

National Action Plan on Fundamental and Human Rights 2020–2023

Developing the Monitoring of Fundamental and Human Rights

Ministry of Justice

Government Network for Fundamental and Human Rights

Expert Working Group on the National Action Plan on Fundamental and Human Rights

PUBLICATIONS OF THE FINNISH GOVERNMENT 2022:6

vn.fi/en



FINNISH
GOVERNMENT

National Action Plan on Fundamental and Human Rights 2020–2023

Developing the Monitoring of Fundamental and Human Rights

Ministry of Justice
Government Network for Fundamental and Human Rights
Expert Working Group on the National Action Plan on Fundamental and
Human Rights

Publication distribution

**Institutional Repository
for the Government
of Finland Valto**

julkaisut.valtioneuvosto.fi

Publication sale

**Online bookstore
of the Finnish
Government**

vnjulkaisumyynti.fi

Finnish Government
Ministry of Justice, Finland
CC BY-SA 4.0

ISBN pdf: 978-952-383-582-5
ISSN pdf: 2490-0966

Layout: Government Administration Department, Publications

Helsinki 2022 Finland

National Action Plan on Fundamental and Human Rights 2020–2023

Developing the Monitoring of Fundamental and Human Rights

Publications of the Finnish Government 2022:6**Publisher** Finnish Government**Group author** Ministry of Justice, Government Network for Fundamental and Human Rights and the Expert Working Group on the National Action Plan on Fundamental and Human Rights**Language** English**Pages** 48**Abstract**

According to the Constitutional Law Committee, a national action plan on fundamental and human rights should be prepared during each government term so that fundamental and human rights can be systematically promoted. The third National Action Plan on Fundamental and Human Rights, which covers the period 2020–2023, was adopted as a government resolution on 23 June 2021.

The objective of the action plan is to ensure that the public authorities meet their obligation to guarantee the observance of fundamental and human rights, as laid down in section 22 of the Constitution of Finland. The action plan serves as an instrument strengthening the monitoring of fundamental and human rights in Finland and in this role, it supports knowledge-based policy-making and fundamental and human rights impact assessment. Fundamental and human rights indicators, which provide a new instrument for monitoring fundamental and human rights in the short term and the long term, have been developed as part of the action plan.

Preparation of the action plan has been steered by the Government Network for Fundamental and Human Rights appointed by the Ministry of Justice. The preparatory work has been the responsibility of Ministry of Justice public officials and an expert working group appointed to support the work. In the preparation of the action plan and the selection of indicators, there has been broad-based cooperation in consultation with stakeholders, and special consideration has been given to the Government Programme and the recommendations issued to Finland by the bodies monitoring compliance with international human rights treaties.

Keywords human rights, fundamental rights, monitoring, indicators**ISBN PDF** 978-952-383-582-5**ISSN PDF** 2490-0966**Reference number** OM025:00/2020**URN address** <https://urn.fi/URN:ISBN:978-952-383-582-5>

Valtioneuvoston perus- ja ihmisoikeustoimintaohjelma 2020–2023

Perus- ja ihmisoikeuksien toteutumisen seurannan kehittäminen

Valtioneuvoston julkaisu 2022:6**Julkaisija** Valtioneuvosto**Yhteisötekijä** oikeusministeriö, valtioneuvoston perus- ja ihmisoikeusverkosto sekä perus- ja ihmisoikeustoimintaohjelman asiantuntijatyöryhmä**Kieli** englanti**Sivumäärä**

48

Tiivistelmä

Eduskunnan perustuslakivaliokunnan mukaan perus- ja ihmisoikeuksien toteutumisen systemaattiseksi edistämiseksi on tarpeellista, että perus- ja ihmisoikeustoimintaohjelma laaditaan joka hallituskaudella. Kolmas kansallinen perus- ja ihmisoikeustoimintaohjelma vuosille 2020–2023 hyväksyttiin valtioneuvoston periaatepäätöksenä 23.6.2021.

Toimintaohjelman tavoitteena on edistää perustuslain 22 §:ssä säädettyä julkisen vallan velvoitetta turvata perusoikeuksien ja ihmisoikeuksien toteutuminen. Toimintaohjelmassa vahvistetaan oikeuksien toteutumisen seuranta Suomessa ja tuetaan siten tietoon perustuva päätöksentekoa sekä perus- ja ihmisoikeusvaikutusten arviointia. Osana toimintaohjelmaa on kehitetty perus- ja ihmisoikeusindikaattorit, jotka tarjoavat uuden työvälineen perus- ja ihmisoikeuksien toteutumisen seurantaan sekä lyhyellä että pitkällä aikavälillä.

Toimintaohjelman valmistelua on ohjannut oikeusministeriön asettama valtioneuvoston perus- ja ihmisoikeusverkosto. Valmistelutyöstä on vastannut oikeusministeriön virkamiesten lisäksi toimintaohjelman valmistelun tueksi asetettu asiantuntijatyöryhmä. Toimintaohjelman valmistelussa ja indikaattoreiden valinnassa on tehty laajapohjaista yhteistyötä sidosryhmiä kuullen ja niissä on huomioitu erityisesti hallitusohjelman linjaukset sekä kansainvälisten ihmisoikeussopimusten valvontaelinten Suomelle antamat suositukset.

Asiasanat ihmisoikeudet, perusoikeudet, seuranta, indikaattorit**ISBN PDF** 978-952-383-582-5**ISSN PDF**

2490-0966

Asianumero OM025:00/2020**Julkaisun osoite** <https://urn.fi/URN:ISBN:978-952-383-582-5>

Statsrådets handlingsplan för de grundläggande och de mänskliga rättigheterna 2020–2023

Hur tillsynen över tillgodoseendet av de grundläggande rättigheterna och de mänskliga rättigheterna bör utvecklas

Statsrådets publikationer 2022:6

Utgivare Statsrådet

Utarbetad av justitieministeriet, statsrådets nätverk för grundläggande och mänskliga rättigheter samt expertgruppen för handlingsplanen för grundläggande och mänskliga rättigheter

Språk engelska **Sidantal** 48

Referat

Enligt riksdagens grundlagsutskott är det nödvändigt att utarbeta en handlingsplan för grundläggande och mänskliga rättigheter för varje regeringsperiod för att de grundläggande och mänskliga rättigheterna ska främjas systematiskt. Den tredje nationella handlingsplanen för grundläggande och mänskliga rättigheter 2020–2023 godkändes som statsrådets principbeslut den 23 juni 2021.

Syftet med handlingsplanen är att främja det allmännas skyldighet enligt 22 § i grundlagen att se till att de grundläggande rättigheterna och de mänskliga rättigheterna tillgodoses. Genom handlingsplanen stärks tillsynen över hur rättigheterna tillgodoses i Finland, och på så vis stöds också kunskapsbaserat beslutsfattande samt konsekvensbedömningen i fråga om de grundläggande rättigheterna och de mänskliga rättigheterna. Som en del av handlingsplanen har det utvecklats indikatorer som är ett nytt verktyg för tillsynen över hur rättigheterna tillgodoses både på kort och på lång sikt.

Beredningen av handlingsplanen har styrts av statsrådets nätverk för grundläggande och mänskliga rättigheter, som tillsatts av justitieministeriet. Justitieministeriets tjänstemän ansvarade för beredningsarbetet med stöd av en expertgrupp tillsatt för ändamålet. Beredningen och valet av indikatorer har gjorts i ett omfattande samarbete och samråd med intressegrupper. I arbetet beaktades särskilt regeringsprogrammets riktlinjer och de rekommendationer som Finland fått av övervakningsorganen för internationella konventioner om de mänskliga rättigheterna.

Nyckelord mänskliga rättigheter, grundrättigheter, uppföljning, indikatorer

ISBN PDF 978-952-383-582-5

ISSN PDF 2490-0966

Ärendenummer OM025:00/2020

URN-adress <https://urn.fi/URN:ISBN:978-952-383-582-5>

Contents

FOREWORD	8
1 Background	10
1.1 Contents and objectives of the third National Action Plan on Fundamental and Human Rights	10
1.2 Fundamental and human rights monitoring supporting efficient law- and policymaking	13
1.3 Relationship of the National Action Plan on Fundamental and Human Rights with other ongoing national strategy and action plan work	13
2 Situational picture	14
2.1 Monitoring of the realisation of fundamental and human rights in Finland	14
2.2 Development needs in fundamental and human rights monitoring in Finland	17
2.3 Capacity for successful indicator work	20
3 Government objectives and measures to strengthen fundamental and human rights monitoring	23
3.1 Introducing a fundamental and human rights indicator framework	24
3.2 Developing fundamental and human rights research and data collection	26
3.3 Increasing the efficiency of follow-up on recommendations by international treaty monitoring bodies	28
3.4 Developing fundamental and human rights impact assessment	29
3.5 Continuing fundamental and human rights work based on action plans and developing indicator work	30

Appendix: Fundamental and human rights indicators	31
Abbreviations	31
Personal liberty and integrity and the right to life	32
1. Violence	32
2. Self-determination in residential healthcare and social welfare services	33
3. Right of self-determination of members of gender minorities	34
4. Detention	34
5. Trafficking in human beings	35
6. Hate crime	35
Legal protection and good governance.....	36
7. Access to legal protection.....	36
8. Equality.....	36
9. Awareness of rights.....	36
10. Accessibility of electronic services.....	37
11. Fundamental and human rights impact assessment in legislative drafting	37
Private and family life	38
12. Privacy protection.....	38
13. Child welfare.....	38
14. Family reunification	39
Freedom of expression, opinion, religion and conscience.....	40
15. Freedom of the media and promoting the freedom of expression	40
16. Restriction on freedom of expression imposed on a person due to their role.....	40
Language and culture	41
17. National languages	41
18. Sámi languages	41
19. Sign languages	42
20. Finnish Romani language.....	42
Participation and influence.....	43
21. Participation in political decision-making and CSO activity	43
22. Inclusion.....	43
23. Realisation of the Sámi right to self-determination	44
Income and decent work.....	45
24. Poverty	45
25. Access to employment.....	45
Culture and education.....	46
26. Democracy and human rights education.....	46
27. Gender and other equality in education	46
Health, wellbeing and the environment	47
28. Access to social and health services and adequate care	47
29. Right to housing	47
30. Environment and climate	48

FOREWORD

Under the Constitution of Finland, the public authorities 'shall guarantee the observance of basic rights and liberties and human rights'. The fundamental rights guaranteed under the Constitution may sound rather ceremonious, but in practice they play a very fundamental role in people's everyday lives. Fundamental rights mean, for example, access to health and social services and to adequate care, the right to equal treatment in employment and the right to participate in societal debate and decision-making. The public authorities are responsible for ensuring that these rights are not just lifeless words on paper but, instead, are realised equally in people's day-to-day lives.

The COVID-19 pandemic has placed a strain on the realisation of fundamental and human rights globally. In Finland, too, the pandemic has put the fundamental rights system and rule of law mechanisms to the test but, on the other hand, these basic pillars have also demonstrated their strength in the challenging circumstances. It is noteworthy that fundamental rights and the rule of law have remained at the core of Finnish societal debate during the pandemic. This is proof of how fundamentally interconnected and mutually reinforcing the rule of law, democracy and fundamental rights are. While Finland is gradually preparing for the new normal, the impacts of the COVID-19 crisis on societal disparities and exclusion are becoming visible. These consequences are something that we will need to be addressing for a long time even after the pandemic has subsided. To be able to target measures as effectively as possible, we need researched data on problems relating to the realisation of fundamental and human rights.

The third National Action Plan on Fundamental and Human Rights focuses on developing the monitoring of the realisation of fundamental and human rights. The aim is to provide systematic data on the realisation of rights among different population groups to support effective and knowledge-based fundamental and human rights policy. The Action Plan also contains measures relating to data and research implemented with a view to developing capacities for the monitoring of fundamental and human rights. The Action Plan supports for its part the pledge made in the Government Programme for knowledge-based policy-making. The preparation of the Action Plan involved the formulation of fundamental and human rights indicators, the importance of which as instruments for fundamental and human rights monitoring has also been underlined by the Constitutional Law Committee of Parliament. The indicators are intended to serve as a permanent element supporting fundamental and human rights monitoring, and the Action Plan

makes a commitment to continuing and developing work based on the indicators. Going forward, it is important to develop the contents of the indicators on the basis of experience gained from their application, of advances made in the knowledge base relating to fundamental rights and of society's changing circumstances. The Government must have the capacity to also monitor and address such fundamental and human rights issues that are not included in the indicator framework defined in conjunction with this Action Plan.

The third National Action Plan on Fundamental and Human Rights and the related indicators were prepared in an open and interactive process. The Action Plan was drafted under the guidance of the Government Network for Fundamental and Human Rights, with a significant role played in the process by the expert working group appointed for the purpose and with representatives from the Ministry of Justice as well as the Ministry for Foreign Affairs, the Human Rights Centre, the Finnish Institute for Health and Welfare, and the Office of the Non-Discrimination Ombudsman. In addition to these, I would like to thank all those civil society organisations, authorities and researchers that took part in the discussion events, workshops and consultations organised during the preparatory process. The views, data and knowledge provided by the various stakeholders play an indispensable role in the development of fundamental and human rights monitoring. I hope we will be able to continue this valuable cooperation during the implementation of the Action Plan.

Anna-Maja Henriksson

Minister of Justice

1 Background

1.1 Contents and objectives of the third National Action Plan on Fundamental and Human Rights

Finnish society is built on a foundation formed by fundamental and human rights, democracy and the rule of law. For everyone's rights to be realised in society, this set of three pillars must be effective and efficient as well as mutually balanced. In a democratic state governed by the rule of law, the Constitution and the state's international human rights obligations afford strong protection to the human dignity of each individual and safeguard the rights and freedom of the individual. Finland is firmly committed to its international human rights obligations and seeks to actively promote the realisation of fundamental and human rights of individuals. A safe, secure and stable society stands on a foundation created by shared values, the safeguarding of inclusion and civil society capacity, reliable governance and well-functioning institutions as well as high-quality legislation that safeguards fundamental and human rights¹.

According to section 22 of the Constitution of Finland (731/1999), 'The public authorities shall guarantee the observance of basic rights and liberties and human rights.' National Action Plans on Fundamental and Human Rights have established their role in the implementation of this obligation as part of the national fundamental and human rights architecture. The first National Action Plan was drawn up for 2012–2013² and the second for 2017–2019³.

1 These are some of the core elements of Finnish society that are highlighted in section 3.3 'Safe and secure Finland built on [the rule of law](#)' of the Programme of Prime Minister Sanna Marin's Government.

2 [National Action Plan on Fundamental and Human Rights 2012–2013](#). Publication of the Ministry of Justice 20/2012

3 [National Action Plan on Fundamental and Human Rights 2017–2019](#). Publication of the Ministry of Justice 25/2017.

Under the third National Action Plan on Fundamental and Human Rights covering the 2020–2023 period, this work will continue through the development of the monitoring of the realisation of fundamental and human rights in Finland. The aim is to provide systematic data on the realisation of rights in people's everyday lives in order to support effective and knowledge-based fundamental and human rights policy. In addition, the aim is to develop tools and capacities for fundamental and human rights monitoring through measures relating to data collection and research.

The need to monitor the realisation of fundamental and human rights and the effectiveness of measures taken to safeguard them was also identified in the *previous Action Plans and their independent evaluations*⁴. The first National Action Plan on Fundamental and Human Rights already included a project to develop fundamental and human rights indicators, but the project was not implemented at that point. The second Action Plan also drew attention to the need to develop fundamental and human rights monitoring. Both of the previous Action Plans defined indicators for each project to facilitate the assessment of the implementation of measures ('indicators of implementation'). Work on indicators continued under the second Action Plan also by means of developing equality indicators and a fundamental rights barometer.⁵ Additionally, in 2016 a research group at the University of Tampere published under the Government's analysis, assessment and research activities a report which outlines a rights-based framework of human rights indicators appropriate for Finland.⁶

4 Viljanen, Jukka – Rautiainen, Pauli – Heiskanen, Heta – Seppä, Tarja: [Kansallisen perus- ja ihmisoikeustoimintaohjelman 2012–2013 arviointi](#). [Evaluation of the National Action Plan on Fundamental and Human Rights 2012–2013] Publication of the Ministry of Justice 19/2014; Rautiainen, Pauli – Sinkkilä, Kaisa – Keinänen, Anssi: [Demokratiapoliittisen toimintaohjelman 2017–2019 sekä Kansallisen perus- ja ihmisoikeustoimintaohjelman 2017–2019 arviointi](#) [Evaluation of the Action Plan on Democracy Policy 2017–2019 and the National Action Plan on Fundamental and Human Rights 2017–2019]. Publications of the Ministry of Justice, Reports and guidelines 2020:2.

5 Publication of the Ministry of Justice 18/2012; website of the Ministry of Justice [Discriminationdata.fi](#). [The Government of Finland Human Rights Report 2014](#) also outlined that the next National Action Plan on Fundamental and Human Rights should include the development of fundamental and human rights indicators that are internationally comparable and compatible with Finnish society (Policy guideline 32, p. 90).

6 See final report of the project (in Finnish): Rautiainen, Pauli & Lavapuro, Juha and working group Hartzell, Jari – Lehtinen, Emma – Meriläinen, Niina – Neuvonen, Riku – Todorov, Elina: [Ihmisoikeusindikaattorien käyttäminen Suomen perus- ja ihmisoikeustilanteen seurantaan](#). [Use of Human Rights Indicators for Monitoring the Fundamental and Human Rights Situation in Finland] Publications of the Government's analysis, assessment and research activities 36/2016.

In addition to the previous Action Plans and their independent evaluations, the focus of this third Action Plan has also been affected by *positions put forward by Parliament*. When considering the 2014 Human Rights Report and the first and second National Action Plan on Fundamental and Human Rights, Parliament has stated that quantitative and qualitative fundamental and human rights indicators are required to support systematic monitoring. Parliament has also drawn attention to the need to strengthen other elements of fundamental and human rights monitoring.⁷ The Constitutional Law Committee has stated that indicators are necessary to obtain reliable information on the trends concerning the realisation of fundamental and human rights⁸.

The focus of this Action Plan has also been affected by the *Government Programme* as well as by *the need for the comprehensive development of fundamental and human rights monitoring within Government*. A particular underlying factor is the objective to strengthen knowledge-based decision-making in fundamental and human rights issues and to improve the assessment of fundamental and human rights impacts in legislative drafting. *International treaty monitoring bodies*, too, have in their recommendations to Finland emphasised the need to develop national fundamental and human rights monitoring and data collection⁹.

The Action Plan aims to develop the monitoring of the realisation of fundamental and human rights in several mutually supporting and complementary areas. These include in particular developing and taking into use fundamental and human rights indicators, conducting fundamental and human rights research and data collection, and monitoring the implementation of recommendations and solutions provided by international treaty monitoring bodies. The third Action Plan consists of a set of measures including background work relating to the development of fundamental and human rights monitoring, data collection, communication and the further measures specified in this resolution.

7 Foreign Affairs Committee statement UaVM 24/2014 vp; Constitutional Law Committee statement PeVL 52/2014 vp; Constitutional Law Committee statement PeVL 56/2017 vp.

8 Constitutional Law Committee statement PeVL 56/2017 vp, p. 4.

9 See e.g. UN treaty monitoring bodies: [Concluding observations on the twenty-third periodic report of Finland](#). Committee on the Elimination of Racial Discrimination, 8 June 2017, paragraphs 7, 9, 11(d); [Concluding observations on the sixth periodic report of Finland](#). Committee on Economic, Social and Cultural Rights, 17 December 2014, paragraphs 13 and 28; [Concluding observations on the seventh periodic report of Finland](#). Committee on the Elimination of Discrimination against Women, 10 March 2014, paragraphs 21(e), 23(d), 31(c), 33(c), 35(c); [Consideration of reports submitted by States parties under article 44 of the Convention, Concluding observations: Finland](#). Committee on the Rights of the Child, 3 August 2011, paragraphs 18–19, 39b(iii), 45(c) and 51.

1.2 Fundamental and human rights monitoring supporting efficient law- and policymaking

Sustained and efficient fundamental and human rights work calls for an up-to-date situational picture of the level of and changes in the realisation of rights. Data on fundamental and human rights trends enables the Government and the authorities to develop correctly targeted and efficient measures to implement fundamental rights. It is important to collect data systematically and present the results in a compiled and accessible format.

Monitoring data can be utilised in contexts such as lawmaking in particular as part of the assessment of fundamental and human rights impacts, including ex-post assessments of impacts of legislative amendments. Monitoring data is also used in reporting relating to international treaty monitoring and in follow-up on the implementation of recommendations and decisions of international treaty monitoring bodies. On the other hand, statements made by treaty monitoring bodies also help to pinpoint any fundamental rights concerns that need to be addressed through national policy or legislative measures and that may require special monitoring.

1.3 Relationship of the National Action Plan on Fundamental and Human Rights with other ongoing national strategy and action plan work

The Programme of Prime Minister Sanna Marin's Government *Inclusive and competent Finland – a socially, economically and ecologically sustainable society* contains several projects on action plans and strategies that promote the realisation of fundamental and human rights in a variety of areas of life. Upcoming in autumn 2021, the *Government Report on Human Rights Policy* is a document guiding Finland's fundamental and human rights policy that will, together with the National Action Plan on Fundamental and Human Rights, form a whole guiding the Government's activities. The report is based on key changes that have taken place in the operational context of fundamental and human rights and that have impacts on fundamental and human rights policy at the international, EU and national levels. The report is theme-based, focusing on the fundamental and human rights dimension of sustainable development, digitalisation and access to information and on strengthening the international human rights system and the rule of law. The report contains fundamental and human rights policies concerning Finland's objectives at the national as well as the EU and international levels. The monitoring measures and indicator framework contained in this National Action Plan on Fundamental and Human Rights contribute to these policies and to the realisation of the relevant rights. The Ministry for Foreign Affairs is responsible for preparing the report.

2 Situational picture

2.1 Monitoring of the realisation of fundamental and human rights in Finland

The work of and data produced by the independent authorities overseeing compliance with fundamental and human rights play a key role in the monitoring of the realisation of fundamental and human rights. Monitoring data helps the authorities to identify issues that require closer examination and study and, on the other hand, to monitor the effectiveness of their own work. Others such as civil society actors and fundamental and human rights researchers also generate data on the realisation of rights in Finland that is relevant to fundamental and human rights monitoring.

The supreme overseers of legality – the Chancellor of Justice of the Government and the Parliamentary Ombudsman – oversee the legality of the authorities' activities. Under the Constitution of Finland, in performing their oversight duty, the Chancellor of Justice and the Ombudsman monitor 'the implementation of basic rights and liberties and human rights'¹⁰. The overseers of legality consider complaints and conduct inspections of authorities within the scope of their oversight powers. The oversight powers of the supreme overseers of legality also cover the other supervisory authorities, such as the special ombudsmen. The supreme overseers of legality report annually to Parliament on their activities. The Chancellor of Justice of the Government also oversees the legality of the official acts of the Government and the President of the Republic. In that context, the Chancellor of Justice also supervises the realisation of fundamental and human rights.

The Human Rights Centre is an autonomous and independent expert institution that together with the Human Rights Delegation and the Parliamentary Ombudsman forms the Finnish National Human Rights Institution (NHRI). Drawing up reports on the implementation of fundamental and human rights is one of the statutory tasks of the

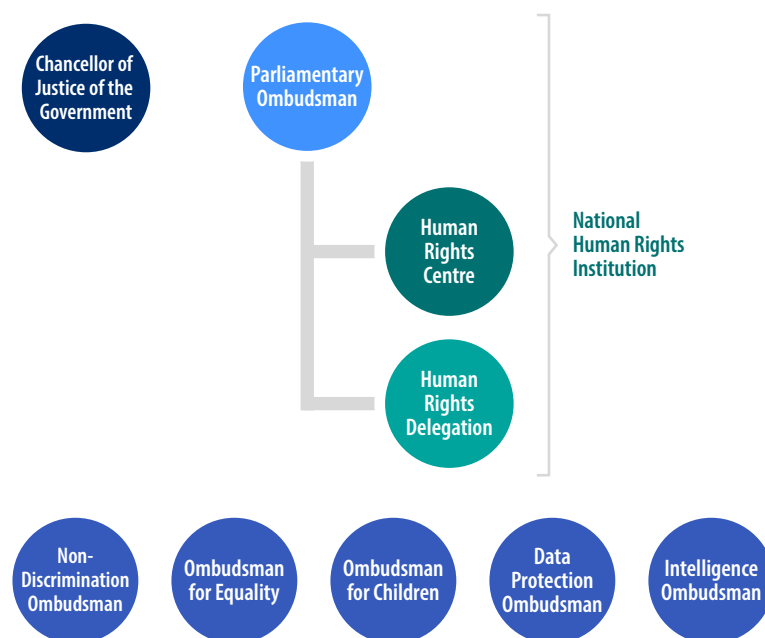
¹⁰ Sections 108 and 109 of the Constitution of Finland. The Parliamentary Ombudsman's annual report contains a specific section on the realisation of fundamental and human rights and the Ombudsman's related observations (see e.g. [Eduskunnan oikeusasiamiehen kertomus vuodelta 2019](#) [Parliamentary Ombudsman's annual report for 2019], Parliamentary Reports K 15/2020 vp). The annual report of the Chancellor of Justice of the Government also reports on the supervision of fundamental and human rights (see e.g. [Valtioneuvoston oikeuskanslerin kertomus vuodelta 2019](#) [Parliamentary Annual Report of the Chancellor of Justice of the Government of Finland], Parliamentary Reports K 12/2020 vp).

Human Rights Centre¹¹. General monitoring and promotion of the implementation of fundamental and human rights as well as monitoring and promoting the rights of persons with disabilities and older persons are among the main lines of action of the Human Rights Centre¹².

In the past two years, the Human Rights Centre has published a summary of observations of the autonomous and independent actors that supervise and promote the realisation of fundamental and human rights¹³. The Human Rights Centre is due to introduce its own evaluation and reporting platform in early 2021¹⁴.

In addition, Finland has five autonomous and independent special ombudsmen, each appointed under their specific act: the Non-Discrimination Ombudsman, the Ombudsman for Equality, the Ombudsman for Children, the Data Protection Ombudsman, and the Intelligence Ombudsman. Through activities including their supervisory tasks and reports, the ombudsmen provide important information about the realisation of fundamental and human rights in their respective fields.

Figure 1. Supreme overseers of legality and special ombudsmen.



11 Section 19d, subsection 1, paragraph 2 of the Parliamentary Ombudsman Act (197/2002).

12 [Action Plan 2021](#). Human Rights Centre, 21 December 2020, p. 4.

13 [Realisation of Fundamental and Human Rights in Finland – observations from 2019](#). Human Rights Centre's Publications 1/2021; [Realisation of Fundamental and Human Rights in Finland – observations](#). Human Rights Centre's Publications 1/2021.

14 [Action Plan 2021](#). Human Rights Centre, 21 December 2020, p. 5.

The Government monitors the realisation of fundamental and human rights and related phenomena within the remits of the ministries. Continuous monitoring is a key task of the Government, as section 22 of the Constitution of Finland requires active efforts to safeguard fundamental and human rights in the ministries' work. In addition to legislative drafting that takes place at ministries, observations relating to the realisation of fundamental and human rights affect policy measures being prepared as well as their implementation. For example, the national discrimination monitoring system coordinated by the Ministry of Justice is tasked with producing for the various target groups up-to-date, objective and complementary information on the occurrence and various forms, causes and consequences of discrimination; compiling data generated by others; promoting cooperation between those working in the field of non-discrimination research; and suggesting policy measures to develop non-discrimination policy and promote equality.¹⁵ All ministries carry out monitoring in their respective remits. There are also advisory boards in conjunction with ministries, such as the Advisory Board for the Rights of Persons with Disabilities (VANE)¹⁶, the National Advisory Board on Romani Affairs (RONK)¹⁷, the Advisory Board for Language Affairs¹⁸, the Advisory Board for Ethnic Relations (ETNO)¹⁹, the Child Advisory Board²⁰ and the Advisory Board for Non-Discrimination²¹. They have tasks including promoting and monitoring the realisation of fundamental rights as well as coordination.

In addition to the above, organisations such as the Finnish Institute for Health and Welfare (THL), Statistics Finland and the Finnish Institute of Occupational Health (FIOH) produce regular and systematic data on the realisation of fundamental and human rights. For example, the quantity and quality of data on discrimination have increased significantly over the past 15 years, which is a positive trend. At the same time, the number of those producing research data on discrimination has also increased, which may result in it being more difficult to obtain the full picture of the phenomenon as data is scattered. It is vital to safeguard the production of data that is significant for the realisation of fundamental rights by ensuring sufficient and permanent resources.²²

15 [Website of the discrimination monitoring system](#). The monitoring system aims to publish regular reports on the discrimination situation in Finland.

16 [Website of the Advisory Board for the Rights of Persons with Disabilities](#).

17 [Website of the National Advisory Board on Romani Affairs](#).

18 [Website of the Advisory Board for Language Affairs](#).

19 [Website of the Advisory Board for Ethnic Relations](#).

20 [Website of the Child Advisory Board](#).

21 [Website of the Advisory Board for Non-Discrimination](#).

22 Mannila, Simo: [Syrjinnän seurannan kansalliset tietolähteet](#) [National data sources for measuring discrimination]. Publications of the Ministry of Justice, Reports and guidelines 2019:35, p. 68.

For the purpose of monitoring, a variety of indicator models have also been developed for issues such as child welfare²³, good relations²⁴, sustainable development²⁵, linguistic rights²⁶ and integration²⁷. Democracy indicators²⁸ are an example of long-term work on indicators that has succeeded in producing monitoring data on key democracy issues and, for example, on differences in participation between population groups. Also under preparation are indicators on gender equality²⁹ and on hate crime³⁰, among others.

2.2 Development needs in fundamental and human rights monitoring in Finland

The special authorities monitoring respect for fundamental and human rights produce diverse data on the realisation of fundamental and human rights and related challenges. The monitoring data produced by the various authorities is, however, somewhat scattered, and the boundaries between administrative branches and the authorities' fields of activity also in part make it difficult to form the full picture concerning the realisation of fundamental and human rights. One-off reports do not typically enable the systematic monitoring of changes in the realisation of rights over the longer term.

23 [Lasten hyvinvoinnin kansalliset indikaattorit](#) [National indicators on child welfare]. Working group memorandums and committee reports of the Ministry of Education and Culture 2011:3.

24 [Establishing Indicators for Good Relations](#). Good Relations project, 2014.

25 [Website of UN indicators for sustainable development](#). Statistics Finland, published on 12 February 2019.

26 [Follow-up Indicators for Linguistic Rights](#). Publication of the Ministry of Justice 35/2018.

27 [Integration Indicators database](#). Centre of Expertise in Immigrant Integration, updated continuously.

28 [Demokratiaindikaattorit 2015](#) [Democracy Indicators 2015] report. Publications of the Ministry of Justice, Reports and guidelines 56/2015.

29 [Government Action Plan for Gender Equality 2020–2023](#). Publications of the Ministry of Social Affairs and Health 2020:35.

30 See the website of the [Facts against Hate project](#) coordinated by the Ministry of Justice.

The Constitutional Law Committee has identified the need to develop the Government's own, comprehensive fundamental and human rights monitoring. The Committee has regarded it as important to use the National Action Plan on Fundamental and Human Rights to set up a procedure for the systematic monitoring of the fundamental and human rights situation in Finland that enables efficient and systematic intervention on any problems that are observed. According to the Committee, quantitative and qualitative fundamental and human rights indicators are needed to support monitoring so that the effectiveness of activities can be monitored and the equal realisation of rights can be assessed, among other things, by region and by population group.³¹ The need for stronger systematic and comprehensive monitoring was also identified in the evaluations of the previous National Action Plans on Fundamental and Human Rights³².

It can also be regarded as a strength of indicators that they can be employed to identify longer-term developments and related trends, that is, to perceive the direction where the realisation of certain fundamental and human rights is heading. The information provided by indicators may also help to pinpoint structural problems that would otherwise not be noticed and that call for more detailed data collection and assessment.

It is, however, important to be aware of the limits of indicators as tools for fundamental and human rights monitoring. As the term implies, indicators are indicative and cannot provide an all-encompassing and comprehensive picture of the contents of the monitored rights or the realisation of rights in people's everyday lives. The usability of indicators is also affected significantly by the knowledge base available at any given time to assess a phenomenon. It is crucial to have access to sufficient resources and competences for analysing the data. Indicators provide an additional tool for the broader set of monitoring measures that can help to identify concrete fundamental and human rights problems. Indicators do not limit or determine fundamental or human rights policy priorities or narrow the public authorities' obligation to safeguard the realisation of fundamental and human rights by way of other means, too.

31 [Constitutional Law Committee statement PeVL 52/2014 vp](#), p. 3.

32 Viljanen, Jukka – Rautiainen, Pauli – Heiskanen, Heta – Seppä, Tarja: [Kansallisen perus- ja ihmisoikeustoimintaohjelman 2012–2013 arviointi](#). Publication of the Ministry of Justice 19/2014; Rautiainen, Pauli – Sinkkilä, Kaisa – Keinänen, Anssi: [Demokratiapoliittisen toimintaohjelman 2017–2019 sekä kansallisen perus- ja ihmisoikeustoimintaohjelman 2017–2019 arviointi](#). [Evaluation of the Action Plan on Democracy Policy 2017–2019 and the National Action Plan on Fundamental and Human Rights 2017–2019]. Publications of the Ministry of Justice, Reports and guidelines 2020:2.

Previous reports on the realisation of fundamental and human rights as well as the preparation of this third National Action Plan on Fundamental and Human Rights have identified shortcomings relating to the knowledge base as one of the most significant challenges in the monitoring of the realisation of rights.

International human rights treaty monitoring bodies have also drawn attention to the need to develop data collection³³. Systematically collected data is not available on the realisation of all of the rights. The problem is particularly emphasised as regards the various population and minority groups. It is important to develop data collection to be able to strengthen knowledge-based decision-making in legislative and policy projects that are significant for the realisation of fundamental and human rights. It was brought up at events organised for stakeholders during the preparation of this Action Plan that there are blind spots and actual gaps in data concerning certain population and minority groups in particular. Response to these shortcomings requires capacity to take the diversity of the population better into account in data production. It is important to identify which groups are such that can be identified on the basis of data file material and how data on groups that remain invisible can be obtained in population studies. Questionnaire design must take better account of aspects such as gender diversity, ethnicity, identity, disability and functional limitations.

Under-reporting is a major problem regarding certain fundamental and human rights issues, and it is not possible to form a detailed picture of the scope or frequency of a phenomenon on the basis of data such as the number of appeals, complaints or other communications received by the authorities. Consequently, the number of communications to the authorities usually mainly serves as an indicative or supplementary data source. Consultations with the authorities during the preparation of this Action Plan highlighted the need to develop the authorities' data file and case management systems for them to better enable the production of disaggregated data.

Structural problems relating to the production of academic fundamental and human rights monitoring data in Finland were also brought up at the consultations. Particular concerns were voiced regarding a quantitative decline in and poor funding of academic research into fundamental and human rights. Research into the realisation of fundamental and human rights requires a multidisciplinary perspective, and structural changes and resources would be needed to enable this. Also brought up was the potential for more systematic cooperation in data collection with civil society organisations (CSOs) working

33 In its recommendations, the UN Human Rights Committee pointed out the need for disaggregated data on issues including upholding the rights of children, women, migrants and the Sámi people. [Human Rights Committee's recommendations to Finland 2021](#). CCPR/C/FIN/CO/7, 1 April 2021, paragraphs 6–7.

in the field of fundamental and human rights. Similar observations have previously been made in contexts such as the report of the Human Rights Centre on fundamental and human rights research in Finland.³⁴

It is important to connect monitoring and indicator work with the development of national fundamental and human rights policy and its tools as a whole. The preparation and implementation of effective fundamental and human rights policy require plans-based and systematic work in which the roles of the various actors are taken into account. Target-oriented policy documents for fundamental and human rights policy, such as the National Action Plans on Fundamental and Human Rights and the Human Rights Reports to Parliament, play an important role in the setting of concrete targets. Moreover, it is essential to ensure a well-functioning fundamental and human rights architecture whose essential elements include clear roles and division of tasks for the key actors as well as sufficient resources. Attention should also be paid to taking the assessment of fundamental and human rights impacts included in the drafting process of policy measures and legislative projects in a direction that is more comprehensive and takes better account of the obligation to safeguard fundamental and human rights laid down under section 22 of the Constitution of Finland.

2.3 Capacity for successful indicator work

The development of indicators and their usability in the monitoring of the realisation of human rights already entered debate at the international level in the 1990s, and a variety of indicator models have subsequently been developed at the international (United Nations, UN), regional (European Union, EU, Council of Europe (CoE) and national levels (e.g. United Kingdom, UK). Many of these have been utilised effectively, while some have mainly remained as theoretical models. The model based on structural, process and outcome indicators³⁵ published by the UN Office of the High Commissioner for Human Rights (OHCHR) in 2012 has proved to be a useful model particularly in the monitoring of economic, social and cultural rights (ESCR). The model has the advantage of enabling the examination of the realisation of rights at the normative as well as at the practical level. The model has been utilised by organisations including the EU Agency for Fundamental

34 Human Rights Centre/Assi Harkoma: [Perus- ja ihmisoikeustutkimuksesta Suomessa – asiantuntijoiden näkemyksiä](#) [Fundamental and human rights research in Finland – expert views]. E-publication of the Human Rights Centre, 2017.

35 [Human Rights Indicators: A Guide to Measurement and Implementation](#). The Office of the High Commissioner for Human Rights (UN OHCHR), HR/PUB/12/5, 2012.

Rights (FRA)³⁶ and the UK Equality and Human Rights Commission³⁷. The development of human rights indicators has also been explored under the above-mentioned project commissioned by the Government's analysis, assessment and research activities and implemented by the School of Management at the University of Tampere³⁸.

International and national experiences and reports on indicator work³⁹ show that indicator-based monitoring that provides relevant data requires not only the specific pinpointing of fundamental and human rights problems but also the definition of suitable monitoring objects. The indicators should be attached to national or transnational fundamental and human rights provisions and be as clear, current and suitable for analysis of trends over time as possible. They should also be able to capture as many nuances as possible, which means in particular that the indicators should, where necessary, also produce data disaggregated by population group. It is important to provide open and transparent justifications for the choice of indicators. When developing indicators, it must also be ensured that the model created is feasible from the resources perspective, too.

Effective indicators require a comprehensive and regularly updated knowledge base that enables the pinpointing of changes in the realisation of rights over the long term.

36 [Fundamental Rights Indicators](#). European Union Agency for Fundamental Rights (FRA), 2011; [FRA Opinion – 2/2016 \[Art. 2\]](#), European Union Agency for Fundamental Rights (FRA), 2016.

37 [Measurement Framework for Equality and Human Rights](#). Equality and Human Rights Commission, 2017.

38 Rautiainen & Lavapuro et al.: [Ihmisoikeusindikaattorien käyttäminen Suomen perus- ja ihmisoikeustilanteen seurantaan](#). [Use of Human Rights Indicators for Monitoring the Fundamental and Human Rights Situation in Finland] Publications of the Government's analysis, assessment and research activities 36/2016; [Yhteenveto perus- ja ihmisoikeustoimintaohjelman valmistelua koskevista kuulemisista syksyllä 2020](#) [Summary of consultations concerning the preparation of the National Action Plan on Fundamental and Human Rights in autumn 2020]. Memorandum of the Ministry of Justice VN/13670/2019, 16 March 2021.

39 See e.g. [Human Rights Indicators: A Guide to Measurement and Implementation](#). The Office of the High Commissioner for Human Rights (UN OHCHR), HR/PUB/12/5, 2012, pp. 50–51; [Measurement Framework for Equality and Human Rights](#). Equality and Human Rights Commission, 2017, pp. 43–44; [FRA Opinion – 2/2016 \[Art. 2\]](#). European Union Agency for Fundamental Rights (FRA), 2016, pp. 3–4; Rautiainen & Lavapuro et al.: [Ihmisoikeusindikaattorien käyttäminen Suomen perus- ja ihmisoikeustilanteen seurantaan](#) [Use of Human Rights Indicators for Monitoring the Fundamental and Human Rights Situation in Finland]. Publications of the Government's analysis, assessment and research activities 36/2016; [Yhteenveto perus- ja ihmisoikeustoimintaohjelman valmistelua koskevista kuulemisista syksyllä 2020](#) [Summary of consultations concerning the preparation of the National Action Plan on Fundamental and Human Rights in autumn 2020]. Memorandum of the Ministry of Justice VN/13670/2019, 16 March 2021.

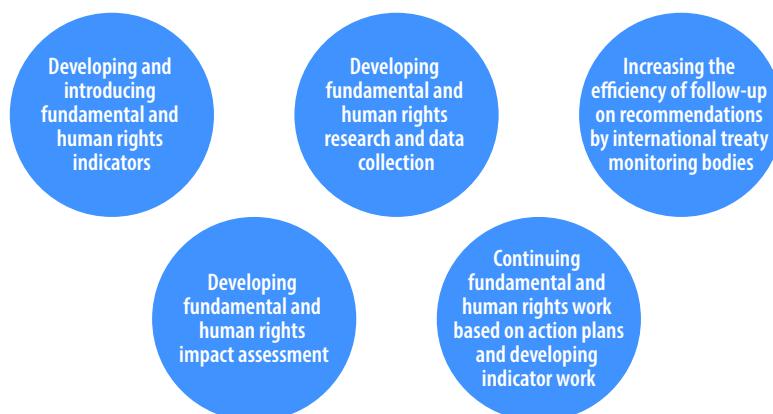
The knowledge base should consist of both quantitative and qualitative data, and data analyses should take account of any data gaps ('invisible' groups, under-reporting) and any challenges relating to data interpretation, such as representativeness of data and the diverse underlying causes of statistical changes. It is not enough to collect data mechanically. Instead, data needs to be contextualised by using a variety of data sources and other background material. Data must also be interpreted with appropriate expertise. Stakeholder participation in the work to develop indicators is important so that indicators can be made as precise and reliable as possible and that data sources that best support them can be found.

3 Government objectives and measures to strengthen fundamental and human rights monitoring

Developing the structures for national fundamental and human rights policy entails continuous activity that extends beyond individual government terms. This Action Plan develops policy work structures by introducing indicators intended for monitoring changes in the realisation of fundamental and human rights. These indicators are to be developed further on the basis of experience gained in their application (section 3.1). Another key element is the development of the coverage and quality of monitoring by means of systematic fundamental and human rights research and data collection (section 3.2). Efficient fundamental and human rights monitoring also requires that recommendations and solutions provided by international treaty monitoring bodies be taken more systematically into account in legislative and policy measures (section 3.3).

The competence of law drafters in fundamental and human rights issues will be strengthened and support for fundamental and human rights impact assessments of legislative proposals will be increased (section 3.4). Fundamental and human rights work, including the development of indicators, based on action plans must also be continued during future government terms (section 3.5).

Figure 2. Measures of the National Action Plan on Fundamental and Human Rights.



To promote the above-mentioned objectives, the measures set out in this chapter will be implemented during the government term. The measures form a whole supporting the objective of the Programme of Prime Minister Sanna Marin's Government concerning knowledge-based decision-making as well as a fair, equal and inclusive Finland. In addition, the measures set out respond for their part to needs identified by the Constitutional Law Committee of Parliament, international treaty monitoring bodies and many national fundamental and human rights actors to strengthen the monitoring of the realisation of fundamental and human rights in Finland.

3.1 Introducing a fundamental and human rights indicator framework

The monitoring of fundamental and human rights requires data on changes taking place in the realisation of rights over the long term. For this purpose, as part of the National Action Plan on Fundamental and Human Rights, **indicators** have been developed to assess trends in the realisation of fundamental and human rights with regard to issues selected for the framework. In the indicator model, monitoring objects have been grouped by area of life, with indicators included from each of the levels of the UN indicator model (structural, process and outcome indicators). The indicator framework was prepared by an expert group appointed for the purpose under the guidance of the Government Network for Fundamental and Human Rights and in consultation with key stakeholders.⁴⁰ The indicator framework is provided as an appendix to this Action Plan.

⁴⁰ [Project website of the National Action Plan on Fundamental and Human Rights](#). Ministry of Justice; [Yhteenveto perus- ja ihmisoikeustoimintaohjelman 2020–2023 valmistelua koskevista sidosryhmäkuulemisista syksyllä 2020](#) [Summary of stakeholder consultations in autumn 2020 concerning the preparation of the National Action Plan on Fundamental and Human Rights 2020–2023]. Memorandum of the Ministry of Justice VN/13670/2019, 16 March 2021.

The starting point adopted for the selection of what will be monitored in the fundamental and human rights indicator framework was the usability of the indicators and the feasibility of monitoring in practice. This is reflected in efforts already having been made to identify sufficient data sources for the indicators at their selection stage. The indicator framework also needs to be compact to ensure usability. The selection of indicators is a key part of their preparation process, involving special openness and transparency requirements. A background memorandum to be published at a later date will provide in-depth background information on the selected indicators and describe the preparation process in greater detail. As a general rule, the following criteria were employed in the selection of indicators:

Figure 3. Main selection criteria for the monitoring indicators.



The aim is to develop and supplement the contents of the indicator framework in the future as well, to reflect developments in the indicator knowledge base or in the operational context. The expert working group appointed for the preparation of the National Action Plan on Fundamental and Human rights will continue its work until the end of 2023 and contribute towards the development of the work on indicators. For the implementation of the indicator framework, a public, accessible **website** will be set up, making available not only the framework but also information about the backgrounds and data sources of the indicators and links to other indicator-related work on action plans and strategies. Also due for completion by the end of 2023 is **the first monitoring round** reporting on the realisation of the rights reflected by the indicators on the basis of the knowledge base available. It is important to ensure in conjunction with the monitoring round that there are sufficient competences and resources available for the interpretation and analysis of the indicators and their underlying data sources as well as for drawing conclusions. The first monitoring round will include, where necessary, **separate reports on the situational picture** concerning the fundamental and human rights issues included in the indicator framework to strengthen the knowledge base.

3.2 Developing fundamental and human rights research and data collection

The need for data on the realisation of fundamental and human rights has increased in society. It is important to be able to form a sufficiently accurate situational picture based on available, in part scattered data and to identify any blind spots. It is important that data production is developed in cooperation between the authorities so that data collection efforts do not overlap but rather complement each other. Data gaps and data needs observed during the preparation of the fundamental and human rights indicators will be presented in reports relating to the indicators.

Strengthening the knowledge base requires several different types of measures. For example, with regard to data on discrimination, the Ministry of Justice will implement **a project to improve access to discrimination data** with funding from the Rights, Equality and Citizenship (REC) Programme of the European Commission⁴¹. The Know Equality (2021–2023) project aims to improve the accessibility of data on discrimination and develop discrimination data collection methods in Finland. It also aims to increase cooperation between anti-discrimination actors and the participation of CSOs and groups at risk of discrimination in the monitoring of discrimination. The project seeks to develop human rights-based data collection particularly among minority groups and to publish recommendations concerning conclusions drawn and good practices identified in project activities. The project supports the implementation of the national discrimination monitoring system coordinated by the Ministry of Justice.⁴²

There is a need from the perspective of monitoring the realisation of fundamental and human rights and, in particular, in order to detect structural inequality, to obtain **research and statistical data that can be disaggregated by population group**⁴³. However, collecting data on aspects such as ethnicity, sexual orientation or other characteristics of individuals must involve careful consideration and take place in agreement with members

41 [Rights, Equality and Citizenship Programme website](#). European Commission.

42 [Website of the discrimination monitoring system](#). Ministry of Justice.

43 [UN Human Rights Committee's recommendations to Finland 2021](#). CCPR/C/FIN/CO/7, 1 April 2021, paragraphs 6–7; [Guidelines on improving the collection and use of equality data](#). European Commission, High Level Group on Non-discrimination, Equality and Diversity, 2018, pp. 3–4.

of the groups in question, also ensuring that the data will only be used for the purpose for which it is collected⁴⁴.

Sensitive personal data is covered by special protection under data protection provisions, and the processing of data requires efficient protection arrangements⁴⁵. There may, however, be a need to collect even sensitive personal data when this is necessary to assess the realisation of fundamental and human rights among the various minority groups. The legal conditions for the collection and processing of the type of data referred to above need to be assessed with a view to the potential development of more detailed and disaggregated data collection. In addition to data protection regulations, a significant role in this context is also played by provisions such as legislation concerning the Population Information System that defines the background factors recorded in the Population Information System⁴⁶. At the same time, preconditions and practical implementation methods relating to human rights-based data collection must be reviewed and compiled and the necessity and possible implementation methods of such data collection must be evaluated. It is important to make sure that communities representing minority groups in particular and also civil society more broadly have the opportunity to take part in debate on the matter.

Coordinated by the Ministry of Justice, **the Capable project**⁴⁷ aims to develop national coordination and exchange of information, strengthen the competence of the sector's professionals, **develop data collection** and strengthen the role of civil society in **work against hate crimes**. The aims of the project section on developing data collection include conducting a study on perpetrators of hate crimes and continuing the deployment of the tool designed for reporting hate acts. The project will also conceptualise a Centre of Excellence for work against hate crimes and discrimination and pilot the Centre's activities.

44 The guidance note on data collection and disaggregation published by the UN High Commissioner for Human Rights underlines that data collection exercises should not create new or reinforce existing discrimination, bias or stereotypes. [A Human Rights- Based Approach to Data](#). The Office of the High Commissioner for Human Rights (UN OHCHR), 2018, pp. 11–12.

45 [EU General Data Protection Regulation \(EU\) 2016/679](#), in particular Article 9 and recitals 51–56.

46 The Ministry of Justice has drawn up a [report on entering several languages in the Population Information System](#). Publications of the Ministry of Justice, Reports and guidelines 2020:12.

47 [Website of the Capable project](#). Ministry of Justice.

The results of Finland's first national **Fundamental Rights Barometer**⁴⁸ will be published in June 2021. The barometer examines the views of people with disabilities or functional limitations as well as people belonging to three linguistic population groups (Russian, Arabic and Swedish speakers) on the realisation of fundamental and human rights relative to the views of the population as a whole. The data collection made use of the Fundamental Rights Survey (FRS) prepared by the European Union Agency for Fundamental Rights (FRA) for collecting population-wide data in all EU Member States.⁴⁹ The population-wide data from the FRS and the results of the barometer provide new kinds of population group-specific and comparable data to support the formulation of fundamental and human rights policy.⁵⁰ Monitoring must be continued in the future, too, by **developing the barometer work** and **establishing its role** as part of national fundamental and human rights monitoring. In addition, **the need for and possibility of expanding the barometer sampling** to new population groups will be reviewed.

3.3 Increasing the efficiency of follow-up on recommendations by international treaty monitoring bodies

The Government Network for Fundamental and Human Rights follows up on the implementation of recommendations received by Finland from international human rights treaty monitoring bodies⁵¹. Monitoring compliance with international human rights treaties as well as recommendations and conclusions of international monitoring bodies concerning Finland is also a statutory duty of the Human Rights Centre⁵². The aim is to facilitate and increase the efficiency of follow-up on implementation carried out by the Government itself and also by other authorities and CSOs by **establishing a databank of recommendations issued by the United Nations and the Council of Europe**

48 [Project website of the Fundamental Rights Barometer](#). The Fundamental Rights Barometer is a joint project of the Ministry of Justice and the Human Rights Centre.

49 The questionnaire used to collect data for the Fundamental Rights Barometer was the one used by the EU Agency for Fundamental Rights in its [Fundamental Rights Survey](#) (FRS) covering all EU Member States. Additionally, the Agency provided the project with access to the population-wide FRS data collected in Finland.

50 [Project website of the Fundamental Rights Barometer](#). Ministry of Justice and Human Rights Centre.

51 [Decision to appoint the Government Network for Fundamental and Human Rights 2020–2023](#). Ministry of Justice, VN/13668/2019, 12 February 2020.

52 [Government Proposal HE 205/2010 vp](#), p. 28.

concerning the implementation of Finland's human rights obligations. The databank can also help to increase the efficiency of periodic reporting under human rights treaties, increase awareness of the realisation of fundamental and human rights in Finland, and collect data to support legislation impact assessments.

To be maintained by the Legal Service of the Ministry for Foreign Affairs, the database is intended to contain not only the recommendations but also data provided and regularly updated by all of the ministries on measures taken in their respective administrative branches to implement the recommendations. The databank would be a public online service open to and accessible by all and serve not only the activities of central government but also other authorities, Parliament, overseers of legality, ombudsmen and CSOs.

3.4 Developing fundamental and human rights impact assessment

According to the Programme of Prime Minister Sanna Marin's Government, **the competence of law drafters in fundamental and human rights issues will be improved** systematically. Inter-ministerial support will be increased to ensure that the impacts of legislation on people's income security, the environment, equality, human rights, and operating conditions for businesses can be thoroughly assessed. The Government Programme also states that the status of the Constitution and its independent interpretation will be respected and strengthened, while the **assessment of the constitutionality and impacts of legislative proposals will be enhanced and the scope of the assessment expanded**⁵³. Impact assessment in law drafting covers both ex-ante impact assessment when preparing legislative proposals as well as ex-post assessment after the entry into force of legislation. It is important to assess fundamental and human rights impacts in both of these stages. The impacts of legislation on people's everyday lives and on the realisation of rights should be assessed as early as at the law drafting stage so that the positive obligation laid down under section 22 of the Constitution to safeguard the realisation of fundamental and human rights is taken appropriately into account and the constitutional linkages of bills are identified appropriately and at a sufficiently early stage. The impacts of legislation on the realisation of fundamental and human rights must also be monitored actively ex post to ensure the appropriate implementation of the legislation and eliminate any unforeseen negative

⁵³ [Programme of Prime Minister Sanna Marin's Government](#). Government, 10 December 2019, p. 90.

impacts on the realisation of fundamental and human rights. Each ministry conducts ex-post assessment of the legislation of its respective remit, with the assessment supported by data provided by other actors. Impact assessment is closely linked with monitoring data available on the realisation of fundamental and human rights and with making better use of this data in the various stages of law drafting. Fundamental and human rights impact assessment will be strengthened as part of the Government's development of law drafting through measures such as providing guidance and training for law drafters and strengthening cooperation between authorities relating to human rights impacts.

3.5 Continuing fundamental and human rights work based on action plans and developing indicator work

In its 2017 position concerning the second National Action Plan on Fundamental and Human Rights, the Constitutional Law Committee of Parliament found that it is necessary for the systematic promotion of the realisation of fundamental and human rights to formulate a National Action Plan on Fundamental and Human Rights for each government term.⁵⁴ It is regarded as important for continuity that the next government term will see the adoption of **the fourth National Action Plan on Fundamental and Human Rights**, with its preparation taking account of the observations of the three previous Action Plans and the experiences gained in their implementation and assessing the need to develop the indicator framework and indicator-based fundamental and human rights work. Since the most significant added value provided by indicators is the data they generate on changes taking place in the realisation of rights over a specific period, it is important to make indicator-based fundamental and human rights work an established approach. This requires above all that **indicator-based work be continued** and developed further after the first monitoring round, too, and that sufficient resources be allocated for this work. Where possible, in this context horizontal assessments should also be conducted of synergies between indicator frameworks created as part of various programmes and strategies and of potential ways of developing indicators of different sectors as a whole.

54 [Constitutional Law Committee statement PeVL 56/2017 vp](#), p. 2.

Appendix: Fundamental and human rights indicators

Abbreviations

EUI	European University Institute
Fimea	Finnish Medicines Agency
FinMonik	Survey on Well-Being among Foreign Born Population
FinSote	National FinSote survey on health, wellbeing and service use
FRA	European Union Agency for Fundamental Rights
Kela	Social Insurance Institution of Finland
Krimo	Institute of Criminology and Legal Policy
SERI	Support Centres for Victims of Sexual Assault
THL	Finnish Institute for Health and Welfare
Valvira	National Supervisory Authority for Welfare and Health

Personal liberty and integrity and the right to life

1. Violence

Indicator	Potential data sources
a. Experiences of violence at population level, disaggregated by population group	THL/FinSote survey THL/FinMonik survey Ministry of Justice & Human Rights Centre/ Fundamental Rights Barometer FRA/Fundamental Rights Survey
b. Violence by intimate partner	Krimo/National Crime Victim Survey
i) Exposure to physical and sexual violence by intimate partner, by sex	Krimo/Finnish Homicide Monitor THL Nollalinja helpline for victims of violence
ii) Mortality due to intimate partner violence, by sex	Victim Support Finland Women's Line
iii) Accommodation capacity of shelters for victims of domestic violence	SERI Support Centres for victims of sexual assault
iv) Number of calls to phone services for victims of violence	
v) Number of clients of SERI Support Centres for victims of sexual assault	
c. Violence against children	Statistics Finland/Causes of death statistics
i) Serious violence against children	THL/Care Register for Specialised Health Care
ii) Children's experiences of crime as victims	Krimo/Finnish Self-Report Delinquency Study
iii) Number of cases reported to pre-trial investigation authorities concerning internet-related sexual offences against children or related image material	THL/School Health Promotion Study National Bureau of Investigation

2. Self-determination in residential healthcare and social welfare services

Indicator	Potential data sources
a. Right of self-determination in residential units for persons with disabilities	Valvira Decisions taken by overseers of legality
i) Restrictions on the right of self-determination	Regional State Administrative Agencies
ii) Measures taken to promote the right of self-determination	
b. Right of self-determination in child welfare institutions	Valvira Decisions taken by overseers of legality
i) Restrictions on the right of self-determination	Regional State Administrative Agencies
ii) Measures taken to promote the right of self-determination	
c. Right of self-determination in psychiatric hospital treatment	THL/Care Registers for Health Care Valvira
i) Restrictions on the right of self-determination	Decisions taken by overseers of legality Regional State Administrative Agencies
ii) Measures taken to promote the right of self-determination	
d. Right of self-determination in care units for older persons	Valvira Decisions taken by overseers of legality
i) Restrictions on the right of self-determination	Regional State Administrative Agencies
ii) Measures taken to promote the right of self-determination	

3. Right of self-determination of members of gender minorities

Indicator	Potential data sources
a. Abolition of the sterilisation requirement for gender recognition	Legislative amendment and monitoring of its implementation
b. Decoupling of legal gender recognition from medical intervention	Legislative amendment and monitoring of its implementation
c. Access to medical treatment of gender dysphoria	Ministry of Social Affairs and Health University hospitals CSO data and assessment
d. Strengthening of the right of self-determination of intersex children	Ministry of Social Affairs and Health University hospitals CSO data and assessment

4. Detention

Indicator	Potential data sources
a. Detentions under the Aliens Act (301/2004)	Finnish Immigration Service Ministry of the Interior
i) Total number of detained persons	
ii) Number of detained underage persons	
b. Median duration of detention	Finnish Immigration Service Ministry of the Interior

5. Trafficking in human beings

Indicator	Potential data sources
a. Resources for action against trafficking in human beings	<p>Ministry of Justice</p> <p>Ministry of Social Affairs and Health</p> <p>Ministry of the Interior</p> <p>Assistance system for victims of human trafficking</p> <p>National Prosecution Authority</p> <p>Regional state administrative authorities</p> <p>National Police Board</p>
b. Trafficking in human beings brought to the attention of authorities	Annual reports of the assistance system for victims of human trafficking
i) Number of clients of the assistance system for victims of human trafficking	Data from the Police, National Prosecution Authority and National Courts Administration Finland
ii) Criminal procedure statistics relating to trafficking in human beings	Survey by the <i>Neliapila</i> organisations (four CSO engaged in activities targeted specifically at providing support and assistance to victims of human trafficking: MONIKA – Multicultural Women’s Association, the Finnish Refugee Advice Centre, Pro-tukipiste and Victim Support Finland)
iii) Proportion of respondents to the <i>Neliapila</i> organisations survey who did not wish to be included in services provided by the authorities	
iv) Number of residence permits issued on the basis of trafficking in human beings and labour exploitation	Finnish Immigration Service

6. Hate crime

Indicator	Potential data sources
a. Hate crimes reported to the police	Police University College/Hate Crimes Reported to the Police

Legal protection and good governance

7. Access to legal protection

Indicator	Potential data sources
a. Legal protection of asylum seekers	Ministry of Justice
i) Developments in legal aid for asylum seekers	Ministry of the Interior Disciplinary Board
ii) Quality of asylum interviews and interpretation provided during them	Finnish Immigration Service
b. Duration of judicial proceedings	National Courts Administration
i) Average duration of judicial proceedings in civil and criminal matters as well as administrative matters	State Treasury
ii) Compensation paid for delays in judicial proceedings	

8. Equality

Indicator	Potential data sources
a. Strengthening of structures in legislation that relate to promoting equality and preventing and combating discrimination	Legislative amendment and monitoring of its implementation Ministry of Justice
b. Development of the knowledge base of the discrimination monitoring mechanism	Expert assessment by the Discrimination Monitoring Group

9. Awareness of rights

Indicator	Potential data sources
a. Awareness of treaties and authorities relating to fundamental and human rights	Ministry of Justice & Human Rights Centre/ Fundamental Rights Barometer FRA/Fundamental Rights Survey

10. Accessibility of electronic services

Indicator	Potential data sources
a. Proportion of persons who have experienced obstacles in the use of electronic health services	THL/FinSote Survey
b. Accessibility of online services in accordance with the Act on the Provision of Digital Services (306/2019)	Regional State Administrative Agency for Southern Finland
c. Proportion of foreign-born population without access to strong electronic identification	THL/FinMonik Survey

11. Fundamental and human rights impact assessment in legislative drafting

Indicator	Potential data sources
a. Fundamental and human rights impact assessment guidelines and training	Ministry of Justice

Private and family life

12. Privacy protection

Indicator	Potential data sources
a. Data protection and information security in health and social services	Data Protection Ombudsman
i) Number of reported security breaches of personal data and proportion of reported incidents that resulted in measures in healthcare and social welfare	
ii) Number and focus of complaints concerning the exercise of rights under Chapter III of the General Data Protection Regulation and proportion of complaints that resulted in measures in healthcare and social welfare	
b. Awareness of the right to check personal data	Ministry of Justice & Human Rights Centre/ Fundamental Rights Barometer FRA/Fundamental Rights Survey

13. Child welfare

Indicator	Potential data sources
a. Number of clients of social workers in child welfare	THL
b. Compliance with time limits of statutory assessment of need for child welfare services	THL/Statistics on processing times in child welfare
c. Emergency placements and taking into care	THL/Child welfare statistics

14. Family reunification

Indicator	Potential data sources
a. Abolition of the income requirement of underaged sponsors in family reunification	Legislative amendment and monitoring of its implementation Ministry of the Interior
b. Reassessment of conditions relating to family reunification from the perspectives of protection of family life and the realisation of the rights of the child	Ministry of the Interior
c. Proportion of positive family reunification decisions	Ministry of the Interior Finnish Immigration Service
i) Proportion of positive decisions of total family unification decisions	
ii) Proportion of positive decisions of total family reunification decisions concerning underaged sponsors	

Freedom of expression, opinion, religion and conscience

15. Freedom of the media and promoting the freedom of expression

Indicator	Potential data sources
a. Assessment of the realisation of the freedom of expression and the freedom of the media in Finland in the European Media Pluralism Monitor (MPS) study	EUI – Centre for Media Pluralism and Media Freedom/Media Pluralism Monitor
b. Assessment on Finland in the Word Press Freedom Index	Reporters without Borders/World Press Freedom Index

16. Restriction on freedom of expression imposed on a person due to their role

Indicator	Potential data sources
a. Number of charges brought concerning menace	National Prosecution Authority
b. Experiences of harassment and threats among local councillors	Association of Finnish Local and Regional Authorities/Local decision-maker survey

Language and culture

17. National languages

Indicator	Potential data sources
a. Language climate experienced by speakers of national languages	Ministry of Justice/Language Barometer
b. Availability and quality of health and social services in Swedish	Ministry of Justice/Language Barometer
c. Developments in Swedish-language content produced by Finnish Broadcasting Company (Yle)	Finnish Broadcasting Company (Yle)/Report of Yle Administrative Council to Parliament on the company's activities

18. Sámi languages

Indicator	Potential data sources
a. Availability and quality of health and social services in Sámi	Ministry of Justice/Sámi Barometer Reports to the Sámi Parliament of Finland under section 29 of the Sámi Language Act (1086/2003) Sámi Parliament of Finland
b. Number of participants in Sámi language learning	Finnish National Agency for Education Municipalities
c. Number of participants in education and early childhood education and care in Sámi	Finnish National Agency for Education Municipalities
d. Developments in Sámi-language content produced by Finnish Broadcasting Company (Yle)	Finnish Broadcasting Company (Yle)/Report of Yle Administrative Council to Parliament on the company's activities Sámi Parliament of Finland
e. Digitalisation of services provided in Sámi	Sámi Language Office of the Sámi Parliament of Finland

19. Sign languages

Indicator	Potential data sources
a. Access to information in sign language	Questionnaire among communications directors of ministries Ministry of Justice/Sign Language Barometer
b. Accessibility and quality of interpretation services	Ministry of Justice/Sign Language Barometer Kela CSO data and assessment
c. Developments in sign-language content produced by Finnish Broadcasting Company (Yle)	Finnish Broadcasting Company (Yle)/Report of Yle Administrative Council to Parliament on the company's activities

20. Finnish Romani language

Indicator	Potential data sources
a. Number of participants in Romani language learning	Finnish National Agency for Education Municipalities
b. Developments in Romani-language content produced by Finnish Broadcasting Company (Yle)	Finnish Broadcasting Company (Yle)/Report of Yle Administrative Council to Parliament on the company's activities

Participation and influence

21. Participation in political decision-making and CSO activity

Indicator	Potential data sources
a. Voting turnout	Statistics Finland/Election statistics
b. Supporters of citizens' initiative	Statistics Finland/Statistics on participation in leisure activities
c. Participation in CSO activity	Statistics Finland/Statistics on participation in leisure activities
d. Accessibility of polling stations	Decisions of overseers of legality concerning accessibility of polling stations

22. Inclusion

Indicator	Potential data sources
a. Experience of inclusion among adults	THL/FinSote Survey Inclusion indicator produced by THL
b. Experience of inclusion among children and youth	THL/School Health Promotion Study Inclusion indicator produced by THL

23. Realisation of the Sámi right to self-determination

Indicator	Potential data sources
a. Realisation of bona fide, timely and knowledge-based negotiations	Data and assessment of the Sámi Parliament of Finland concerning the realisation of the negotiation obligation Data of the authorities
b. Development of the obligation to negotiate under the Act on the Sámi Parliament (974/1995)	Legislative amendment and its implementation Measures to strengthen the knowledge base of the authorities
c. Reform of the provisions on entry in the electoral roll of the Sámi Parliament	Legislative amendment and monitoring of its implementation Ministry of Justice
d. Scope of decision-making powers in Sámi linguistic and cultural self-government under legislation	Ministry of Justice Sámi Parliament of Finland

Income and decent work

24. Poverty

Indicator	Potential data sources
a. Adequacy of basic social security	THL/Report on Evaluation of Adequacy of Basic Social Security in Finland
b. Child poverty	Statistics Finland/Income distribution statistic, statistics on living conditions
c. Experience of sufficiency of money for food	THL/FinSote Survey

25. Access to employment

Indicator	Potential data sources
a. Employment rate of working-age population, by population group	Statistics Finland/Labour Force Survey
b. Discrimination in employment	Ministry of Justice & Human Rights Centre/ Fundamental Rights Barometer FRA/Fundamental Rights Survey Statistics Finland/Quality of Work Life Survey

Culture and education

26. Democracy and human rights education

Indicator	Potential data sources
a. Increased efficiency of democracy and human rights education in early childhood education and care, basic education and upper secondary education	Ministry of Education and Culture Ministry of Justice

27. Gender and other equality in education

Indicator	Potential data sources
a. Right to education	Statistics Finland/Education statistics, Labour Force Survey
i) Students who have entered and those who have completed upper secondary education, by population group	
ii) Students who have been admitted to and those who have completed higher education, by population group	
iii) Proportion of youth not in employment, education or training (NEET)	
b. Experiences of discrimination in lower secondary, general upper secondary or vocational upper secondary education	THL/School Health Promotion Study

Health, wellbeing and the environment

28. Access to social and health services and adequate care

Indicator	Potential data sources
a. Access to care	THL/Access to care in primary healthcare, access to care in specialised healthcare
i) Primary healthcare	
ii) Specialised healthcare	
b. Experience of adequacy of health and social services	THL/FinSote Survey
c. Essential care safeguarded by law for all undocumented migrants	Legislative amendment and its implementation
d. Mental health service use by individuals reporting suicidal ideation	THL/FinSote Survey
e. Proportion of population of those who have had financial difficulties in buying prescription medicines	Fimea/Medicines Barometer

29. Right to housing

Indicator	Potential data sources
a. Total number of homeless people	Data collected from municipalities by the Housing Finance and Development Centre of Finland
b. Experiences of housing-related discrimination among the Roma	Non-Discrimination Ombudsman

30. Environment and climate

Indicator	Potential data sources
a. Mortality and morbidity caused by fine particulate matter in outdoor air	THL
b. Fundamental and human rights impact assessment in the Medium-Term Climate Change Policy Plan	Ministry of the Environment
c. Adequacy of climate policy measures in relation to the temperature targets of the Paris Agreement and to national targets	Finnish Climate Change Panel Ministry of the Environment/Annual Climate Report

SNELLMANINKATU 1, HELSINKI
PO BOX 23, 00023 GOVERNMENT, FINLAND
valtioneuvosto.fi/en/
julkaisut.valtioneuvosto.fi

ISBN: 978-952-383-582-5 PDF

ISSN: 2490-0966 PDF