoring the Implementation of Human Rights HRI/MC/2008/3 (6.6.2008)

¹⁷ See Equality and Human Rights Commission (UK): Equality Measurement Framework: <http://www.equalityhumanrights.com/key-projects/equality-measurement-framework/>

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II SPECIFIC SECTION

Assessing development needs: the key human rights challenges in Finland

When drafting this Action Plan., essential sources providing information on the problems associated with the fundamental and human rights implementation included observations of the Parliamentary Constitutional Law Committee, observations made by the supreme guardians of the law while monitoring fundamental and human rights, conclusions of the monitoring bodies of the UN treaties, recommendations issued by the UN Human Rights Council in its Universal Periodic Reviews (UPRs), judgments of the European Court of Human Rights concerning Finland, the Human rights policy report of 2009 and the presentations made by the panel of human rights actors in the hearing organised in October 2011.

During the drafting of the Action Plan, the following themes emerged, among others:

- a need to improve the coordination of fundamental and human rights issues in the Government;
- enhancing rights-based thinking in the Government and ownership in protecting fundamental and human rights, especially regional and local authorities as implementers of rights;
- obtaining information on the rights implementation (developing indicators);
- developing civil society cooperation;
- promoting fundamental and human rights education;
- strengthening legal protection, good governance, access to rights, right to receive a justified decision within a reasonable time, delays in general courts and within the administration in particular are a problem;
- more effective fundamental and human rights monitoring;
- problems ensuing from the authorities' lack of resources in service provision;

- in municipal services in particular, transferring tasks that have traditionally been the responsibility of the public sector to the private sector (e.g. customer-supplier model) and the problems in terms of fundamental rights implementation that may result from this;
- vulnerable groups, in particular those having been deprived of their liberty, the aged, mental health patients, those placed in detention under the Aliens Act, detainees, children subjected to child welfare measures;
- adequacy of social security and reducing poverty;
- rights of minority groups, especially protection against discrimination, equality and promoting participation rights;
- good ethnic relations and combating racism;
- position of victims of crime;
- children's rights;
- arranging for national coordination on issues concerning sexual and gender minority groups;
- rights of the disabled; in particular, ratification of the UN Convention on the Rights of Persons with Disabilities;
- violence against women;
- position of immigrants/foreigners;
- implementation of fundamental and human rights in the working life.

This list is intended to show examples rather than be an exhaustive presentation of observations. The order of this list is random and should not be regarded as any type of order of priority. In the sections below, the Action Plan projects for the years 2012–2013 will be discussed. Some of the projects are a direct response to the themes listed above. Intervention in all the observed problem areas during this Action Plan period is not possible, and we will have to return to many of the issues later.

Government policies aimed at guaranteeing efficient rights implementation

This Action Plan contains the Government's views of actions that should be taken in 2012–2013 in order to promote the implementation of fundamental and human rights. These rights will also be implemented in other Government activities. The individual Action Plan projects will be presented below. This section contains the Government's general positions on the more large-scale and long-term measures needed in the development efforts.

Legal protection should primarily be implemented at the national level, without an individual having to resort to international monitoring bodies to access their rights. This requires determined efforts to maintain the level of national protection of fundamental and human rights, for example by strengthening the underlying standards. The practices of both the national guardians of the law and the international monitoring bodies must be followed closely. The projects that reinforce the fundamental and human rights structures and that are included in the Action Plan are an effort to meet these targets. The Government considers that developing structures, in particular through cross-administrative cooperation, is also in other

respects the most natural theme for the first National Action Plan on Human Rights. In this area, setting up a network of contact persons for fundamental and human rights in the Government is the key project (see the project description below).

A precondition for a more efficient fundamental and human rights implementation is ensuring the commitment of the competent ministries. All ministries are responsible for legislative drafting, issues pertaining to research, development and monitoring, and international affairs in their own administrative branches. The responsibilities of the Ministry for Foreign Affairs include affairs pertaining to international judicial and investigating bodies¹⁸. Good coordination of issues related to fundamental and human rights within the Government is thus a precondition for securing a more efficient fundamental and human rights implementation.

The Parliamentary Constitutional Law Committee has considered it very serious that the many problems in the fundamental and human rights implementation that e.g. the Parliamentary Ombudsman has time and again paid attention to in his or her reports and decisions, have not been corrected.¹⁹ The Government shares the Constitutional Law Committee's views on the fact that the statements of the guardians of the law and their views on the interpretation of the law and on the needs to amend the legislation must be taken into account without delay, and any changes required by them in the operating culture should be implemented rapidly. By setting up a network of contact persons for fundamental and human rights, the Government will improve the information flow concerning the rulings of the supreme guardians of the law as an attempt to ensure that recurring problems are corrected without delay.

The reporting concerning the implementation of human rights treaties in Finland is rather thorough and transparent. The conclusions issued to Finland are an indication of development regarding the fundamental and human rights situation, and thus the implementation should be more systematically monitored in each competent ministry. The Parliamentary Constitutional Law Committee noted that the recommendations and their implementation must be monitored continuously, actively and comprehensively. According to the Constitutional Law Committee, the processing of the recommendations issued on the basis of reporting in a manner that ensures the commitment of the entire Government can be regarded as an essential challenge²⁰. The interval between the publication of the conclusions and the drawing up of the following periodic report may be several years. The implementation of the recommendations contained in the conclusions should be continuously monitored during this period. The network to be established will support this aim.

By developing the fundamental and human rights cooperation between the ministries, the systematic nature of national and international fundamental and human rights activities in Finland can also be improved. The Parliamentary Constitutional Law Committee noted that the priority areas of the Finnish human rights policy are not always realised in the national activities.²¹ The starting points for the Finnish international human rights policies are the universal and undivided nature and interdependency of human rights. Non-discrimination

18 Government Rules of Procedure, Sections 11 and 13

19 Constitutional Law Committee report 10/2009 vp., p. 2

20 Debate on the Government's human rights reports in 2004 and 2010
(Constitutional Law Committee statements PeVL 23/2004 vp and PeVL 1/2010 vp).

21 Constitutional Law Committee statement 1/2010 vp, p. 3/1

activities play a key role. Promoting economic, social and cultural rights by emphasising their legally compelling nature is a cross-cutting theme. Particular priorities of the international human rights policy include the rights of women, children, the disabled, sexual and gender minorities and indigenous peoples. Special attention is also paid to the position of the Roma and other ethnic or religious minorities. Systematic action in the fundamental and human rights implementation both nationally and internationally is a precondition for the credibility of Finland's international activities.

Regarding Finland's credibility in the international human rights activities, the national implementation of international obligations imposed by treaties as rapidly as possible also plays a role. New obligations under treaties contribute to reinforcing the protection offered by fundamental and human rights. The Parliamentary Foreign Affairs Committee has paid attention to the fact that Finland has recently been relatively slow to accede to new international human rights treaties. The Committee noted that the Government must, among other measures, ensure that Finland has adequate resources and other practical prerequisites to be able to ratify new international human rights treaties without delay following political deliberation²². The Government finds the Committee's comment valid. Sufficient practical resources should be reserved to guarantee rapid ratification processes.

Based on what is said above, a decision to establish a network of contact persons for fundamental and human rights with representatives from all ministries has been made. The establishment of the network will not change the areas of responsibility or division of labour between the current actors, and each ministry will continue to assume responsibility for securing the fundamental and human rights implementation in their own administrative branch. The Ministry of Justice will assume responsibility for coordinating this network, while the activities of the network regarding international human rights treaties and other international human rights affairs will be coordinated by the Ministry for Foreign Affairs. The network can be set up with the existing resources. In this increasingly tight financial situation, it is vital to develop work practices and operating modes in order to ensure that the administrative tasks can be managed without risking the implementation of fundamental and human rights. This requires more efficient coordination in fundamental and human rights issues.

As part of monitoring the implementation of this Action Plan, one of the tasks of the network to be established will be to prepare the human rights policy report. The network will examine the measures that would be appropriate for the various ministries to take regarding the observations of the national guardians of the law, Ombudsmen and Advisory Bodies as well as the judgments and conclusions of the international judicial and investigating bodies. It will also monitor the progress of relevant legislative and other projects.

In addition, the network will monitor the development, adaptation and national ratification of new international human rights treaties and their protocols. It will contribute to implanting awareness of the fundamental and human rights in the Government and ensure more effective information flows in the different administrative branches. As the network is a light-weight structure, it will make a flexible processing of fundamental and human rights matters possible. The network will particularly focus on cross-administrative issues not assigned

²² Foreign Affairs Committee report 1/2010 vp.

to a particular ministry, including questions concerning sexual and gender minority groups or the rights of sign language users.

Active promotion of fundamental and human rights is vital in order to anticipate and thus prevent violations. In this area, internal supervision of legality within the authorities, in which the implementation of fundamental and human rights should be monitored in a more determined manner, plays an important role. Prevention should also be made more efficient by involving local level, including municipalities, more closely in the fundamental and human rights discussion. The tasks of the municipalities are associated with the implementation of economic, social and cultural rights, among others. Privatisation of public services is an example of a topical area that should be looked at from the perspective of the fundamental and human rights implementation. Under the Constitution, a public administrative task may be delegated to agencies other than public authorities only by an act or by virtue of an act, if this is necessary for the appropriate performance of the task and if basic rights and liberties, legal remedies and other requirements of good governance are not endangered. The Government considers it vital to engage in this discussion together with the regional and local level actors during the period of validity of this Action Plan.

In cooperation with the civil society, Finland has put good practices in fundamental and human rights issues in place. The forms of cooperation need to be developed further, however, ensuring that such resources as the civil society's specific competence in fundamental and human rights issues can be more efficiently utilised. The participation of various groups in the drafting should also be actively examined to enable those whom the matter concerns to have genuine possibilities of exerting an influence on the regulations and decision-making concerning them. The Government considers the efficient implementation of participation rights important and undertakes to further develop the means for citizens' direct participation, including electronic participation. Conducting a dialogue related to the fundamental and human rights implementation with the private sector is also important, especially when it comes to issues of corporate social responsibility. Cooperation with parishes and other religious communities is also important, especially in terms of questions related to young people, combating exclusion, and integration.

Education and training related to fundamental and human rights is important so as to ensure that an approach that is positive to fundamental and human rights, including promotion of equality and gender equality, is mainstreamed in exercising public power. In terms of rights implementation, it is also essential for individuals to know their rights. Awareness of the fundamental and human rights helps to avoid violations by helping to change attitudes and behaviour, which plays a role in the relationships between private individuals in particular. The ministries are responsible for providing fundamental and human rights-related training for the authorities in their own administrative branches. In training provided for the authorities, the entire range of human rights treaties should be taken into consideration.



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LIST OF PROJECTS

About the projects

In this section, the projects included in the Government's Action Plan on Human Rights for 2012–2013 are presented. The themes that emerged from the preparation material and the recurrence of observations were used as selection grounds for projects, among others. A project also had to be sufficiently practical and capable of being implemented during the term of the Action Plan. The more general positions of the Government aiming to protect fundamental and human rights were discussed above.

The projects have been arranged into 12 thematic entities according to the area of life they deal with. The purpose of this mode of presentation is to emphasise the cross-cutting nature of fundamental and human rights and to perceive the rights more comprehensively than, for example, in an examination based on individual groups or following the structure of international treaties. The Government intends to use a similar mode of presentation in drawing up the national part of the forthcoming human rights policy report.²³ At the end of each section is given a short description of other ongoing projects of the ministries, relevant to the theme but not included in the Action Plan, as well as of other actions taken to develop the fundamental and human rights implementation, including various policy programmes. The presentations produced by the ministries are intended as examples and strive to give a better overall understanding of the work to promote the fundamental and human rights implementation in the Government.

The project descriptions are presented concisely, only describing the key contents of each project. For more information on the projects, readers should refer to the ministries responsible for each project or the Government project website.²⁴ Each project description contains a) the name of the project, b) a description of its key contents, c) the legal basis or the fundamental or human rights provision to whose implementation the project is relevant, d) the ministry/ministries responsible for the project and the key interest groups, and e) indicators to be used to evaluate the implementation of each individual project.

²³ See the criticism of the Parliamentary Constitutional Law Committee concerning the lack of comparability of the previous report which, according to the Committee, made the report difficult to read and obstructed the perception of the whole (Constitutional Law Committee statement 1/2010 vp, p. 2/II). The Government aims to use the area of life model to discuss fundamental and human rights as a whole, where several different rights have an impact on the same area of life.

²⁴ Government's register of projects HARE: <http://www.vn.hare.fi>

FUNDAMENTAL AND HUMAN RIGHTS STRUCTURES

Section 22 Protection of basic rights and liberties

The public authorities shall guarantee the observance of basic rights and liberties and human rights.

Action Plan projects:

1. Establishing a Government network of contact persons for fundamental and human rights

- a) Name: Establishing a network of contact persons for fundamental and human rights consisting of representatives of the ministries.
- b) Contents: Establishing a network consisting of the ministries' representatives with tasks such as the following:
 - monitoring the implementation of the National Human Rights Action Plan,
 - drafting the Government's human rights policy report,
 - reviewing the fundamental and human rights situation in Finland,
 - examining the implementation of and the associated periodic reporting on Finland's obligations and commitments related to human rights,
 - monitoring the development, adaptation and national ratification of new international human rights treaties and their protocols, and
 - studying the need for and possibilities of setting up a Finnish portal of fundamental and human rights: evaluating the possibilities of putting together a public online service on fundamental and human rights issues, giving public access to official statements on human rights, reports, periodic reports of the Government, conclusions and recommendations of international and regional monitoring bodies, judgments of courts of law and rulings of supreme guardians of the law, practices of the Parliamentary Constitutional Law Committee and NGO statements.

The Government's internal network will clarify the processing of fundamental and human rights affairs and speed up the information flows. It will also increase the awareness of fundamental and human rights in the different administrative branches.
- c) Legal basis: Section 22 of the Constitution, section 11 of the Government Rules of Procedure, Constitutional Law Committee statement 1/2010, Constitutional Law Committee statement 23/2004, conclusions of the UN treaties monitoring bodies (CCPR, CESCR, CERD, CEDAW, CAT and CRC) issued to Finland including recommendations on raising awareness of human rights.
- d) Responsible ministry: **Ministry of Justice and Ministry for Foreign Affairs**, all ministries. The Ministry of Justice will assume responsibility for coordinating the network, while the activities of the network concerning international human rights affairs will be coordinated by the Ministry for Foreign Affairs.

- e) Indicators: setting up the network in 2012, submitting a report to the Parliament during this electoral term.

2. Developing the monitoring of fundamental and human rights

- a) Name: Project to develop the monitoring of fundamental and human rights, including indicator development.
- b) Contents: Creating fundamental and human rights indicators that cover various areas of life and a monitoring database including identified fundamental and human rights problems. These indicators should be easy to use and widely published, for example through the Findicator service.
- c) Legal basis: Developing the monitoring of the enforcement of the anti-discrimination legislation (ECRI); other human rights provisions and recommendations that require or recommend the collection of data and the introduction of indicators.
- d) Responsible ministry: **Prime Minister's Office** and all ministries
- e) Indicators: Developing the model by the end of 2013.

3. Developing indicators that measure the living conditions, welfare and implementation of human rights of young people and young people at risk of multiple discrimination

- a) Name: Determining which the key indicators and monitoring systems measuring the living conditions, welfare and human rights of young people are and what type of data these indicators and mechanisms produce. The aim is to produce data for the development of indicators and monitoring mechanisms, and possibly to fill in gaps in the information on the welfare and human rights of young people by means of new research projects. In addition, recommendations will be produced to improve the living conditions and welfare of young people and the implementation of their human rights at the municipal, regional and national level. As regards the Advisory Council for Youth Affairs, the work on indicators is continuous, and this activity will therefore continue even after the year 2013, with ongoing assessment of its implementation and success.
- b) Contents: Section 5 of the Youth Act contains a provision on the tasks of the Advisory Council for Youth Affairs, which include producing data on the living conditions of young people by means of various studies and a regularly updated database that describes the living conditions of young people.
- c) Legal basis: Sections 6 and 22 of the Constitution.
- d) Responsible ministry: **Ministry of Education and Culture**/Advisory Council for Youth Affairs, with links to the fundamental and human rights indicator project of the Prime Minister's Office. Cooperation with the Ombudsman for Children, Ombudsman for Minorities, Ombudsman for Equality, the Finnish Youth Research Network, organisations for young people and NGOs representing other groups at risk of discrimination.
- e) Indicators: The National Advisory Council for Youth Affairs will appoint a working group on the indicators in 2012. The theme of the Youth Barometer 2013 will be equality, while the exact focus is not yet known. The National Advisory Council for Youth Affairs will organise discussion events for the planning and implementation of recommendations in 2013.

4. Mainstreaming the rights of the child/Taking children and young people into consideration in all decision-making

- a) Name: Project to develop the implementation of the Convention on the Rights of the Child.
- b) Contents: The project aims to develop the recommendations issued to Finland by the UN Committee on the Rights of the Child, which monitors compliance with the UN Convention on the Rights of the Child. The project will develop a monitoring mechanism for implementing the recommendations of the Committee on the Rights of the Child. The project will also develop the general monitoring of the principles and provisions contained in the Convention on the Rights of the Child and Finland's periodic reporting to the Committee on the Rights of the Child.
- c) Legal basis: Convention on the Rights of the Child (CRC), Articles 4 and 44.
- d) Responsible ministry: **Ministry of Social Affairs and Health**, with involvement of the Ministry of Justice, other ministries and the Ombudsman for Children. As regards the development of periodic reporting, the Ministry for Foreign Affairs is responsible for coordination. NGOs are involved in the project as an interest group.
- e) Indicators: A monitoring mechanism for the implementation of the Convention on the Rights of the Child and recommendations by the Committee on the Rights of the Child will be in use at the ministries.

5. Developing advisory services on fundamental and human rights

- a) Name: Developing fundamental and human rights advisory services for law drafters.
- b) Contents: As part of the Bill Drafting Instructions update, guidelines on taking fundamental and human rights into account in legislative drafting will be drawn up, in particular in light of the Committee on Constitutional Law's practice. The aim of the project is also to provide law drafters at the ministries with a primary tool for taking requirements arising from fundamental rights into account in law drafting. The aim is legislative drafting that safeguards fundamental and human rights more effectively.
- c) Legal basis: Section 22 of the Constitution, Government Rules of Procedure Section 14.
- d) Responsible ministry: **Ministry of Justice**
- e) Indicators: Instructions prepared by summer 2012.

6. Project to develop the legal basis for the supervision of the police

- a) Name: Project to develop the legal basis for the supervision of the police.
- b) Contents: Developing fundamental and human rights monitoring as part of operative supervision of legality. The project will examine issues of responsibility, competence and resources of internal supervision targeting the police and propose means by which it is appropriate and legally correct to arrange this supervision. The project develops fundamental and human rights monitoring as part of operative supervision of legality.
- c) Legal basis: Recommendations, including CPT.
- d) Responsible ministry: **Ministry of the Interior**.
- e) Indicators: Internal supervision reports and actions of the supreme guardians of the law.

Other projects and actions related to the theme:

On 21 December 2011, the Government set up a project to prepare a strategy on the Future of Immigration 2020 in accordance with the Government Programme of Prime Minister Jyrki Katainen. In accordance with the Government Programme, this strategy aims for an immigration policy that supports the building of an unprejudiced, safe and pluralistic Finland and enhances Finland's international competitiveness. The objectives of the strategy include increasing the employment rate of immigrants, a more effective integration policy, accelerated processing of asylum applications and intensifying the prevention of discrimination. The strategy to be drawn up under this project is due by 31 January 2013.

Under the Act on the Promotion of Immigrant Integration that entered into force on 1 September 2011 (*laki kotouttamisen edistämisestä*, 1386/2010), the Government will make decisions on the national development of integration by drawing up a National Integration Programme that includes the objectives of integration for a four-year period at a time. The purpose of the Integration Programme is to set national integration targets more systematically than before and to intensify the planning and monitoring of integration measures at the national level. Individual objectives and measures will also be set for developing integration in the different administrative branches as part of planning the activities and finances of the ministries. The aim is to contribute to promoting integration both by means of primary services and measures under the Integration Act as well as to increase inter-ministerial cooperation in promoting integration. The National Integration Programme will be adopted by the Government during the spring 2012. The Government will also take measures to prepare the integration report required by the Integration Act for the Parliament by the end of 2013.

Every year, some 2,000-3,000 quota refugees, beneficiaries of international protection as a result of the asylum procedure, and their family members need a municipality of residence. In recent years, not enough placements in municipalities have been offered to meet the needs. Quota refugees are among the most vulnerable groups, and efforts are made to ensure their placement in municipalities. Regardless, they end up waiting for a placement in a municipality, and the waiting times of quota refugees in their countries of origin and refugee camps may be long. The National Integration Programme also aims to deal with placements in municipalities of beneficiaries of international protection and the promotion of their integration, specifying relevant targets, measures and monitoring.

The Government Programme of Prime Minister Jyrki Katainen emphasises the integration of immigrants and the combating of discrimination as a key action during this electoral term. Good ethnic relations promote the integration of immigrants and social cohesion. By developing interaction, efforts can also be made to prevent situations where differences of opinion between population groups turn into full-blown conflict. Positive interaction with the mainstream population contributes to improving the possibilities of and motivation for integration, while facilitating the learning of the language and becoming more familiar with the values of the wider society. Experiences of racism and discrimination, on the other hand, may have long-term negative impacts, both on the well-being and the integration of an individual.

Good ethnic relations, equality and non-discrimination are also important preconditions for internal security. A precondition for better preventive work is improved data collection. In

2009–2010, the Ministry of the Interior implemented a pilot project for a monitoring mechanism for the living conditions of immigrants and good ethnic relations, with co-funding from the EU SOLID funds (Integration Fund). In 2011, efforts were launched to establish this as a permanent mechanism together with Statistics Finland, but permanent funding is not yet in place.

Crisis management missions implemented by Finland also involve a responsibility to protect. This is a principle evolving in the international community that emphasises a state's primary responsibility for its citizens and the secondary responsibility of the international community in case the state is unable to cope. The responsibility of the international community may be realised through prevention, intervention or rebuilding. Strengthening the principle of responsibility to protect within the framework created by the UN Charter will enhance the protection of the individual. To strengthen this principle, inputs from various actors (states, NGOs, civil society) will be needed. In individual national projects, we must consider if they have a dimension of responsibility to protect, now or in the future. Improved protection in our country is not only a reflection on the kind of human rights actor Finland is, but it can also be used to improve the possibilities of fulfilling the responsibility to protect elsewhere (for example, better possibilities of reacting for the authorities, or “exporting” certain models of human rights activity). The Action Plan on Human Rights must be extensive and based on the genuine protection of the individual.

EQUALITY AND GENDER EQUALITY

Section 6 Equality

Everyone is equal before the law.

No one shall, without an acceptable reason, be treated differently from other persons on the grounds of sex, age, origin, language, religion, conviction, opinion, health, disability or other reason that concerns his or her person.

Children shall be treated equally and as individuals and they shall be allowed to influence matters pertaining to themselves to a degree corresponding to their level of development.

Equality of the sexes is promoted in societal activity and working life, especially in the determination of pay and the other terms of employment, as provided in more detail by an Act.

Action Plan projects:

7. Reform of the non-discrimination legislation

- a) Name: Reform of the non-discrimination legislation.
- b) Contents: The aim is to reform the non-discrimination legislation to better fulfil the requirements laid down in section 6 of the Constitution on a consistent and extensive ban on discrimination.
- c) Legal basis: Section 6 of the Constitution
- d) Responsible ministry: **Ministry of Justice**, Ministry of Employment and the Economy.
- e) Indicators: A Government proposal during 2012.

8. Reform of the legislation on equality in working life

- a) Name: Reform of the legislation on equality in working life.
- b) Contents: The project is a part of a total reform of the non-discrimination legislation. The aim is to draft new non-discrimination legislation that will take the development of the European law into account and efficiently protect equality regardless of the grounds of discrimination.
- c) Legal basis: Section 6 of the Constitution, international human rights treaties, EU Directives on anti-discrimination.

- d) Responsible ministry: **The Ministry of Employment and the Economy** appointed a tripartite working group to examine and draft provisions on equality in the working life on 28 September 2011. In addition to labour market organisations, the Finnish League for Human Rights and the Finnish Disability Forum are involved in this work.
- e) Indicators: The working group's mandate will end on 31 May 2012.

9. Partial reform of the gender equality legislation

- a) Name: Partial reform of the gender equality legislation.
- b) Contents: The aim is to include provisions on the protection of those belonging to sexual minority groups in the Act on Equality between Women and Men (tasa-arvolaki, 609/1986) and to make the minimum amendments required by the reform of the non-discrimination legislation in the legislation concerning the monitoring of the Act on Equality between Women and Men.
- c) Legal basis: Section 6 of the Constitution, international human rights treaties, EU case law.
- d) Responsible ministry: **Ministry of Social Affairs and Health**, Ministry of Justice.
- e) Indicators: The schedule is tied to the reform of the non-discrimination legislation.

10. Report on the implementation of equality in access to rights as part of the monitoring of discrimination

- a) Name: A study on the implementation of equality in access to rights as part of the monitoring of discrimination.
- b) Contents: Commissioning of a study on the implementation of equality in access to rights. Part of the Action Plan for Monitoring Discrimination for 2012.
- c) Legal basis: Section 6 of the Constitution.
- d) Responsible ministry: **Ministry of the Interior** and Ministry of Justice.
- e) Indicators: Completion of the study.

11. Developing accessible communication services

- a) Name: Developing accessible communication services.
- b) Contents: The particular task of the monitoring group will be to promote the measures contained in the Action Plan aiming at developing technology-neutral and multi-channel communications and, more generally, ensuring that accessibility issues are comprehensively taken into account in the communications policy. The special needs of disabled people regarding the use of communication services will be identified in the legislation. The universal services regulation under the Communications Market Act (393/2003) guarantees communication services of a certain basic standard for all users. The Ministry of Transport and Communications has drafted a decree proposal on the basis of the Communications Market Act amendment that entered into force on 25 May 2011 (363/2011, HE 238/2010) and the final report of the Finnish Communications Regulatory Authority working group on accessibility of universal services. For the first time, the Act now contains a specific reference to the rights of disabled people to basic communication services.

- c) Legal basis: Sections 6 and 17 of the Constitution. Guideline legislation: Communications Market Act (393/2003), Act on Television and Radio Operations (744/1998), the Act on the Finnish Broadcasting Company (1380/1993) and the Act on Radio Frequencies and Telecommunications Equipment (1015/2011).
- d) Responsible ministry: **Ministry of Transport and Communications**
- e) Indicators: Minutes of the monitoring group, a possible action plan and the associated reports.

12. Promoting accessibility

- a) Name: Promoting accessibility through design for all.
- b) Contents: In accordance with the Finnish Disability Policy Programme 2011–2015, the principles of design for all will be taken into account in developing the legislation on land use and building, and the introduction of design for all principles will also be promoted in the renovations. Work to harmonise interpretations of accessibility will be promoted, and instructions will be issued for taking accessibility into account as part of guidance for planning and other design of immediate surroundings.
- c) Legal basis: UN Convention on the Rights of Persons with Disabilities (CRPD) Articles 9 and 19; Section 9 of the Constitution.
- d) Responsible ministry: **Ministry of the Environment.**
- e) Indicators: Regulation and guidelines pertaining to building and planning will be reformed by the end of 2013.

13. Promoting good ethnic relations

- a) Name: Creating and testing indicators for good ethnic relations, producing and publishing a good practices manual.
- b) Contents: The aim is to draw up indicators measuring good ethnic relations in various areas of life based on four basic dimensions (1. attitudes, 2. personal safety, 3. interaction with others and 4. participation and exerting influence). The indicators will be tested locally, and based on this, a good practices manual concerning means to promote good ethnic relations will be drawn up and published. This project complements the efforts of the Ministry of Employment and Economy to make the monitoring system for integration and good ethnic relations an established part of activities.
- c) Legal basis: Implementation of integration and anti-discrimination legislation.
- d) Responsible ministry: **Ministry of the Interior**, Advisory Board for Ethnic Relations ETNO, Ministry of Employment and the Economy, NGOs.
- e) Indicators: Working group report; manual; Preparation will start in the working group; testing and publication of the manual will be implemented as a separate project, for which EU co-funding will be sought.

14. Monitoring the implementation of equality among the Roma

- a) Name: Development of indicators for the state of welfare and equality among the Roma.
- b) Contents: Developing indicators monitoring the welfare of the Roma as part of monitoring the implementation of equality. The key aspects of welfare will be determined, the development of which among the Roma should be monitored and compared to that of the rest of the population. The aim is to produce information to be used for the development of indicators and monitoring systems. Mapping the current information base and establishing the possibilities for expanding the information base on the Roma population.
- c) Legal basis: UN human rights treaties and various Council of Europe conventions, including the Framework Convention for the Protection of National Minorities; the committees supervising the implementation of these conventions have repeatedly drawn attention to the implementation of the human rights of the Roma and issued Finland with recommendations for implementing them; the Non-Discrimination Act; Finland's National Policy on the Roma; the Government Programme.
- d) Responsible ministry: **Ministry of Social Affairs and Health**, together with the National Institute for Health and Welfare and the monitoring group and steering committee for the National Policy on the Roma.
- e) Indicators: The implementation of this action will be monitored in connection with monitoring the implementation of the National Policy on the Roma and through indicators developed for this monitoring. Indicators will also be developed as part of the general monitoring of discrimination (Ministry of the Interior); in the National Policy on the Roma, promoting non-discrimination and equality of the Roma population in various areas of life is a key objective. The steering committee and monitoring group of the National Policy on the Roma are currently being appointed.

15. Promoting the equality and human rights of Roma women

- a) Name: Preventing multiple discrimination and intimate partner violence against Roma women.
- b) Contents: As part of promoting non-discrimination of the Roma, particular attention will be paid to combating and preventing multiple discrimination against Roma women. A study will be conducted on intimate partner violence against Roma women, with the aim of producing information and developing efficient means for recognising and preventing intimate partner violence and supporting the victims of violence.
- c) Legal basis: UN Convention on the Elimination of All Forms of Discrimination Against Women; Action Plan to Reduce Violence Against Women. Government Programme.
- d) Responsible ministry: **Ministry of Social Affairs and Health**.
- e) Indicators: The indicators will be produced as part of the study on intimate partner violence; no extensive research data exists on the scope of intimate partner violence against Roma women and its special characteristics.

Other projects and actions related to the theme:

Equality is a fundamental right, and protecting it plays a key role in the implementation of fundamental and human rights in people's lives. Under the Non-Discrimination Act, nobody may be discriminated against on the basis of age, ethnic or national origin, nationality, language, religion, conviction, opinion, health, disability, sexual orientation or other personal characteristics. Under section 4 of the Non-Discrimination Act, the authorities shall, in all they do, seek purposefully and methodically to foster equality and consolidate administrative and operational practices that will ensure the fostering of equality in preparatory work and decision-making.

The Finnish Disability Programme²⁵ outlines concrete disability policy measures for 2010–2015. The measures under this programme form an entity where all sectors of the policy will be developed from the perspective of the rights, liberties and equal opportunities of the disabled. The programme is divided into fourteen content areas with significance in disability policy, and it contains a total of 122 concrete measures for intervening in the shortcomings.

The general purpose of the first National Policy on the Roma²⁶ in Finland is to promote the inclusion and equality of the Roma in various areas of life by mainstreaming the promotion of equality and non-discrimination as part of the activities of society. The starting point for the National Policy on the Roma is that the current legislation and service system create a good foundation for promoting the equality of the Roma population. In addition, special measures to implement the de facto inclusion and equality of the Roma will be needed at all levels of official activities. One of the principles of the programme is empowering Roma people themselves as actors and building up their operational capacity, drawing on their own strengths. The programme contains six priority areas and 147 proposed measures.

Gender equality is an important part of human rights. The Action Plan on Human Rights has close links also to Government programmes that promote gender equality, and together they promote the implementation of gender equality as well as fundamental and human rights. The Action Plan on Human Rights and the Government Equality Programme have a number of objectives and measures in common, especially in the areas of gender equality and non-discrimination legislation reform, intervening in discrimination, equal pay and working life equality, reconciliation of work and family life and reducing violence against women and intimate partner violence. From the viewpoint of human rights, it is also important to pay attention to the intersections of gender-related and other equality, in particular multiple discrimination and vulnerable women and men. In this respect, key measures include developing the monitoring of human rights and gender equality and including provisions on the position of those belonging to gender minority groups in the Act on Equality between Women and Men.

²⁵ Vahva pohja osallisuudelle ja yhdenvertaisuudelle, Suomen vammaispoliittinen ohjelma (A strong foundation for inclusion and equality, Finland Disability Policy Programme) VAMPO 2010-2015, Publications of the Ministry of Social Affairs and Health 2010:4

²⁶ Suomen romanipoliittinen ohjelma (Finland's National Policy on Roma, working group proposal), Reports of the Ministry of Social Affairs and Health 2009:48

Issues of equal pay, gender equality in working life and reconciliation of work and family life are a key part of realising decent work. Measures of the Equal Pay Programme, which continues throughout this electoral term, contribute to the implementation of both the Action Plan on Human Rights and the Government Equality Programme. In particular, the programme sets out to improve the position of women in the labour market and to continue evidence-based working life development. The Equal Pay Programme has its own monitoring mechanism. Violence against women remains a serious human rights problem in Finland. The National Action Plan to Reduce Violence against Women is an important tool in implementing the objectives of the Human Rights Action Plan. Priority areas in the Action Plan on Human Rights include improving the services intended for victims of intimate partner violence and sexual violence and developing methods for recognising and intervening in violence experienced by vulnerable persons.

The Ministry of Transport and Communications is preparing a transport policy report to be submitted to the Parliament in the spring 2012. In its section on public transport, the role of accessibility should be particularly emphasised in accordance with the accessibility strategy published by the Ministry in 2003 (Towards Accessible Transport). The service level of the transport system is evaluated from the perspective of twelve thematic areas. Questions of accessibility, impact on citizens' welfare and equality of transport will be taken into account in all activities.

The Finnish Defence Forces have focused on diversity management, equality and promotion of non-discrimination, especially in the 2000s. In 2012, this work will be continued by publishing the results of a major equality survey targeting paid employees and conscripts conducted with the support of the University of Tampere. Based on the results of this study, the national equality and gender equality plan of the Defence Forces will be updated. A study on the good practices of diversity management in the training of conscripts will be published in 2012, and a survey for persons returning from crisis management missions will be introduced to examine experiences related to equality and gender equality in crisis management operations. A monitoring mechanism of equality and gender equality planning will be introduced in 2013, which will be developed together with the University of Tampere. This monitoring mechanism will enable more effective guidance of development at the workplace level.

Gender activities based on Resolution 1325 (women, peace and security) of the UN Security Council strive to ensure that the position of women, their safety and their special problems are taken into account in crisis management operations. In practice, this means that in the planning, implementation and monitoring of crisis management operations as well as in the training of the relevant personnel, the local culture, population and position of women will be taken into consideration more extensively than today.

The gender activities will be coordinated by the Defence Command, and the training will be provided by the Pori Brigade and the Finnish Defence Forces International Centre. In crisis management operations, the commander of the crisis management detachment is responsible for preventing inappropriate treatment and supporting the position of the women in the area.

PERSONAL LIBERTY AND INTEGRITY

Section 7

Right to life, personal liberty and integrity

Everyone has the right to life, personal liberty, integrity and security.

No one shall be sentenced to death, tortured or otherwise treated in a manner violating human dignity.

The personal integrity of the individual shall not be violated, nor shall anyone be deprived of liberty arbitrarily or without a reason prescribed by an Act. A penalty involving the deprivation of liberty may be imposed only by a court of law. The lawfulness of other cases of deprivation of liberty may be submitted for review by a court of law. The rights of individuals deprived of their liberty shall be guaranteed by an Act.

Action Plan projects:

16. Third Internal Security Programme

- a) Name: Third Internal Security Programme.
- b) Contents: Drafting the Third Internal Security Programme. In the drafting and implementation of this programme, particular attention will be focused on the prevention of violence and, in a wider sense, measures that improve the safety of particular groups.
- c) Legal basis: Section 7 of the Constitution.
- d) Responsible ministry: **Ministry of the Interior.**
- e) Indicators: A monitoring mechanism as part of monitoring the Government Programme (Ministerial working group on internal security). Victim studies as regards violent crime; the final programme to be completed in May 2012.

17. Particular personal security project

- a) Name: Particular personal security project.
- b) Contents: The needs for special legislation on personal security will be examined. Particular persons and groups include witnesses in criminal proceedings and other groups requiring particular protection (for example, persons protected by a restraining order and their families). Improving the security of those in a special situation by drafting provisions on particular personal security.
- c) Legal basis: Section 7 of the Constitution.
- d) Responsible ministry: **Ministry of the Interior.**
- e) Indicators: Completion of a Government proposal at the latest in 2014.

18. Enhancing the right of self-determination in social and health care

- a) Name: Developing and implementing legislation on self-determination.
- b) Contents: The project aims at reforming social and health care legislation in order to strengthen the right of self-determination of the patient/customer of social care and to gather the provisions restricting the right of self-determination into a single Act as extensively as possible, excluding provisions on child welfare, control of communicable diseases and examination and treatment of forensic psychiatry patients. To support the legislation on strengthening self-determination and measures related to restricting it, an implementation plan will be drawn up. Training will be provided for personnel using restrictive measures within this programme. Where appropriate, training will also be provided for support persons involved in a supported decision-making process and family members taking part in a process concerning the use of restrictive measures. The training will impart information on fundamental rights, citizens' rights and obligations under the Convention on the Rights of Persons with Disabilities. The training will contain instruction and advice on the use of measures that can be employed to prevent the activation of restrictive measures.
- c) Legal basis: Government Programme, several comments of international human rights committees. The current provisions are too general and loosely worded compared to the requirements of the Constitution. The Parliamentary Ombudsman, for example, has been drawing attention to this fact for several years. Provisions on restricting the right of self-determination are contained in the Act on the Welfare of Substance Abusers (päihdehuoltolaki, 41/1986), the Act on the Special Care of Mentally Handicapped Persons (laki kehitysvammaisten erityishuollosta, 519/1977), the Mental Health Act, the Communicable Diseases Act and the Child Welfare Act.
- d) Responsible ministry: **Ministry of the Interior**, interest groups: Ministry of Justice, Ministry of the Environment, Regional State Administrative Agencies, National Supervisory Agency for Welfare and Health Valvira, National Institute for Health and Welfare, Association of Finnish Local and Regional Authorities, municipalities, organisations for the disabled and the elderly, patients' organisations.
- e) Indicators: Completion of the Government proposal, completion of the implementation programme.

19. Human trafficking offences

- a) Name: Review of the legislation on trafficking in human beings in the administrative branch of the Ministry of Justice.
- b) Contents: Among others, the project will examine the criminalisation of human trafficking in light of Directive 2011/36/EU, drawing a line between human trafficking and pandering offences on one hand and extortionate work discrimination on the other, issues related to the position of a victim of pandering as an injured party, the legal significance of the consent of a human trafficking victim, and the protection of persons involved in the processing of human trafficking offences.
- c) Legal basis: The backdrop to this project is the Report of the National Rapporteur on Trafficking in Human Beings and the Parliament Communication EK 43/2010, the final report of the steering group for the Plan of Action against Trafficking in Human Beings (the Revised Plan), Government Programme of Prime Minister Jyrki Katainen and the new Directive on human trafficking.

- d) Responsible ministry: **Ministry of Justice.**
- e) Indicators: The term of the working group is 21 November 2011–28 September 2012.

20. Actions against trafficking in human beings

- a) Name: Drafting of an act on trafficking in human beings.
- b) Contents: Setting up a project drafting a specific act on human trafficking. As a key part of this project, proposals should be prepared for more accurate regulation of the system for victim support.
- c) Legal basis: The backdrop to this project is the Report of the National Rapporteur on Trafficking in Human Beings and the Parliament Communication EK 43/2010, the final report of the steering group for the Plan of Action against Trafficking in Human Beings (the Revised Plan), and the Government Programme of Prime Minister Jyrki Katainen. Recommendations of the CEDAW, among others.
- d) Responsible ministry: **Ministry of the Interior** and Ministry for Foreign Affairs, Ministry of Justice, Ministry of Employment and the Economy, Ministry of Social Affairs and Health.
- e) Indicators: Preparation of the Government proposal. The project was set up for the period 1 February 2012 – 31 December 2013; the aim is to submit the Government proposal at the latest during the autumn session 2013.

21. Securing round-the-clock access to appropriate sanitary facilities for prisoners

- a) Name: Securing round-the-clock access to appropriate sanitary facilities for prisoners, discontinuing the use of cells without toilets.
- b) Contents: In November 2011, the Criminal Sanctions Agency had in use 222 cells that did not have appropriate toilet facilities or immediate access to sanitary facilities. The plan is to discontinue the use of these cells by 2015 in connection with prison renovation projects. Even before the use of these cells is discontinued, the prisons in question have been instructed to provide the prisoners with a possibility of accessing appropriate sanitary facilities round-the-clock. According to available information, the prisons are already doing this.
- c) Legal basis: Section 7 of the Constitution, European Convention on Human Rights Article 3, Covenant on Civil and Political Rights Article 10, UN Convention Against Torture (59-60/1989), Recommendations issued to Finland by the CPT and CAT, positions of the Parliamentary Ombudsman, case law of the European Court of Human Rights, (Chapter 1 Section 5 and Chapter 7 Section 1 of the Prison Sentences Act (vankeuslaki, 767/005)).
- d) Responsible ministry: **Ministry of Justice**, the Criminal Sanctions Agency.
- e) Indicators: Separate reporting by the Criminal Sanctions Agency, with the aim of discontinuing the use of cells without toilet facilities at the latest during 2015. In connection with amending the Prison Sentences Act, the needs to make the provisions of this Act more accurate are determined; this objective is contained in the Government Programme of Prime Minister Katainen and in the operating and financial plan of the Ministry of Justice for 2012–2015. The Government decision on spending limits for 2012–2015 or the budget proposal for 2012 do not allow the achievement

of this target. The amendment of the Prison Sentences Act is included in the Ministry of Justice's list of legislative projects, and it will be drafted by state officials.

22. Improving conditions for detainees

- a) Name: Improving conditions for detainees.
- b) Contents: The regulation on detainees and their conditions will be developed based on proposals of the Ministry of Justice working group (Ministry of Justice reports and statements 81/2010). In connection with this project, particular attention will be paid to avoiding overcrowding when placing detainees in prisons, reducing the number of detainees placed in police facilities, examining the possibilities for introducing an electronically controlled travel ban, and improving the possibilities of detainees to take part in activities outside their cells.
- c) Legal basis: Section 7 of the Constitution, European Convention on Human Rights Articles 3 and 6.2, recommendations issued to Finland by the CPT and CAT, positions of the Parliamentary Ombudsman, the Covenant on Civil and Political Rights Article 10 (Chapter 1, section 5 of the Detention Act)
- d) Responsible ministry: **Ministry of Justice**, Criminal Sanctions Agency, Ministry of the Interior, National Police Board.
- e) Indicators: Report on the number of prisoners, data from the prisoner information system; electronic travel ban, a working group to be appointed. A report in 2013 at the latest.

23. More efficient provision of information on rights in cases of deprivation of liberty

- a) Name: More efficient provision of information in cases of deprivation of liberty.
- b) Contents: Improving awareness of their legal protection for persons having been deprived of their liberty. A specific form will be drawn up showing the rights of persons having been deprived of their liberty.
- c) Legal basis: Recommendations, including those from the CPT and CAT.
- d) Responsible ministry: **Ministry of the Interior**, National Police Board.
- e) Indicators: Completion of the forms.

24. Amending the Act on the Treatment of Persons in Police Custody

- a) Name: Amending the Act on the Treatment of Persons in Police Custody (laki poliisin säilyttämien henkilöiden kohtelusta 841/2006)
- b) Contents: Due to the forthcoming amendments to the Prison Sentences Act, the Detention Act and the Criminal Code, the required amendments to the Act on the Treatment of Persons in Police Custody will be drafted. Will be carried out simultaneously with the project no. 22.
- c) Legal basis: Section 7 of the Constitution.
- d) Responsible ministry: **Ministry of the Interior, Ministry of Justice**.
- e) Indicators: See project 22.

25. Project to renovate the facilities for persons deprived of their liberty

- a) Name: Project to renovate the facilities for persons deprived of their liberty.
- b) Contents: Renovation of police detention facilities.
- c) Legal basis: Recommendations, including that from the CPT.
- d) Responsible ministry: **Ministry of the Interior**, National Police Board, Senate Properties.
- e) Indicators: Starting of the renovations.

26. Project to review the provisions on placing foreigners into detention

- a) Name: Project to review the provisions on placing foreigners into detention.
- b) Contents: Reviewing the provisions on placing minors into detention (amendments to the Aliens Act) and examining alternatives for detention.
- c) Legal basis: Section 7 of the Constitution; recommendations of the CAT and CRC etc.
- d) Responsible ministry: **Ministry of the Interior**.
- e) Indicators: The term of the working group is 1 December 2011–1 December 2013. The aim is to submit a Government proposal on reviewing the provisions on placing minors in detention in autumn 2012.

Other projects and action related to the theme:

The Third Internal Security Programme to be drawn up by the Government will be based on the idea of security in a broad sense. The emphasis in the actions against violence will be on reducing serious violent crime and violence committed by young people, improving the recognition of violence against vulnerable groups including older people and immigrant women, children and the disabled, and the prevention of violent radicalisation. The Government will intensify its actions against racism, intolerance and xenophobia as well as its combat against hate crime targeting various minorities, including the disabled, those representing a different religion or conviction and sexual and gender minority groups. The monitoring mechanism of discrimination will be developed.

LEGAL PROTECTION

Section 21 Protection under the law

Everyone has the right to have his or her case dealt with appropriately and without undue delay by a legally competent court of law or other authority, as well as have a decision pertaining to his or her rights or obligations reviewed by a court of law or other independent organ for the administration of justice.

Provisions concerning publicity of proceedings, the right to be heard, the right to receive a reasoned decision and the right of appeal, as well as other guarantees of a fair trial and good governance shall be laid down by an Act.

Action Plan projects:

27. Public administration customer relationship strategy

- a) Name: Public administration customer relationship strategy.
- b) Contents: In accordance with the Government Programme, the citizens' right to good governance will be secured everywhere. The administrative burden of citizens and companies will be alleviated, and the transparency and effectiveness of governance will be improved. The customer relationship strategy of the public administration should clarify the customer service within the public administration and determine a desired state for it. This desired state would contain partial goals related to the smooth functioning, speed and predictability of governance and the costs for customers and the administration. The strategy work would also provide a selection of tools for ensuring commitment, supporting implementation and monitoring. The project will look into the various channels for conducting business and, in addition to the traditional public service, new forms of cooperation between the public sector and the private or third sector.
- c) Legal basis: The Constitution, the State Civil Servants Act (valtion virkamieslaki, 750/1994), the Administrative Procedure Act, the Act on the Openness of Government Activities, the Act on Public Contracts, the Act on Electronic Services and Communication in the Public Sector.
- d) Responsible ministry: **Ministry of Finance**, with other ministries, central bodies, and representatives of local government, NGOs and customers/citizens invited to be involved.
- e) Indicators: Indicators of impact: administrative burden – costs for the customer, waiting times, queue times, processing times, number of complaints and contacts from dissatisfied customers, customer satisfaction, personnel satisfaction.

28. Compensation for delays in administration

- a) Name: Compensation for delays in administrative judicial procedures.
- b) Contents: The Act on Compensation for the Excessive Length of Judicial Proceedings applicable to general courts entered into force on 1 January 2010. In connection with the parliamentary debate on the Act, the Constitutional Law Committee considered it particularly vital that the scope of application of the Act be extended as soon as possible to apply also to the administrative and special courts.
- c) Legal basis: Judgments of the European Court of Human Rights on the excessive length of judicial proceedings and the associated legal remedies (European Convention on Human Rights, Article 13), Constitutional Law Committee statement 2/2009.
- d) Responsible ministry: **Ministry of Justice.**
- e) Indicators: The aim is to submit a Government proposal on this matter in 2012.

29. Prompt administrative proceedings and legal remedies when an authority fails to act

- a) Name: Prompt administrative proceedings and legal remedies when an authority fails to act.
- b) Contents: Under the Constitution, everyone has the right to have his or her case dealt with appropriately and without undue delay by a legally competent court or other authority. The current legal remedies pertaining to administrative proceedings have been considered deficient in situations where an authority fails to make an administrative decision, or the making of the decision is delayed. It is thus necessary to enact legislation on prompt administrative proceedings and legal remedies when the processing of administrative matters is delayed.
- c) Legal basis: Section 21 of the Constitution.
- d) Responsible ministry: **Ministry of Justice.**
- e) Indicators: The aim is to submit a Government proposal in 2012.

30. Reforming provisions on the liability of a public corporation

- a) Name: Reforming provisions on the liability of a public corporation in the Tort Liability Act.
- b) Contents: Among other objectives, this projects aims to establish which legislative amendments are required to ensure that the liability laid down in the law will cover damages paid for violations of fundamental and human rights occurring in the course of the discharge of public duties, in particular as required by Article 13 of the European Convention on Human Rights.
- c) Legal basis: Article 13 of the European Convention on Human Rights and its interpretation practice, Government report on human rights policy in Finland 2009.
- d) Responsible ministry: **Ministry of Justice.**
- e) Indicators: Appointment of a working group in 2012. Working group report in 2013.

31. Examining the introduction of plea bargaining and developing the non-prosecution system

- a) Name: Examining the introduction of plea bargaining and developing the non-prosecution system
- b) Contents: Examining the possible introduction of plea bargaining, developing the non-prosecution system, making the necessary legislative proposals. The aim is to make the proceedings more efficient and to reduce their length.
- c) Legal basis: Section 21 of the Constitution, Articles 6 and 13 of the European Convention on Human Rights, case law of the European Court of Human Rights.
- d) Responsible ministry: **Ministry of Justice.**
- e) Indicators: The term of the working group is 10 October 2011–30 April 2012.

32. EU Directives on strengthening the rights of suspects and accused persons

- a) Name: EU Directives on strengthening the rights of suspects and accused persons.
- b) Contents: In 2009, the Justice and Home Affairs Council adopted a resolution on a roadmap including measures that should be implemented to strengthen the procedural rights of suspects and accused persons. These measures include a Directive on the right to interpretation and to translation in criminal proceedings, a Directive on the right to information in criminal proceedings and a Directive on the right of access to a lawyer in criminal proceedings. These projects seek to enhance the guarantees of a fair trial among others.
- c) Legal basis: Section 21 of the Constitution, Article 6 of the European Convention on Human Rights, Article 47 of the EU Charter of Fundamental Rights.
- d) Responsible ministry: **Ministry of Justice.**
- e) Indicators: Some of the Directives are still in the negotiation phase, and the schedule for their national implementation will only be specified at the end of the negotiations. The first mentioned Directive must be transposed into national legislation by 27 October 2013.

33. Improving the system of compensation for criminal damage

- a) Name: Improving the system of compensation for criminal damage.
- b) Contents: Shortening the processing times of criminal damage compensations. Improving the dissemination of information on the compensation system.
- c) Legal basis: Section 21 of the Constitution, Article 6 of the European Convention on Human Rights.
- d) Responsible ministry: **Ministry of Justice**, State Treasury, Ministry of Finance.
- e) Indicators: Processing time statistics, the State Treasury; a description of new methods for disseminating information.

34. “A child as the victim of a crime” guidebook

- a) Name: “A child as the victim of a crime” guidebook.
- b) Contents: This project will plan and publish an online guide providing information on the key issues relevant to criminal proceedings with the child’s best interest in mind for the parents of a child who has been a victim of a crime. Focuses on violent and sexual crimes. This project will improve the position of child victims and their access to their rights, as being informed of the rights plays a key role in accessing them. An online brochure will be easy to distribute, print and update.
- c) Legal basis: Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children, the Directive on the rights, support and protection of the victim of a crime that is being drafted, Council of Europe Conference of Ministers’ instructions on child-friendly justice (17 October 2010).
- d) Responsible ministry: **Ministry of Justice**, Ministry of Social Affairs and Health, Ministry of the Interior, National Police Board, expert representation (including the police, a prosecutor, a judge, a lawyer, the committee on forensic psychology, Hospital District of Helsinki and Uusimaa).
- e) Indicators: Brochure published online, projected schedule 2012.

35. Accelerating the asylum procedures through a project improving the productivity of the migration administration

- a) Name: Accelerating the asylum procedure through a project improving the productivity of the migration administration.
- b) Contents: The project will look into making inter-authority cooperation more effective, work organisation and the means for accelerating the processing of asylum applications. At the same time, it will be ensured that the standard of decision-making remains at least at its current level. Methods for accelerating placements in municipalities for beneficiaries of international protection will be examined.
- c) Legal basis: Section 21 of the Constitution, Government Programme of Prime Minister Jyrki Katainen, recommendations including those by ECRI.
- d) Responsible ministry: **Ministry of the Interior**, Finnish Immigration Service, Ministry of Justice, Ministry of Employment and the Economy.
- e) Indicators: Annual interim reports and final report of the working group.

36. Developing legal advice for those applying for international protection

- a) Name: Developing legal advice for those applying for international protection.
- b) Contents: Establishing the needs to pass legislation on general legal advice provided for those applying for international protection, drafting the necessary provisions. The project will look at alternative ways of organising legal advice provision.
- c) Legal basis: Section 21 of the Constitution, recommendations, including those by the ECRI.
- d) Responsible ministry: **Ministry of the Interior**.
- e) Indicators: Setting up the project in 2012.

37. Study project on a smart card for asylum seekers

- a) Name: Study project on a smart card for asylum seekers.
- b) Contents: Improving asylum seekers' access to services. Investigating the possibility of introducing a smart card for asylum seekers.
- c) Legal basis: Section 6 of the Constitution.
- d) Responsible ministry: **Ministry of the Interior.**
- e) Indicators: Completion of the study.

Other projects and actions related to the theme:

On the initiative of various ministries, the Action Plan contains a number of individual projects relevant to the position and implementation of the rights of crime victims. Some of these are related to the protection of personal freedom and integrity (including the prevention of violence and other crime), and some to the victims' legal protection, health and welfare. In the report on human rights policy submitted by the Government to the Parliament, national inequalities in the possibilities of crime victims to receive personal support from victim support organisations were mentioned as a shortcoming. This Action Plan includes a project aiming to develop support services for victims, with particular emphasis on the aspect of vulnerability. This Action Plan does not include securing the support services of Victim Support Finland, as the progress in this matter will be guided by the Government Programme and take the forthcoming EU Directive into account. The Ministry of Justice is planning to set up a network-type organ for processing and promoting shared issues of victim policy in 2012. In these activities, it is likely that attention will also be paid to those fundamental and human rights issues that play a key role for victims.

PRIVATE AND FAMILY LIFE

Section 10 The right to privacy

Everyone's private life, honour and the sanctity of the home are guaranteed. More detailed provisions on the protection of personal data are laid down by an Act.

The secrecy of correspondence, telephony and other confidential communications is inviolable.

Measures encroaching on the sanctity of the home, and which are necessary for the purpose of guaranteeing the basic rights and liberties or for the investigation of crime, may be laid down in an Act. In addition, provisions concerning limitations of the secrecy of communications which are necessary in the investigation of crimes that jeopardise the security of the individual or society or the sanctity of the home, at trials and security checks, as well as during deprivation of liberty may be laid down in an Act.

Action Plan projects:

38. Developing family leaves and especially increasing the father's share in parental leaves

- a) Name: Developing family leaves and especially increasing the father's share in parental leaves. Government proposal on amending the Health Insurance Act (sairausvakuutuslaki, 1224/2004).
- b) Contents: Provisions on paternity and parental allowance under the Health Insurance Act will be amended by increasing the father's share of the parental leave. Paternity leave amounts to a total of 54 working days, of which no more than eighteen working days can be taken simultaneously with the mother. The paternity leave applies to each child, and it can be taken flexibly any time before the child reaches two years of age. The link to parental leave under the currently valid Act will be removed. The division of costs for parental allowances will remain unchanged.
- c) Legal basis: Section 6 of the Constitution, international human rights treaties, including the implementation of ILO Convention 111 concerning Discrimination in Respect of Employment and Occupation, and Convention 156 concerning Equal Opportunities and Equal Treatment of Men and Women Workers with Family Responsibilities. The Government Programme includes an objective of promoting the well-being of the child while simultaneously supporting the opportunities of both parents to participate in child care and working life by means of the family leave system. The objective is to increase the amount of leave days reserved for fathers, provide more

- flexibility to how and when the fathers use their family leaves and enable home child care for a longer time, supported by the parental allowance.
- d) Responsible ministry: **Ministry of Social Affairs and Health**, Ministry of Employment and the Economy.
 - e) Indicators: The reform will enter into force in the beginning of 2013. The impacts of the reform and the achievement of its objectives will be reviewed two years after its implementation.

Other projects and actions related to the theme:

In the context of reforming the Paternity Act, attention will be focused for example on the judgments of the European Court of Human Rights, according to which the transitional provisions of the currently valid Paternity Act have sometimes led to violations of the protection of private and family life in cases where the child was born before the entry into force of the Paternity Act.

Investigators in charge will be provided training on the provisions on searches of premises as the new Coercive Measures Act enters into force.

FREEDOM OF EXPRESSION AND OPINION

Section 12 Freedom of expression and right of access to information

Everyone has the freedom of speech. Freedom of expression entails the right to express, disseminate and receive information, opinions and other communications without prior prevention by anyone. More detailed provisions on the exercise of the freedom of expression are laid down by an Act. Provisions on restrictions relating to pictorial programmes that are necessary for the protection of children may be laid down by an Act.

Documents and recordings in the possession of the authorities are public, unless their publication has for compelling reasons been specifically restricted by an Act. Everyone has the right of access to public documents and recordings.

Action Plan projects:

39. Freedom of expression offences

- a) Name: Freedom of expression offences.
- b) Contents: Assessing the need to review the legislation on freedom of expression offences on the basis of the case law of the European Court of Human Rights. The European Court of Human Rights has passed around a dozen judgments where Finland has been considered to have violated against Article 10 of the European Convention on Human Rights in matters concerning protection of private life and defamation. In their case law, the Finnish courts have stressed the protection of private life and honour, while the European Court of Human Rights has rather stressed the freedom of expression.
- c) Legal basis: Sections 10 and 12 of the Constitution, Articles 8 and 10 of the European Convention on Human Rights, case law of the European Court of Human Rights.
- d) Responsible ministry: **Ministry of Justice.**
- e) Indicators: The term of the working group is 3 October 2011–16 April 2012.

LANGUAGE AND CULTURE

Section 17 Right to one's language and culture

The national languages of Finland are Finnish and Swedish.

The right of everyone to use his or her own language, either Finnish or Swedish, before courts of law and other authorities, and to receive official documents in that language, shall be guaranteed by an Act. The public authorities shall provide for the cultural and societal needs of the Finnish-speaking and Swedish-speaking populations of the country on an equal basis.

The Sami, as an indigenous people, as well as the Roma and other groups, have the right to maintain and develop their own language and culture. Provisions on the rights of the Sami to use the Sami language before the authorities are laid down by an Act. The rights of persons using sign language and of persons in need of interpretation or translation aid owing to disability shall be guaranteed by an Act.

Action Plan projects:

40. Press support

- a) Name: Press support.
- b) Contents: Supporting the newspapers and online publications in Swedish, Sami and Roma languages and the Swedish-speaking news service. The aim is to promote, maintain and reinforce cultural diversity and implementation of the freedom of expression.
- c) Legal basis: EU rules on state aid. Regarding the Sami language and culture, the Council of Europe Convention for the Protection of National Minorities. Legislation governing the project: Government decree on press support.
- d) Responsible ministry: **Ministry of Transport and Communications.**
- e) Indicators: Press support and the amendment to the decree on press support. In 2011, the decree was amended so that press support can be applied for publishing Sami language material in connection with a Finnish or Swedish newspaper, for example in an online publication or a supplement.

41. More efficient implementation of linguistic rights in emergency alerts

- a) Name: More efficient implementation of linguistic rights in emergency alerts.
- b) Contents: Drafting of an act on emergency alerts. Drafting a bill on emergency alerts that will ensure the implementation of linguistic rights (Swedish and Sami) in official communications transmitted by radio and television. The project will define the general criteria for issuing alerts.
- c) Legal basis: Section 17 of the Constitution.
- d) Responsible ministry: **Ministry of the Interior.**

- e) Indicators: Completion of the bill.

42. Promoting the linguistic rights of the Roma population

- a) Name: Producing a study on the implementation of the linguistic rights of the Roma as provided by the Constitution.
- b) Contents: Establishing a working group to investigate how the rights of the Roma to maintain and develop their own language secured by the Constitution is realised in the legislation and in its application.
- c) Legal basis: UN human rights treaties and various Council of Europe conventions, including the Framework Convention for the Protection of National Minorities; the committees monitoring the implementation of these treaties and conventions have repeatedly drawn attention to the implementation of the linguistic and cultural rights of the Roma and issued Finland with recommendations for their implementation; section 17(3) of the Constitution. Government Programme (as part of the National Language Strategy, special attention will be paid to the minority languages, including the Roma language).
- d) Responsible ministry: **Ministry of Justice**, Ministry of Education and Culture, Ministry of Social Affairs and Health, Advisory Board on Romani Affairs.
- e) Indicators: Preparation of a study by the end of 2013.

Other projects and actions related to the theme:

Under Section 17 of the Constitution, the national languages of Finland are Finnish and Swedish. The legislation on these languages, having entered into force in 2004 and complementing the Constitution, is up to date, but there are still some shortcomings in its implementation. In accordance with the Government Programme of Prime Minister Jyrki Katainen, the Prime Minister's Office has set up a National Language Strategy project. This project is based on the proposals made by a working group of the steering committee led by President Ahtisaari concerning the practical implementation of the linguistic rights as well as on other studies and reports. The task is to prepare a long-term strategy for developing two viable national languages and, on this basis, specify concrete Government measures for the electoral term 2011–2015. Proposals on concrete projects to promote the national languages will be included in the National Language Strategy. The steering committee of the National Language Strategy will be chaired by Prime Minister Jyrki Katainen. The deadline for this project is the end of 2012. The National Language Strategy will be adopted as a Government resolution.

Every four years, the Government submits a report to the Parliament on the application of the language legislation and on the implementation of the linguistic rights and, if necessary, other linguistic conditions. The report is prepared by the Ministry of Justice. In addition to Finnish and Swedish, this report will also discuss at least the Sami and Roma languages and sign language. The next report will be submitted in the spring 2013.

A proposal for the revival programme of the Sami language will be completed in early 2012. This programme will contain the targets and measures by which the threatened Sami languages can be revived. This programme is linked to the Government Programme objectives of supporting the Sami language and culture.

PARTICIPATION AND EXERTION OF INFLUENCE

Section 14 Electoral and participatory rights

Every Finnish citizen who has reached eighteen years of age has the right to vote in national elections and referendums. Specific provisions in this Constitution shall govern the eligibility to stand for office in national elections.

Every Finnish citizen and every other European Union citizen resident in Finland, having attained eighteen years of age, has the right to vote in European Parliament elections, as provided by an Act.

Every Finnish citizen and every foreigner permanently resident in Finland, having attained eighteen years of age, has the right to vote in municipal elections and municipal referendums, as provided by an Act. Provisions on the right to otherwise participate in municipal government are laid down by an Act.

The public authorities shall promote the opportunities for an individual to participate in societal activity and to influence the decisions that concern him or her.

Action Plan projects:

43. Promoting the equal implementation of participation rights; the project Political Rights for All

- a) Name: Promoting the equal implementation of participation rights (the project Political Rights for All).
- b) Contents: The project seeks to map and find solutions for the various challenges and obstacles related to the practical implementation of participation rights. It aims to establish which legislative and other measures are required to secure the equal implementation of rights to civic participation. The project takes into account the recommendations in the final report of the OSCE election observation delegation. Key themes of the project are facilitating the voting of disabled persons, electoral information in plain language, improving the participation rights of immigrants, for example by mapping possibilities of working together with political party actors, analysing and reducing obstacles to electronic participation, and utilising the project for e-participation environment as a tool for municipal democracy. In addition, the project will investigate the promotion of participation rights of children and young people in order to harmonise the legislation and policies with the principles of the UN Convention. (Against the backdrop of the report “Child and Youth Participation in Finland: A Council of Europe policy review” (Ministry of Education and Culture publications 2011:27) and its recommendations.)
- c) Legal basis: Sections 14 and 6(3) of the Constitution, the International Covenant on Civil and Political Rights, OSCE final report 2011, Article 12 of the Convention on the Rights of the Child, general comment of the UN Committee on the Rights

of the Child concerning the implementation of Article 12 and detailed instructions on the application areas of children's participation.

- d) Responsible ministry: **Ministry of Justice**, Ministry of Education and Culture.
- e) Indicators: Drawing up the required reports by the end of 2013, organisation of a follow-up meeting on the OSCE final report.

44. The Sami, implementation of participation rights

- a) Name: Developing the rights of the Sami as an indigenous people, in particular by clarifying the legislation on the rights of the Sami to take part in the decision-making on the use of state land and waters in the Sami homeland.
- b) Contents: In this respect, the purpose of the project is to create preconditions for ratifying ILO Convention no 169 concerning Indigenous and Tribal Peoples.
- c) Legal basis: Government Programme, numerous recommendations of international human rights bodies and Constitutional Law Committee statement PeVL 1/2010.
- d) Responsible ministry: **Ministry of Justice**, Ministry of the Environment, Ministry of Agriculture and Forestry.
- e) Indicators: Developing sectoral legislation in 2011–2013.

45. The Sami, implementation of participation rights

- a) Name: Improving the participation rights of the Sami in planning the use of state land and waters. The necessary provisions would be incorporated in the legislation concerning the organisation of Metsähallitus.
- b) Contents: Provisions would be incorporated in the legislation on Metsähallitus, under which Metsähallitus would be responsible for general promotion of reindeer husbandry, hunting and fishing in the Sami homeland and, in order for Metsähallitus to discharge this duty, a specific annual appropriation would be introduced to the State Budget. Provisions on the rights of the Sami to participate in the planning of the use of state land and waters in the Sami homeland would also be included in the organisational legislation on Metsähallitus.
- c) Legal basis: Government Programme, sections 14 and 17 of the Constitution.
- d) Responsible ministry: **Ministry of Agriculture and Forestry**, Ministry of the Environment and Ministry of Justice
- e) Indicators: Legislative proposals will be drafted in 2012 and 2013.

Other projects and actions related to the theme:

The Ministry of Justice will promote voting and civic participation based on the Government Resolution (17/2010) on Promoting Democracy and the report on democracy to be prepared in 2013-2014. The Advisory Board on Civil Society Policy works in conjunction with the Ministry of Justice to promote cooperation between the civil society and the authorities. The project for e-participation environment seeks to develop new types of electronic means and practices of participation for the local, regional and national civic participation and decision-making with the aim of promoting transparency in governance, informing citizens about the participation possibilities, offering efficient and accessible opportunities for participation and supporting the online interaction of various civil society actors.

ADEQUATE STANDARD OF LIVING

Section 19 The right to social security

Those who cannot obtain the means for a life of dignity have the right to receive indispensable subsistence and care.

Everyone shall be guaranteed by an Act the right to basic subsistence in the event of unemployment, illness and disability and during old age as well as at the birth of a child or the loss of a provider.

The public authorities shall guarantee for everyone, as provided in more detail by an Act, adequate social, health and medical services and promote the health of the population. Moreover, the public authorities shall support families and others responsible for providing for children so that they have the ability to ensure the well-being and personal development of the children.

The public authorities shall promote the right of everyone to housing and the opportunity to arrange their own housing.

Action Plan projects:

46. Reducing long-term homelessness

- a) Name: Reducing long-term homelessness.
- b) Contents: In accordance with the Government Resolution on the Programme to Reduce Long-term Homelessness for 2012–2015, the aim is to eliminate long-term homelessness by 2015, to reduce the risk of long-term homelessness by more efficient use of housing rented on social grounds, and to intensify measures preventing homelessness. Increasing the housing stock and producing needs-based services for the long-term homeless and services helping to prevent homelessness.
- c) Legal basis: Section 19 of the Constitution.
- d) Responsible ministry: **Ministry of the Environment** and Ministry of Social Affairs and Health, Ministry of Justice, the Housing Finance and Development Centre of Finland (ARA), Finland's Slot Machine Association RAY, the Criminal Sanctions Agency and cities with the highest incidence of homelessness.
- e) Indicators: Continuous monitoring. Trends in the number of long-term homeless people and housing built and procured within the programme and the increase in the amount of support staff in new projects under the programme will be used as indicators.

47. Improving the housing and associated services for the mentally disabled

- a) Name: Improving the housing and associated services for the mentally disabled.
- b) Contents: In accordance with the Government resolution on providing housing and associated services for the mentally disabled in 2010–2015, the aim is to give mentally disabled persons a possibility for individual housing, enhancing their inclusion and equality in the community and society. Reducing the number of places in institutional care for the mentally disabled and making moving out of the childhood home possible by producing housing solutions that meet the needs and wishes of the disabled person and by offering individual services and support.
- c) Legal basis: Article 19 of the UN Convention on the Rights of Persons with Disabilities (CRPD); sections 9 and 19 of the Finnish Constitution.
- d) Responsible ministry: **Ministry of Social Affairs and Health**, Ministry of the Environment and Ministry of Education and Culture; Housing Finance and Development Centre of Finland (ARA), Finnish Slot Machine Association RAY, National Institute for Health and Welfare and Association of Finnish Local and Regional Authorities.
- e) Indicators: Continuous monitoring. As indicators, the number of residences built and procured, reduction in the number of places in institutional care, as well as the number of seriously disabled customers in supported housing and its trend.

48. Preventing the concentration of housing for immigrants

- a) Name: Preventing the concentration of housing for immigrants.
- b) Contents: Implementing a project for the housing of immigrants that examines and develops models for preventing the concentration of housing of persons with an immigrant background in certain areas.
- c) Legal basis: Section 6 of the Constitution.
- d) Responsible ministry: **Ministry of the Interior** and Ministry of the Environment.
- e) Indicators: Study on the mechanisms for the realisation of housing pathways.

DECENT WORK

Section 18 The right to work and the freedom to engage in commercial activity

Everyone has the right, provided by an Act, to earn his or her livelihood by the employment, occupation or commercial activity of his or her choice. The public authorities shall take responsibility for the protection of the labour force.

The public authorities shall promote employment and work towards guaranteeing for everyone the right to work. Provisions on the right to receive training that promotes employability are laid down by an Act.

No one shall be dismissed from employment without a lawful reason.

Action Plan projects:

49. Social guarantee for young people

- a) Name: Social guarantee for young people.
- b) Contents: In accordance with the Government Programme of Prime Minister Jyrki Katainen, a job, on-the-job training, a study place, or a period in a workshop or rehabilitation will be offered to each young person under 25 and to recently graduated people under 30 years of age. The Ministry of Employment and the Economy, the Ministry of Education and Culture and labour market organisations are involved in the working group on the social guarantee for young people that started its work in September under the Ministry of Employment. The working group will prepare proposals on the resources and measures required for the full implementation of the social guarantee for young people from the beginning of 2013.
- c) Legal basis: Section 18 of the Constitution, international conventions on promoting employment, including ILO Convention no 122.
- d) Responsible ministry: **Ministry of Employment and the Economy** (chair of the working group), Ministry of Social Affairs and Health, Ministry of Education and Culture, labour market organisations, Social Insurance Institution, Association of Finnish Local and Regional Authorities, Federation of Finnish Enterprises, Finnish Youth Cooperation Allianssi, defence administration.
- e) Indicators: Until now, implementation of the social guarantee for young people has been monitored using the following indicators:
 - The number of young unemployed jobseekers who have been out of work for over three months
 - Quantity and quality of job-seeking plans
 - Degree of activation

- The number of young people taking part in various measures
- Customer feedback: national ASPA Housing Services Foundation, compilation from individual offices, surveys and customer panels
- Evaluation studies similar to the one implemented on services provided for young people in 2007 (“Ryhtiä ja ruutia nuorten palveluun”).

50. Examining the change in trends in the way labour is used and work is done and development in these areas, for example in respect of gender equality

- a) Name: A working group examining and developing the ways labour is used and work is done, appointed in accordance with what is stated in the Government Programme. The way labour is used is, for example, evaluated as a gender equality issue.
- b) Contents: Cross-administrative study and development project that examines the change in trends and structural changes of the labour market and business activities and assesses their impacts on the ways in which work is done and labour is used (e.g. fixed-term contracts, part-time work, hired labour and working time issues).
- c) Legal basis: Section 6 of the Constitution, international conventions and EU Directives on gender equality.
- d) Responsible ministry: **Ministry of Employment and the Economy** and Ministry of Social Affairs and Health; interest groups Ministry of Finance, Confederation of Finnish Industries, Federation of Finnish Enterprises, local government employers, Commission of Church Employers, Central Organisation of Finnish Trade Unions, Finnish Confederation of Professionals, Finnish Funding Agency for Technology and Innovation TEKES, Finnish Institute for Occupational Health, Statistics Finland, Labour Institute for Economic Research, Cooperation Group for the Self-employed, and Research Institute of the Finnish Economy.
- e) Indicators: The term of the working group ends on 31 March 2012. Based on the studies and assessments, a decision will be made through a tripartite process on the required further measures, which may also include legislative amendments.

51. Corporate social responsibility and promoting responsible public procurements

- a) Name: Extending the CSR Compass online tool in order to promote responsible procurements.
- b) Contents: The aim is to promote the consideration of social criteria in public procurements in order to implement the fundamental and human rights of employees involved in the supply chain. So far, consideration of social criteria enabled by the Public Contracts Act has been used relatively little in Finland as a consequence of uncertainties related to the interpretation of the legislation, and on the other hand, because this is a new theme. The purpose of the online tool is to explain the concept of responsible procurements and to provide contracting authorities with easy-to-use tools to implement and monitor social responsibility.
- c) Legal basis: ILO conventions on forced labour, child labour, discrimination as well as freedom of association and protection of the right to organise (numbers 29, 87, 98, 100, 105, 111, 138 and 182), Article 32 of the UN Convention on the Rights of the Child, occupational safety and health legislation of the manufacturing country and valid labour legislation, including legislation on minimum pay and social security.

- d) Responsible ministry: **Ministry of Employment and the Economy**, participants in the working group drafting the project include Finnwatch, Federation of Finnish Enterprises and Hansel Ltd. In addition, representatives of the municipal sector and NGOs will be heard during the drafting.
- e) Indicators: Estimated schedule for the completion of the online tool is early 2012.

52. Development of the social care legislation and of a service system that support inclusion in working life

- a) Name: Project supporting inclusion in working life.
- b) Contents: Supporting and promoting participation in working life of persons with disabilities. Examining the structure of the social care service system that supports inclusion in working life and the entity of legislation, as well as incentives for customers in the service system. Working group appointed, mandate 16 January 2012–31 December 2013.
- c) Legal basis: Government Programme, section 6 of the Constitution and ILO Convention no 111.
- d) Responsible ministry: **Ministry of Social Affairs and Health**, Ministry of Employment and the Economy, Ministry of Education and Culture and interest groups, labour market organisations.
- e) Indicators: Appointment of the working group, completion of the study.

53. Preparation for the ratification of the ILO Maritime Labour Convention

- a) Name: Preparation for the ratification of the ILO Maritime Labour Convention.
- b) Contents: The aim is to improve the terms of employment and the working conditions of seafarers both globally and in Finland by ratifying the ILO Maritime Labour Convention no 186 from 2006.
- c) Legal basis: ILO Convention no 186 promotes decent work in merchant fleets globally.
- d) Responsible ministry: **Ministry of Employment and the Economy**, Finnish Tripartite ILO Committee, which includes representatives from the Ministry of Social Affairs and Health, the Ministry for Foreign Affairs, the Ministry of Finance and the central labour market organisations, possibly also the Advisory Committee for Seamen's Affairs.
- e) Indicators: The aim is to submit the Government proposal in 2012.

54. Establishing conditions for ratifying the ILO Convention on Domestic Workers no 189 (of 2011)

- a) Name: Establishing conditions for ratifying the ILO Convention on Domestic Workers.
- b) Contents: The aim is to promote decent working conditions for domestic workers globally. Developing the working conditions of domestic workers, including immigrants.
- c) Legal basis: Section 18 of the Constitution.
- d) Responsible ministry: **Ministry of Employment and the Economy**, Finnish Tripartite ILO Committee.
- e) Indicators: The Government will submit to the Parliament either a Government proposal on ratifying the convention or a report on the conditions for ratifying it. The drafting will take place during 2012.

55. Promoting the employment and enterprise of immigrants

- a) Name: Promoting the employment and enterprise of immigrants.
- b) Contents: In accordance with the Government Programme, the integration of immigrants into the Finnish working life will be strengthened. As part of this objective, integration matters will be transferred from the Ministry of the Interior to the Ministry of Employment and the Economy at the beginning of 2012. The objective is to halve the unemployment rate of immigrants and to increase their employment rate during the electoral term. A national integration programme will be adopted by the Government.
- c) Legal basis: Section 18 of the Constitution, international conventions on promoting employment, including ILO Convention no 122.
- d) Responsible ministry: **Ministry of Employment and the Economy**, Ministry of Education and Culture, Ministry of Social Affairs and Health, Ministry of the Interior.
- e) Indicators: Measures promoting the employment of immigrants will be incorporated in all labour policy projects during the electoral term (social guarantee for young people, public sector recruitment and tutoring programme, entrepreneurship programme and programme to reduce long-term unemployment). Immigrants' needs will be taken into account in renewing the services of employment and economic development agencies and in the reform of the Act on the Public Employment Service. Attention will also be paid to the possibilities of enterprise in the services. The possibilities of employing workplace coaches and instructors for immigrants will be examined. Particular attention will be focused on groups with low employment rates, including young immigrants and immigrant women. Cooperation between the employment and economic development agencies and municipalities will be improved. Comprehensive integration policy in accordance with the metropolis policy programme in the Helsinki Metropolitan Area will be continued. Working life diversity will be developed.

56. Taking diversity into consideration in recruitment objectives and in the recruitment of trainees

- a) Name: Taking diversity into consideration in recruitment objectives and the recruitment of trainees.
- b) Contents: Increasing diversity in the workplaces within the public administration, especially in the Ministry of the Interior's administrative branch and in the security sector. An AFRO 3 project promoting the employment and integration of immigrants will be implemented.
- c) Legal basis: Section 6 of the Constitution. Recommendations, including those by ECRI.
- d) Responsible ministry: **Ministry of Employment and the Economy**, Ministry of the Interior and other ministries.
- e) Indicators: Personnel structure. Final report of the AFRO project and a third-party project evaluation.

57. Diversity Charter operating model

- a) Name: Diversity Charter operating model.
- b) Contents: The aim is to create a permanent operating model to promote diversity management in Finnish companies and other organisations as a part of the YES5

project. The operating model would encourage companies and other organisations to commit, on a voluntary basis, to operating methods that support the diversity of personnel and customers and the principles of non-discrimination, including diverse recruitment. The aim is to help organisations communicate their efforts to promote diversity and pluralism and to increase the strategic planning and development of diversity management in organisations as part of their corporate social responsibility.

- c) Legal basis: Sections 6 and 18 of the Constitution.
- d) Responsible ministry: **Ministry of Employment and the Economy**.
- e) Indicators: Organisation and funding plan for the operating model (one that is realistic and concrete); number and type of organisations having committed to the operating model at the end of 2012; extent and quality of disseminating information on the commitment; the extent, level of activity and feedback of the network of actors. (N.B. the project will also be subjected to a third-party evaluation in 2012.)

58. An assessment of the use of foreign labour

- a) Name: Commissioning an assessment of the use of foreign labour.
- b) Contents: The Government Programme calls for an assessment of the use of foreign labour, the functioning of the relevant regulation and shortcomings in the system; the assessment will, for example, focus on the shortcomings in the position of foreign workers and the implementation of the terms of their employment relationship, in particular regarding posted employees. In this context, possible solutions for protecting the rights of foreign labour will be assessed.
- c) Legal basis: Section 6 of the Constitution.
- d) Responsible ministry: **Ministry of Employment and the Economy** will commission the assessment in 2012. Any follow-up measures will be prepared together with labour market organisations.
- e) Indicators: Based on the assessment, the need for follow-up measures will be evaluated; the assessment will be drawn up in 2012. Based on it, a separate decision will be made on the need to develop the legislation or practices. In accordance with the Government Programme, based on the outcomes of the assessment and within the framework of EU legislation, rules will be drafted to require employers to notify the Finnish authorities in advance about employees being dispatched in Finland and foreign companies operating in Finland to register here.

Other projects and actions related to the theme:

The definition of decent work developed by the ILO includes not only the freedom to organise, the right to collective bargaining, the elimination of forced labour and child labour, equal pay for equal work to men and women, and a ban on discrimination in employment and occupation, but also safeguarding employment, social dialogue, fair terms of employment, safe working conditions and social security.

With regard to observations relevant to the reports submitted by the Finnish Government and Finnish labour market organisations, the independent expert committee monitoring ILO conventions has asked several additional questions, in particular regarding the conventions on equal

pay for equal work and discrimination. The committee has requested additional information on the Equal Pay Programme, the pay of women in fixed-term employment and public service employment relationships in the public sector in particular, and the development of the pay systems in the public sector. In connection with the convention against discrimination, the expert committee requested more information on the reform of the Non-Discrimination Act, the position of women in fixed-term employment or public service employment relationships taking family leave, labour market segregation, ethnic discrimination, the vocational education and training of the Sami people, and measures to prevent discrimination and exclusion from the labour market of the Roma, Russian-speaking immigrants and the Somali. The committee also requested more information on the number of OSH inspections targeting discrimination in the workplace. In connection with the Employment Policy Convention, the committee of experts requested additional information on measures to promote the employment of young people and older people.

Of the projects under this Action Plan, for example the reform of equality provisions applicable to working life as a part of the overall reform of the Non-Discrimination Act, in which the EU Directives on preventing discrimination at work and ethnic discrimination, the ILO conventions and Convention 111 in particular, and other international treaties on discrimination in working life are taken into account, is associated with developing decent work.

The project examining fixed-term and part-time employment relationships from the perspective of gender equality is also associated with the EU regulation on gender equality and the implementation of the UN and ILO conventions. The social guarantee for young people responds to the topical challenge of youth unemployment and is associated with the protection of employment under the Constitution.

Special measures supporting the integration of immigrants and especially supporting immigrants in the labour market are necessary, as the employment statistics of Statistics Finland for 2009 show that the unemployment rate of foreigners was 23.8 per cent at the end of 2009, while their employment rate was 49.3 per cent. For foreign women, the unemployment rate was 26.4 per cent and the employment rate 43.3 per cent. The unemployment rate for young immigrants was 25 per cent. The Action Plan includes a project on taking diversity into account in recruitment in the Ministry of the Interior's administrative branch. This question should be given emphasis also in the future together with the Association of Finnish Local and Regional Authorities, ministries and agencies, ensuring that the promotion of diversity is extended to cover all grounds of discrimination.

Ratification of the ILO Maritime Labour Convention, for its part, will promote the entry into force and ratification of the Convention internationally and will thus promote the observance of decent working conditions in merchant fleets globally. Establishing the conditions for ratifying the ILO Convention on Domestic Workers and the possible ratification of the Convention aim at globally safeguarding the decent working and living conditions of domestic workers, the majority of whom are immigrants.

Reforming the legislation on equality in working life and on gender equality in working life, including equal pay issues, will contribute to the achievement of the decent work objective.

Regarding these projects, many other Government actions promoting employment, developing labour force skills and fair terms of employment and working conditions are relevant to developing decent work.

CULTURE AND EDUCATION

Section 16 Educational rights

Everyone has the right to basic education free of charge. Provisions on the duty to receive education are laid down by an Act.

The public authorities shall, as provided in more detail by an Act, guarantee for everyone an equal opportunity to receive other educational services in accordance with their ability and special needs, as well as the opportunity to develop themselves without being prevented by economic hardship.

The freedom of science, the arts and higher education is guaranteed.

Action Plan projects:

59. Supporting students in developing emotional and social skills

- a) Name: Supporting students in developing emotional and social skills.
- b) Contents: The basic values of general education are human rights, equality and democracy as well as tolerance of multiculturalism. The challenges of a diversifying and polarising society emerge in school communities. A child and a young person have the right to a safe environment in which to grow and study. As tolerance has not developed desirably in recent years, it is necessary to develop the acceptance of diversity and equal treatment of individuals. In school activities, inclusion, well-being, safety and respect for others should be highlighted, and the prevention of bullying, discrimination and racism are key tasks. The project KiVa-koulu to prevent bullying has already been introduced in 2,500 comprehensive schools. The project will strengthen the role of the school in developing students' emotional and social skills and support the inclusion and participation of pupils and students. Measures to reduce bullying will be intensified, and particular attention will be paid to racial discrimination. Education promoting tolerance and teaching of good manners at schools will be increased.
- c) Legal basis: Article 14 of the European Convention on Human Rights, section 6 of the Constitution.
- d) Responsible ministry: **Ministry of Education and Culture.**
- e) Indicators: Included in the development plan for education and research 2011–2016, monitoring as part of Government Programme monitoring, including an interim review.

60. Promoting the equality and participation in leisure activities of all children and young people (including children and young people belonging to minority groups, living in poverty and at risk of exclusion) in art, culture, exercise and youth activities

- a) Name: Promoting the equality and participation in leisure activities of all children and young people (including children and young people belonging to minority groups, living in poverty and at risk of exclusion) in art, culture, exercise and youth activities.
- b) Contents: The possibilities of children and young people to take part in high-quality and socially empowering leisure time activities are to be improved as an alternative to exclusion. Particular attention will be focused on children and young people belonging to minority groups, regional equality, and equality between girls and boys. The measures will be implemented as part of the Government's Development Programme for Child and Youth Policy in 2012–2015 and discretionary Government transfers granted on the basis of the Programme.
- c) Legal basis: Article 10 of the Convention on Economic, Social and Cultural Rights, Article 14 of the European Convention on Human Rights, UN Convention on the Rights of the Child, section 6 of the Convention, the Youth Act.
- d) Responsible ministry: **Ministry of Education and Culture.**
- e) Indicators: Monitoring as a part of the Development Programme for Child and Youth Policy with the indicators included in this Programme. The duration of the project is the entire electoral term, but an interim review regarding the aforementioned indicators may be made after 2013.

61. Developing equality and non-discrimination work in educational institutions

- a) Name: Developing equality and non-discrimination work in educational institutions.
- b) Contents: Implementing a training programme on equality and non-discrimination issues for educational institutions of various levels (security sector educational institutions and others) as a part of the YES 5 campaign.
- c) Legal basis: Section 6 of the Constitution
- d) Responsible ministry: **Ministry of the Interior** in cooperation with the Ministry of Defence.
- e) Indicators: Implementation of the training programme.

62. Tolerance as a part of school club activities

- a) Name: Tolerance as a part of school club activities.
- b) Contents: During the electoral term, the position of school club activities will be established by continued state funding. Tolerance education will be included in club activities. The aim is to enhance an atmosphere of tolerance in schools, prevent racist attitudes and increase cultural awareness. In addition, the project aims to act as an additional resource for teachers in tolerance issues and to offer them support in dealing with tolerance issues as needed.
- c) Legal basis: Article 14 of the European Convention on Human Rights, section 6 of the Constitution.
- d) Responsible ministry: **Ministry of Education and Culture**, National Board of Education.

- e) Indicators: The achievement of the objective and the quality of activities will be evaluated by means of an annual follow-up survey.

63. Promoting participation in art, culture, exercise and youth activities of various population groups (including those belonging to minority groups, living in poverty and at risk of exclusion and older people)

- a) Name: Promoting participation in art, culture, exercise and youth activities of various population groups (including those belonging to minority groups, living in poverty and at risk of exclusion and older people).
- b) Contents: Preparing and implementing policies and measures for promoting the accessibility and diversity of art and culture based on the proposals of a working group on accessibility of art and culture. The target groups whose access to art and culture is the main focus of this project are linguistic and cultural minorities (including the Sami, the Roma, sign language users and immigrants) and the disabled as a minority group. Support will be targeted at sports clubs to develop and implement models that make it possible for families of limited means to take part in sports activities.
- c) Legal basis: Article 15 of the International Covenant on Economic, Social and Cultural Rights, Article 14 of the European Convention on Human Rights, sections 6, 16 and 17 of the Constitution.
- d) Responsible ministry: **Ministry of Education and Culture.**
- e) Indicators: Separate studies, information produced by the monitoring system of discrimination (Ministry of the Interior, underway). The duration of the project is the entire electoral term, but an interim review can be produced after 2013.

64. Promoting the (bidirectional) integration of immigrants by means of arts, culture, physical exercise and youth work

- a) Name: Promoting the (bidirectional) integration of immigrants by means of arts, culture, physical exercise and youth work.
- b) Contents: The integration of immigrants into the Finnish society and, on the other hand, the capacity of the mainstream population to act in an increasingly multicultural society are to be improved by means of arts, culture, physical exercise and youth work. One of the priorities is immigrant women and girls. The activities are mainly facilitated by supporting activities that promote the integration of immigrants by means of directing resources to the civil society and by providing information. The starting points for activities to be supported and for granting funding are, in accordance with the Ministry of Education and Culture policies, the implementation of the inclusion principle and the interaction between immigrants and the mainstream population.
- c) Legal basis: Article 14 of the European Convention on Human Rights, sections 6 and 17 of the Constitution, the Integration Act, the Sports Act and the Youth Act.
- d) Responsible ministry: **Ministry of Education and Culture** and its administrative branch, NGOs.
- e) Indicators: separate studies (for example regarding exercise, the Foundation for Sport and Health Sciences Likes), integration indicators (underway, Ministry of the

Interior) and the quantity and type of the Government transfers granted. The duration of the project is the entire electoral term, but an interim review on the aforementioned indicators can be produced after 2013.

Other projects and actions related to the theme:

On 15 December, the Government adopted a Development Plan for Education and Research for 2011–2016, and the education and research policy outlines of the Ministry of Education and Culture are based on the Development Plan, also regarding this Action Plan.

The Development Plan stresses educational equality at all levels of education. The aim is to reduce gaps in skills and education between genders and regions and the impact of the socioeconomic background on the participation in education. In order to achieve the target, the Ministry of Education and Culture will draft an action plan for educational equality covering all levels of education, which will be adopted by the Government by the end of 2012. This programme will enhance the possibilities of each individual to learn and develop their creativity, skills and various talents, prevent educational segregation and promote gender sensitivity in education. A research project will be launched to support the action plan.

On 8 December 2011, the Government adopted a Development Programme for Child and Youth Policy for 2012–2015 as a resolution. This national programme contributes to implementing the targets of reducing poverty, inequality and exclusion included in the Government Programme. The concrete aims of the Programme include promoting equality in leisure time activities and work to combat racism among young people.

The participation of all population groups in culture, exercise and youth activities and the accessibility of leisure time activities should be seen as a general aim preventing the exclusion of citizens and promoting equality and gender equality.

The Defence Forces will take part in the cross-administrative Action Plan to Reduce Violence against Women, which was adopted by the ministerial group on the Government's Internal Security Programme in June 2010. The Internal Security Programme states that in the defence administration, the possibilities of including a module dealing with the prevention of violence against women as part of the basic training of conscripts and possibilities of training key instructors for this task will be assessed. In the Defence Forces, this issue has been examined as part of the implementation of the recommendations presented in the report "Finnish Military Service" and the reform of the Defence Forces. The Defence Command is planning to add a section relevant to the prevention of violence against women in the module on equality and gender equality in the basic training of conscripts. The contents of this training and the training of instructors are being planned in the Defence Command, together with the National Institute for Health and Welfare and the Family Federation of Finland. The aim is to arrange pilot courses on the prevention of violence against women for conscripts starting their military service in February 2012. Based on experiences from the pilot project and the instructor training, the lessons will be established as a part of the instruction during the basic training period.

HEALTH, WELL-BEING AND THE ENVIRONMENT

Section 19(3)

The public authorities shall guarantee for everyone, as provided in more detail by an Act, adequate social, health and medical services and promote the health of the population. Moreover, the public authorities shall support families and others responsible for providing for children so that they have the ability to ensure the well-being and personal development of the children.

Action Plan projects:

65. Improving assistance and support services for victims of intimate partner violence and sexual violence

- a) Name: Improving the position of and support for persons having experienced intimate partner violence and sexual violence, including improved means for intervening in violence experienced by vulnerable persons.
- b) Contents: Setting up a low-threshold service network to provide support and assistance. Developing and establishing low-threshold advisory services and referrals to services, taking the issues of violence against immigrant women into account. Developing low-threshold services for women and girls who have been victims of sexual violence on a nationwide basis. Setting up service units and centres of expertise specialising in preventing domestic violence and sexual violence, which will have the expertise to train employees in promoting preventive activities and recognising the phenomenon and to instruct assistance providers in taking the victim's particular needs into account.
- c) Legal basis: For example, recommendations of the monitoring bodies for various international human rights treaties, in particular CEDAW. Government Programme objectives to develop services for victims of intimate partner and domestic violence and sexual violence, to guarantee an uninterrupted treatment chain for victims of sexual violence and a better recognition of violence against vulnerable groups.
- d) Responsible ministry: **Ministry of Social Affairs and Health**, Ministry of Employment and the Economy, National Institute for Health and Welfare, municipalities, parishes, NGOs.
- e) Indicators: The measures are included in the Action Plan to Reduce Violence against Women (–2015). The target group is victims of violence, but women in particular. The programme focuses attention on the special needs of vulnerable victims in the service provision. These groups include at least immigrant groups, the disabled and other minority groups and older people. When developing the services, attention should be paid to the need for and access to services of not only the victims but also the perpetrators and children having witnessed violence.

66. Mental health services for children and young people

- a) Name: The right of children and young people to access mental health services corresponding to their needs.
- b) Contents: The project aims to develop the equal rights of children and young people to timely mental health services that correspond to their individual needs and are implemented at an appropriate level of the service system. Currently, there are both qualitative and regional variations in referrals to services. The project supports the preparation of regional and multi-professional/multi-sectoral service network models.
- c) Legal basis: Sections 6 and 19 of the Constitution.
- d) Responsible ministry: **Ministry of Social Affairs and Health** (primary health care; social services/day care, child welfare, family welfare clinics; specialist care). Other ministries: Ministry of Education and Culture (schools, educational institutions), Ministry of Justice, Ministry of the Interior (rights of children and young people as victims, for example victims of sexual abuse or assaults, to rapid crisis phase treatment without disrupting police investigations or legal functions); other interest groups; third sector (e.g. Mannerheim League for Child Welfare, Federation of Mother and Child Homes and Shelters, etc.).
- e) Indicators: The number of regional service network models and the implementation of the treatment guarantee.

67. Position of older people

- a) Name: Act on Securing Access to Social and Health Services for Older People.
- b) Contents: Enacting an act on securing access to social and health services for older people. The core idea of the draft legislation has been determined to be the implementation of services that ensure that older people have the opportunity to lead a decent life. The services should be based on knowledge of the customer's needs, and the activities should be customer-centred, of high quality and safe. The right of an older person to social services would be increasingly tied to establishing the need for the services and to a service plan drawn up accordingly. The decision on the access to services should be made within three months of the submission of the application. An older person would be entitled to the care and rehabilitation specified in the service plan in social services. Access to health and medical care would continue to be regulated by the Health Care Act. A stronger entitlement to services would not be restricted to round-the-clock care, but would also cover assistance of an older person in his or her daily activities in his or her home and outside it if the person cannot manage without support. A specific employee would be appointed to be responsible for the care of the older person, and this employee would coordinate the entire service package and in general assume responsibility for ensuring that the person has access to the services included in the service and care plans. If necessary, this employee would provide social and health care-related guidance and advice and assist the older person in problems related to the access to services and other social security. According to the draft act, social and health care employees working with older persons shall contribute to ensuring a high quality of the services. If the employee observed a shortcoming or a risk of a shortcoming in the services, or such a shortcoming came to his or her knowledge, the employee should immediately notify the director of the

operating unit and the authority responsible for social and health care in the municipality, such as the director of social services. The duty to notify would provide a new form of proactive supervision. In addition, the deadlines proposed in the draft would support the supervision of legality carried out by regional government authorities. The act would offer senior citizens' councils a better chance to convey the views of older people to all decision-making concerning them. The municipality should set up a senior citizens' council to monitor and exert influence on decision-making in various sectors of activity in the municipality.

- c) Legal basis: Government Programme, sections 6 and 19 of the Constitution.
- d) Responsible ministry: **Ministry of the Interior**, key interest groups: Association of Finnish Local and Regional Authorities, municipalities, National Institute for Health and Welfare, National Supervisory Authority for Welfare and Health Valvira, Regional State Administrative Agencies, the third sector.
- e) Indicators: Entry into force of the act, implementation of the deadlines specified in the act.

Other projects and actions related to the theme:

Violence against women and intimate partner violence remain a serious human rights problem in Finland. As a party to international human rights treaties, Finland has undertaken to take action to prevent violence against women. The Action Plan to Reduce Violence against Women (-2015) is an important tool for developing the prevention of violence and developing services for victims of violence.

Under the Act on Social and Health Care Planning and Central Government Transfers (laki sosiaali- ja terveydenhuollon suunnittelusta ja valtionavustuksesta, 733/1992), every four years the Government adopts a National Development Programme for Social Welfare and Health Care (Kaste) that is in line with the Government decisions on state finances. The Kaste programme is a statutory strategic tool for social and health policy steering. The programme may also set key national objectives and recommended measures targeting the central and regional administration of social and health care relevant to the programme implementation that are justified in terms of the appropriate implementation of municipal social and health care. The Government adopted a new Kaste programme in January 2012.

This programme combines the Government Programme and the regulatory, resource and interactive guidance under the strategy of the Ministry of Social Affairs and Health. The drafting and implementation of this programme are carried out by the Advisory Committee for Social Welfare and Health Care, the steering committee working under it and five regional management teams.

The aim of Kaste programme is to reduce the gaps in welfare and health and to ensure the customer- oriented organisation of healthcare structures and services. The emphasis will be shifted from problem-solving to the active promotion of physical, mental and social well-being and to the prevention of problems in the entire population.

Kaste consists of six sub-programmes, including the associated legislative reforms and recommendations. The sub-programmes are:

- I Risk groups' opportunities for inclusion, well-being and health will be improved,
- II Services for children, young people and families with young children will be reformed,
- III The structure and contents of services for older people will be renewed,
- IV Service structures and primary health care services will be renewed,
- V Information and data systems will be harnessed to support customers and professionals, and
- VI Management will support the service structure and well-being at work.

The achievement and implementation of the targets of the Kaste Programme will be supported by Government transfers for social and welfare sector development projects. EUR 17.5 million will be available for project funding annually, or a total of approximately EUR 70 million in 2012–2015.

Section 20 Responsibility for the environment

Nature and its biodiversity, the environment and the national heritage are the responsibility of everyone.

The public authorities shall endeavour to guarantee for everyone the right to a healthy environment and for everyone the possibility to influence decisions that concern their own living environment.

In order to implement the intentions of Section 20 of the Constitution, citizens must have a high level of environmental awareness. The Government works to increase the environmental awareness of citizens, for example by means of environmental education. In addition, the Government promotes the implementation of the fundamental right to a healthy environment by taking the participatory rights and possibilities of citizens into account in the drafting of environmental and other legislation.

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ACRONYMS

art.	Article	HUS	Hospital District of Helsinki and Uusimaa
AVI	Regional state administrative agency	ILO	International Labour Organization
CAT	Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment	CP rights	Civil and political rights
CCPR	International Covenant on Civil and Political Rights	LVM	Ministry of Transport and Communications
CED	International Convention for the Protection of All Persons from Enforced Disappearance	MMM	Ministry of Agriculture and Forestry
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women	OHCHR	Office of the United Nations High Commissioner for Human Rights
CERD	International Convention on the Elimination of All Forms of Racial Discrimination	OKM	Ministry of Education and Culture
CESCR	International Covenant on Economic, Social and Cultural Rights	OM	Ministry of Justice
CMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	OPH	National Board of Education
CPT	The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment	PeVL	Constitutional Law Committee statement
CRC	Convention on the Rights of the Child	PeVM	Constitutional Law Committee report
CRPD	Convention on the Rights of Persons with Disabilities	PL	Constitution of Finland (731/1999)
ECHR	European Convention on Human Rights	PLM	Ministry of Defence
ECtHR	European Court of Human Rights	SM	Ministry of the Interior
EK	Parliamentary communication	STM	Ministry of Social Affairs and Health
EN	Council of Europe	TEM	Ministry of Employment and the Economy
EU	European Union	THL	National Institute for Health and Welfare
HE	Government proposal	ESC rights	Economic, social and cultural rights
		UaVM	Foreign Affairs Committee report
		UM	Ministry for Foreign Affairs
		UPR	Universal Periodic Review of the UN Human Rights Council
		VNK	Prime Minister's Office
		VNOS	Government rules of procedure (262/2003)
		VNS	Government report
		VM	Ministry of Finance
		UN	United Nations
		YM	Ministry of the Environment

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INTERNATIONAL AND REGIONAL HUMAN RIGHTS CONVENTIONS SIGNED AND RATIFIED BY FINLAND

KEY UN HUMAN RIGHTS CONVENTIONS

International Convention on the Elimination of All Forms of Racial Discrimination (1965) SopS 37/1970

International Covenant on Economic, Social and Cultural Rights (1966) SopS 6/1976

- Optional Protocol (2008) – signed by Finland on 24 September 2009, government proposal on accepting the Protocol to be given in 2012

International Covenant on Civil and Political Rights (1966) SopS 7-8/1976

- Optional Protocol (1966) SopS 7-8/1976
- amendment to section 2 of the decree on the implementation of the Covenant (1966) SopS 16/1985
- Second Optional Protocol aiming at the abolition of the death penalty (1989) SopS 48–49/1991
- amendment to section 2 of the decree on the implementation of the Covenant (1990) SopS 31/1990

Convention on the Elimination of All Forms of Discrimination against Women (1979) SopS 67–68/1986

- Optional Protocol (1999) SopS 20-21/2001

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984) SopS 59–60/1989

- Optional Protocol (2002) – signed by Finland on 23 September 2003, government proposal on accepting the Protocol to be given in 2012

Convention on the Rights of the Child (1989) SopS 59–60/1991

- Optional Protocol on the involvement of children in armed conflict (2000) SopS 30–31/2002
- Amendment to article 43 paragraph 2 of the Convention (1995) SopS 16/2003
- Optional Protocol on the sale of children, child prostitution and child pornography (2000) – signed by Finland on 7 September 2000, government proposal (HE 141/2011 vp) on accepting the Protocol passed by the Parliament in March 2012, Protocol to enter into force in Finland during 2012
- Optional Protocol on a communications procedure (2011) – signed by Finland on 28 February 2012, work to establish possibilities of ratification started

International Convention for the Protection of All Persons from Enforced Disappearance (2006) – signed by Finland on 6 February 2007, work to establish possibilities of ratification under way

Convention on the Rights of Persons with Disabilities (2006) – signed by Finland on 30 March 2007, work to establish possibilities of ratification under way

- **Optional Protocol** (2006) – signed by Finland on 30 March 2007, work to establish possibilities of ratification under way

OTHER INTERNATIONAL HUMAN RIGHTS INSTRUMENTS

Convention relating to the Status of Stateless Persons (1954)
SopS 80/1968 and 56/1970

Convention on the Prevention and Punishment of the Crime of Genocide (1948)
SopS 4-5/1960

- amendment to the act on accepting certain provisions of the Convention (1997)
SopS 98-99/1997
- repeal of section 2 of the decree on the implementation of the Convention (1997) SopS 100/1997

Convention relating to the Status of Refugees (1951) SopS 77/1968

- Protocol relating to the Status of Refugees (1967) SopS 78/1968
- Act on the Convention relating to the Status of Refugees and the Protocol relating to the Status of Refugees (2004) SopS 142-143/2004
- amendment to section 2 of the decree on the implementation of the Convention (2004) SopS 144/2004
- amendment to section 2 of the decree on the implementation of the Convention (2004) SopS 145/2004
- withdrawal of reservations in the Convention (2004) SopS 146/2004

Convention against Discrimination in Education (1960) SopS 59/1971

Convention on the Reduction of Statelessness (1961) SopS 96-97/2008

Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1962) SopS 50/1964

Convention on the Civil Aspects of International Child Abduction (1980)
SopS 57/1994

Convention on Protection of Children and Co-operation in respect of Intercountry Adoption (1993) SopS 29/1997

United Nations Convention against Transnational Organized Crime(2000)

SopS 18, 20/2004

- Additional Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (2000) SopS 70-71/2006
- Additional Protocol against the Smuggling of Migrants by Land, Sea and Air (2000) SopS 72-73/2006
- Act amending chapter 17 section 1 a of the Criminal Code (2003) SopS 19/2004

United Nations Convention against Corruption (2003) SopS 56, 58/2006

- Amendment to chapter 30 section 12 of the Criminal Code (2006) SopS 57/2006

KEY ILO HUMAN RIGHTS CONVENTIONS

Convention (No. 29) concerning Forced or Compulsory Labour (1930) SopS 44/1935

Convention (No. 87) concerning Freedom of Association and Protection of the Right to Organise (1948) SopS 45/1949

Convention (No. 98) concerning the Application of the Principles of the Right to Organise and Bargain Collectively (1949) SopS 32/1951

Convention (No. 100) concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (1951) SopS 9/1963

Convention (No. 105) concerning the Abolition of Forced Labour (1957) SopS 17/1960

Convention (No. 111) concerning Discrimination in Respect of Employment and Occupation (1958) SopS 63/1970

Convention concerning Employment Policy (No. 122, 1964) SopS 64/1968

Convention (No. 138) concerning Minimum Age for Admission to Employment (1973) SopS 87/1976

Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999) SopS 16/2000

- Recommendation (No. 190) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour

COUNCIL OF EUROPE'S HUMAN RIGHTS TREATIES

Convention for the Protection of Human Rights and Fundamental Freedoms (1950) SopS 18-19/1990

- Protocol No. 1 (1950) SopS 18-19/1990
- Protocol No. 4 securing certain rights and freedoms other than those already included in the Convention and in the first Protocol thereto (1963)
SopS 18-19/1990
- Protocol No. 6 concerning the abolition of death penalty (1983)
SopS 18-19/1990
- Protocol No. 7 (1984) SopS 18-19/1990
- Protocol No. 11 to the Convention for the Protection of Human Rights and Fundamental Freedoms, restructuring the control machinery established thereby (1994) SopS 85-86/1998
- amendment to section 2 of the decree on the implementation of the Convention (1996) SopS 91/1996
- amendment to section 2 of the decree on the implementation of the Convention (1998) SopS 44/1998
- amendment to section 2 of the decree on the implementation of the Convention (1999) SopS 22/1999
- European Convention on Human Rights (Convention for the Protection of Human Rights and Fundamental Freedoms) as amended by Protocol No. 11 (1999) SopS 63/1999
- Protocol No. 12 (2000) SopS 8-9/2005
- amendment to section 2 of the decree on the implementation of the Convention (2001) SopS 31/2001
- Partial withdrawal of reservation made in the Convention (2001) SopS 40/2001
- Protocol No. 13 concerning the abolition of the death penalty in all circumstances (2002) SopS 6-7/2005
- Protocol No. 14 amending the control system of the Convention (2004)
SopS 50-51/2010

European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children (1980) SopS 56/1994

European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (1987) SopS 16-17/1991

- Protocol to the Convention SopS 92/1998
- Protocols No. 1 and 2 (1993) SopS 17/2002

European Charter for Regional or Minority Languages (1992) SopS 23/1998

- Amendment to the decree on the implementation of the Charter (1998)
SopS 83/1998
- Sámi translation of the Charter (1998) SopS 84/1998
- Amendment to section 2 of the decree on the implementation of the Charter (2009) SopS 68/2009
- Complementation of Finland's declaration (2009) SopS 81/2009

Framework Convention for the Protection of National Minorities (1995)
SopS 1-2/1998

European Agreement relating to persons participating in proceedings of the European Court of Human Rights (1996) SopS 2-3/1999

European Social Charter (revised) (1996) SopS 78, 80/2002

Council of Europe Convention on Cybercrime (2001) SopS 59-60/2007

- declaration made in connection with the ratification of the Convention, reservations and notifications SopS 61/2007

Convention for the protection of Human Rights and the Dignity of Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine (1997) SopS 23-24/2010

- Additional Protocol on the Prohibition of Cloning Human Beings (1998) SopS 23-24/2010
- Additional Protocol concerning Transplantation of Organs and Tissues of Human Origin (2002) SopS 23-24/2010
- Act amending chapter 11 section 11 and chapter 47 section 3 of the Criminal Code (2009) SopS 25/2010
- Entry into force of the Convention and its Protocols on the Prohibition of Cloning Human Beings and concerning Transplantation of Organs and Tissues of Human Origin in the Region of Åland (2010) SopS 115/2010

Convention on Action against Trafficking in Human Beings (2005)

– signed by Finland on 29 August 2006, the Parliament is debating government proposal (HE 122/2011 vp) on accepting the Convention, the Convention likely to enter into force in Finland during 2012

Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (2007) SopS 87-88/2011

Convention on preventing and combating violence against women and domestic violence (2011) – signed by Finland on 11 May 2011, work to establish possibilities of ratification under way

KEY HUMANITARIAN LAW CONVENTIONS

Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, Geneva Convention Relative to the Treatment of Prisoners of War and the Geneva Convention Relative to the Protection of Civilian Persons in Time of War (1949) SopS 7-8/1955

- Additional Protocols I-II (1977) SopS 81-82/1980
- Amendment to decree (1987) SopS 5/1987
- Amendments to Annex I of Protocol I (1993) SopS 23/1994

UN HUMAN RIGHTS DECLARATIONS

Universal Declaration of Human Rights (1948)

Declaration on the Right to Development (1986)

Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities (1992)

Declaration on the Elimination of Violence against Women (1993)

Declaration on the Rights of Indigenous Peoples (2007)



justice

For those on the distribution list

PREPARATION OF A NATIONAL ACTION PLAN ON HUMAN RIGHTS

The Ministry of Justice has on this date appointed a working group to prepare a proposal for Finland's first national action plan on human rights.

Mandate 9 September 2011–31 January 2012

Background The Government Programme of Prime Minister Jyrki Katainen notes that Finland's first national action plan on human rights will be prepared during 2011. It further states that as required by the Parliament, the Government will also submit a more comprehensive human rights policy report required by the Parliament, where the implementation of the targets set will be reviewed.

In its communication (EK 3/2010 vp) on the Government's human rights policy report (government report on human rights policy in Finland 2009, VNS 7/2009 vp), the Parliament required that the Government adopt a national action plan on the implementation of fundamental and human rights in Finland at the beginning of the following electoral term. The Parliament also required that towards the end of the following electoral term, the Government submit to the Parliament a report on human rights policy in Finland, which focuses on the objectives of Finland's international activities but also contains an assessment of progress made in implementing the national action plan.

The United Nation's World Conference on Human Rights held in Vienna in 1993 required state parties to prepare national human rights action plans (Vienna Declaration and Programme of Action, Part II, para. 71).

Purpose and tasks The task of the working group is to prepare a proposal for Finland's first national action plan on human rights.

What is stated in the Government Programme about preparing an action plan during 2011 and reviewing the implementation of the targets set in this action plan during the current electoral period specifies the objectives of the action plan to be prepared and informs the work of this working group.

The working group is tasked to prepare a proposal for an action plan that covers the priorities of Finland's national human rights policy during this electoral term, analyses the roles of various human rights actors and contains concrete measures to promote the implementation of fundamental and human rights in various administrative branches.

The action plan will cover the years 2012–2013. Monitoring will be arranged with a view of reporting on project implementation in connection with a larger report submitted to the Parliament. The action plan should contain a proposal for monitoring and reviewing programme implementation.

While fulfilling its task, the working group should engage in a wide-based dialogue with various human rights organisations and other stakeholders. To support the efforts of the working group, a panel consisting of NGOs and other human rights actors will be appointed.

In its work, the working group shall take into account government reports on human rights policy in Finland (in particular, VNS 7/2009 vp), recommendations and rulings of international human rights bodies and supreme supervisors of legality as well as government documents and action plans.

Working group composition

Chairperson

Ms Johanna Suurpää, Director
Ministry of Justice

Members

Mr Valtteri Nieminen, Senior Specialist
Prime Minister's Office

Mr Erik Lundberg, Head of Unit
Ministry for Foreign Affairs

Ms Krista Oinonen, Legal Officer
Ministry for Foreign Affairs

Ms Camilla Busck-Nielsen, Senior Adviser for Legislative Affairs
Ministry of Justice

Mr Panu Artemjeff, Senior Specialist
Ministry of the Interior

Ms Jutta Gras, Senior Adviser for Legislative Affairs
Ministry of the Interior

Mr Ilkka Ojala, Referendary
Ministry of Defence

Ms Marja Granlund, Financial Counsellor
Ministry of Finance

Ms Heidi Sulander, Senior Officer for Legal Affairs
Ministry of Education and Culture

Mr Timo Tolvi, Senior Adviser for Legal Affairs
Ministry of Agriculture and Forestry

Mr Mikael Åkermarck, Senior Researcher
Ministry of Transport and Communications

Ms Liisa Heinonen, Senior Adviser for Legal Affairs
Ministry of Employment and the Economy

Ms Riitta-Maija Jouttimäki, Ministerial Counsellor
Ministry of Social Affairs and Health

Ms Eeva Raevaara, Senior Officer
Ministry of Social Affairs and Health

Mr Ville Koponen, Legal Adviser
Ministry of the Environment

Ms Sara Viljanen, Senior Adviser
Ministry of the Environment

Specialists

Ms Minna Ruuskanen, Junior Secretary of the Chancellor of Justice
Office of the Chancellor of Justice

Mr Tapio Rätty, Senior Secretary of the Parliamentary Ombudsman
Office of the Parliamentary Ombudsman

Secretary

Ms Kaisa Tiusanen, Ministerial Adviser
Ministry of Justice

The working group may also appoint other secretaries for itself.

Costs and funding

The working group will fulfil its tasks as part of the members' official duties.

Minister of Justice



Anna-Maja Henriksson

Permanent Secretary



Tiina Astola

DISTRIBUTION Working group chairperson, members, specialists and secretary

FOR INFORMATION Ministry of Justice
- Head of Media and Communications Unit Kauppinen

Prime Minister's Office

Ministry for Foreign Affairs
Ministry of the Interior
Ministry of Defence
Ministry of Finance
Ministry of Education and Culture
Ministry of Agriculture and Forestry
Ministry of Transport and Communications
Ministry of Employment and the Economy
Ministry of Social Affairs and Health
Ministry of the Environment
Chancellor of Justice
Parliamentary Ombudsman

For those on the distribution list

PANEL OF HUMAN RIGHTS ACTORS TO SUPPORT THE PREPARATION OF A NATIONAL ACTION PLAN ON HUMAN RIGHTS

The Ministry of Justice has on this date invited the following members, who have accepted the invitation, to take part in the panel of human rights actors tasked to support the government working group preparing a national action plan on human rights.

Mandate

14 October 2011–31 January 2012

Background and tasks

The Government Programme notes that Finland's first national action plan on human rights will be prepared during 2011. It further states that as required by the Parliament, the Government will also submit a more comprehensive human rights policy report, where the implementation of the targets set will be reviewed.

On 9 September 2011, the Ministry of Justice appointed a working group consisting of representatives of the Ministries and supreme supervisors of legality, the task of which is to prepare a proposal for a national plan of action on human rights.

The task of the panel of human rights actors appointed on this date will be to engage in an intensive dialogue with the government working group on the goal-setting of the work, priorities selected by the working group, measures to be included in the action plan and the monitoring and reviewing of the action plan.

The members invited to take part in the panel are human rights organisations and representatives of parties conducting research in and monitoring fundamental and human rights.

Panel composition

Amnesty International Finland

Fintiko Romano Forum (Finland's Roma Forum)

Finnish League for Human Rights

Central Union for Child Welfare

Coalition of Finnish Women's Associations - NYTKIS

Refugee Advice Centre

Sami Parliament

Seta – LGBTI Rights in Finland

Finnish Federation for Social Welfare and Health

Finnish Bar Association

Finnish Youth Cooperation - Allianssi

Finljandskaja Assotsiatsija Russkojazytchnyh Obstshestv - FARO (Finnish Association of Russian Speaking Communities)

Svenska Finlands Folkting (Swedish Assembly of Finland)

The Finnish Disability Forum

The Central Union for the Welfare of the Aged

Åbo Akademi University Institute for Human Rights

Ombudsman for Children

Ombudsman for Equality

Ombudsman for Data Protection

Ombudsman for Minorities

Panel work arrangement


The panel will elect a chairperson and a secretary among its members.

Permanent Secretary



Tiina Astola

Director



Johanna Suurpää

DISTRIBUTION Panel members

FOR INFORMATION Ministry of Justice
- Head of Media and Communications Unit Kauppinen



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